

Petitions and Communications received from November 8, 2011, through November 14, 2011, for reference by the President to Committee considering related matters, or to be ordered filed by the Clerk on November 22, 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 concerned citizens, regarding saving the Sharp Park Wetlands. File No. 110966, Copy: Budget and Finance Committee Clerk, 14 letters (1)

From Farella Braun & Martell, regarding the proposed vacation of Hunt Street in conjunction with development of the SFMOMA Expansion Project. File No. 111213, Copy: Each Supervisor, Land Use Committee Clerk (2)

From Commission of Animal Control and Welfare, urging Grants for the Arts to rescind the two contracts awarded to Tom Otterness. Copy: Each Supervisor (3)

From Planning Department, submitting notice of preparation of an Environmental Impact Report and notice of two public scoping meetings for the Transit Effectiveness Project. Copy: Each Supervisor, Land Use Committee Clerk, 2 letters (4)

From Clerk of the Board, the Department of Public Health has submitted their annual report on gifts received in FY2010-2011. Copy: Each Supervisor (5)

From Galal Kernahan, regarding posting California's November 13th birthday on the official California observance calendar. (6)

From Arts Commission, submitting the FY2011-2012 First Quarterly Expenditures Report. Copy: Each Supervisor (7)

From concerned citizens, urging Grants for the Arts to rescind the two contracts awarded to Tom Otterness. 2 letters (8)

From concerned citizens, regarding ranked choice voting. 2 letters (9)

From Sharon Miller, regarding Renaissance Bayview. (10)

From CP Lai, regarding Oak Street bike lanes. (11)

From Patrick Russell, submitting support for bird safe buildings. File No. 110785 (12)

From SSL Law Firm, regarding proposed vacation of Hunt Street. File No. 111213 (13)

From Office of the Controller, submitting an audit report on the transaction fee for the Fast Trak Licensing and Electronic Identification Billing Agreement between the Transportation Corridor Agencies and the City and County of San Francisco. (14)

From Branch Library Improvement Program, submitting the 2011 Third Quarter Report. (15)

From Save the Plastic Bag Coalition, regarding their legal objection to expansion of the plastic bag ban and notice of intent to litigate against the City and County of San Francisco. File No. 101055, Copy: City Operations Committee Clerk (16)

From Candace Circle, regarding public nudity in restaurants and public seating areas. File No. 110967 (17)

From Office of the Controller, submitting an audit report concerning the Department of Public Works' contract with Jacobs Project Management Company for the rebuilding of San Francisco General Hospital & Trauma Center's Main Hospital. (18)

From State Department of Transportation, submitting report regarding the illegal discharge (or threatened illegal discharge) of hazardous waste, which could cause substantial injury to the public health or safety. (19)

From California Fish and Game Commission, submitting notice of findings regarding the American pika as a threatened species. Copy: Each Supervisor (20)

From California Fish and Game Commission, submitting notice of findings regarding the Cedars buckwheat as a threatened species. Copy: Each Supervisor (21)

From Department of Public Health, submitting the quarterly HIV/AIDS Surveillance Report. (22)

From California Restaurant Association, submitting opposition to proposed Ordinance (unless restaurants exempt) that extends the restrictions on checkout bags to all retail establishments and food establishments in the City and County of San Francisco. File No. 101055 (23)

From concerned citizens, submitting support for proposed Ordinance that extends the restrictions on checkout bags to all retail establishments and food establishments in the City and County of San Francisco. File No. 101055, 5 letters (24)

*(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.)

To: BOS Constituent Mail Distribution, Victor Young/BOS/SFGOV,
Cc:
Bcc:
Subject: File 110966: Please Support Legislation Restoring Sharp Park!

From: Jesse Cox <webmaster@wildequity.org>
To: Clerk Of <Board.of.Supervisors@sfgov.org>
Date: 11/07/2011 01:50 PM
Subject: Please Support Legislation Restoring Sharp Park!
Sent by: webmaster@wildequity.org

Dear Clerk Of:

Dear Supervisor:

I support restoring Sharp Park, and I hope you will as well. Sharp Park is beset by numerous problems: it loses money, it harms endangered species, and it is threatened by sea level rise and climate change. Everyone recognizes that at some point the golf course will need to go: but some still think it's worth it to throw good money after bad to keep an unsustainable golf course in play for a few more years.

But I know you know better, and that's why I'm asking you to support the new legislation to restore Sharp Park. The legislation gives us the opportunity to partner with Sharp Park's adjacent land owner, the National Park Service, to build a new public park that everyone can enjoy, while allowing San Francisco to redirect it's scarce recreation dollars back home, where the money really belongs. It also increases access to affordable golf by giving Pacifica residents access to San Francisco's other municipal courses at San Francisco resident rates. It's a sensible idea that is better for the environment, better for City coffers, and better for the game of golf. I hope you will support this important legislation.

Sincerely,
Jesse Cox

①

To: BOS Constituent Mail Distribution,
Cc:
Bcc:
Subject: File 110966: Please vote YES to Save The Sharp Park Wetlands

From: Sara Snyder <interstellardust@gmail.com>
To: Board.of.Supervisors@sfgov.org
Date: 11/07/2011 10:29 PM
Subject: Please vote YES to Save The Sharp Park Wetlands

Dear Board of Supervisors

As a supporter of SAVE THE FROGS! (www.savethefrogs.com), I am writing to urge you to support Supervisor John Avalos' proposed legislation that would re-purpose the Sharp Park Golf Course to a new public park managed by the National Park Service that all can enjoy. The Sharp Park Wetlands provide critical habitat for the endangered California Red-Legged Frog and a variety of other wildlife. Both frogs and wetlands are rapidly disappearing in California and worldwide, so it is disconcerting that the City of San Francisco is currently using taxpayer dollars to pump the Sharp Park Wetlands dry, killing endangered frogs in the process, and violating state and federal laws.

The Sharp Park Golf Course has a long history of environmental and economic troubles, and the time has clearly come for the City of San Francisco to change course. By closing the golf course and handing the management of the land over to the National Park Service, the City of San Francisco would relieve itself of its current financial, legal and environmental burden, and it would also clearly mark itself as a world leader in environmental protection efforts.

The restored Sharp Park Wetlands would be a safe haven for threatened wildlife and would provide valuable recreational opportunities to San Francisco residents and tourists alike. This would not only improve the quality of life for San Francisco's residents, it would increase the long-term economic value of the property.

Frogs already face an array of threats from climate change to habitat destruction; pesticide use; over-collection for frog legs and dissections; invasive species; and infectious diseases spread by human activity. Frogs eat mosquitoes, provide us with medical advances, serve as food for birds and fish, and their tadpoles filter our drinking water. Plus kids love frogs, and it is our obligation to them to leave this planet in better shape than when we arrived here.

On behalf of all those who enjoy nature and wildlife, thanks for your consideration.

Sara Snyder

Los Angeles, CA
US

To: BOS Constituent Mail Distribution, Victor Young/BOS/SFGOV,
Cc:
Bcc:
Subject: File 110966: Please vote YES to Save The Sharp Park Wetlands

From: Maud van Tol <maudvantol@kpnplanet.nl>
To: Board.of.Supervisors@sfgov.org
Date: 11/08/2011 07:05 AM
Subject: Please vote YES to Save The Sharp Park Wetlands

Dear Board of Supervisors

As a supporter of SAVE THE FROGS! (www.savethefrogs.com), I am writing to urge you to support Supervisor John Avalos' proposed legislation that would re-purpose the Sharp Park Golf Course to a new public park managed by the National Park Service that all can enjoy. The Sharp Park Wetlands provide critical habitat for the endangered California Red-Legged Frog and a variety of other wildlife. Both frogs and wetlands are rapidly disappearing in California and worldwide, so it is disconcerting that the City of San Francisco is currently using taxpayer dollars to pump the Sharp Park Wetlands dry, killing endangered frogs in the process, and violating state and federal laws.

The Sharp Park Golf Course has a long history of environmental and economic troubles, and the time has clearly come for the City of San Francisco to change course. By closing the golf course and handing the management of the land over to the National Park Service, the City of San Francisco would relieve itself of its current financial, legal and environmental burden, and it would also clearly mark itself as a world leader in environmental protection efforts.

The restored Sharp Park Wetlands would be a safe haven for threatened wildlife and would provide valuable recreational opportunities to San Francisco residents and tourists alike. This would not only improve the quality of life for San Francisco's residents, it would increase the long-term economic value of the property.

Frogs already face an array of threats from climate change to habitat destruction; pesticide use; over-collection for frog legs and dissections; invasive species; and infectious diseases spread by human activity. Frogs eat mosquitoes, provide us with medical advances, serve as food for birds and fish, and their tadpoles filter our drinking water. Plus kids love frogs, and it is our obligation to them to leave this planet in better shape than when we arrived here.

On behalf of all those who enjoy nature and wildlife, thanks for your consideration.

Maud van Tol

Ridderkerk, ot
NL

To: BOS Constituent Mail Distribution, Victor Young/BOS/SFGOV,
Cc:
Bcc:
Subject: File 110966 Sharp Park

From: Adrian Dominic Saenz <daonlyphxcrip@yahoo.com>
To: Board.of.Supervisors@sfgov.org
Date: 11/07/2011 06:08 PM
Subject: Restore Sharp Park into a National Park
Sent by: Adrian Dominic Saenz <daonlyphxcrip@yahoo.com@change.org>

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.

Adrian Dominic Saenz
Phoenix, Arizona

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

From: Anthony fiallos <iboone95@yahoo.com>
To: Board.of.Supervisors@sfgov.org
Date: 11/07/2011 10:06 PM
Subject: Restore Sharp Park into a National Park
Sent by: Anthony fiallos <iboone95@yahoo.com@change.org>

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.

Anthony fiallos
staten island, New York

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

From: Becky Lambert <bomchick@hotmail.com>
To: Board.of.Supervisors@sfgov.org
Date: 11/08/2011 02:24 AM
Subject: Restore Sharp Park into a National Park
Sent by: Becky Lambert <bomchick@hotmail.com@change.org>

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.

Becky Lambert
Victoria, Canada

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

From: John Orcutt <jl Orcutt@gmail.com>
To: Board.of.Supervisors@sfgov.org
Date: 11/08/2011 02:53 AM
Subject: Restore Sharp Park into a National Park
Sent by: John Orcutt <jl Orcutt@gmail.com@change.org>

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.

John Orcutt
Los Angeles, California

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

From: Rebecca Maier <rebeccamaier@hotmail.com>
To: Board.of.Supervisors@sfgov.org
Date: 11/08/2011 09:16 AM
Subject: Restore Sharp Park into a National Park
Sent by: Rebecca Maier <rebeccamaier@hotmail.com@change.org>

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.

Rebecca Maier
Chatham, Canada

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

From: Jonathan McGhee <Jonathanjmcghee@gmail.com>
To: Board.of.Supervisors@sfgov.org
Date: 11/08/2011 02:03 PM
Subject: Restore Sharp Park into a National Park
Sent by: Jonathan McGhee <Jonathanjmcghee@gmail.com@change.org>

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.

Jonathan McGhee
Rochester, New York

Note: this email was sent as part of a petition started on Change.org, viewable at www.change.org/petitions/restore-sharp-park. To respond, email responses@change.org and

include a link to this petition.

To: BOS Constituent Mail Distribution, Victor Young/BOS/SFGOV,
Cc:
Bcc:
Subject: File 110966: Sharp Park Legislation

From: "C. Yee" <c-yee@sbcglobal.net>
To: Board.of.Supervisors@sfgov.org
Date: 11/14/2011 09:51 AM
Subject: Sharp Park Legislation
Sent by: National Parks Conservation Association <takeaction@npca.org>

Nov 14, 2011

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

Dear Board of Supervisors,

Please support current legislation to repurpose the failing Sharp Park Golf Course into a better public park in partnership with the National Park Service. Repurposing the Pacifica-based, but San Francisco-owned golf course, which is also located within the boundary of the Golden Gate National Recreation Area, will best protect endangered species, provide more recreational activities and public access, provide flood control for adjacent neighborhoods, and is the least expensive option for San Francisco.

Sharp Park Golf Course loses up to hundreds of thousands of dollars each year, continues to kill endangered species, and prevents other golf courses in San Francisco from receiving adequate maintenance. We can do better. Indeed, repurposing Sharp Park will allow San Francisco to redirect resources to improve the five other courses it manages, which are currently suffering from neglect.

The National Park Service has stated that they will conduct the long-term planning and conversion of the golf course to a new public park with restored wildlife habitat and trail-based recreation. Please help build a better public park at Sharp Park that everyone can enjoy by supporting the legislation.

Thank you for your consideration.

Sincerely,

Ms. C. Yee
6098 Holstein Way
Sacramento, CA 95822-2956

To: BOS Constituent Mail Distribution, Victor Young/BOS/SFGOV,
Cc:
Bcc:
Subject: File: 110966 Sharp Park Legislation

From: David Neiberger <dneiberger3@gmail.com>
To: Board.of.Supervisors@sfgov.org
Date: 11/13/2011 05:46 PM
Subject: Sharp Park Legislation
Sent by: National Parks Conservation Association <takeaction@npca.org>

Nov 13, 2011

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

Dear Board of Supervisors,

Please support current legislation to repurpose the failing Sharp Park Golf Course into a better public park in partnership with the National Park Service. Repurposing the Pacifica-based, but San Francisco-owned golf course, which is also located within the boundary of the Golden Gate National Recreation Area, will best protect endangered species, provide more recreational activities and public access, provide flood control for adjacent neighborhoods, and is the least expensive option for San Francisco.

Sharp Park Golf Course loses up to hundreds of thousands of dollars each year, continues to kill endangered species, and prevents other golf courses in San Francisco from receiving adequate maintenance. We can do better. Indeed, repurposing Sharp Park will allow San Francisco to redirect resources to improve the five other courses it manages, which are currently suffering from neglect.

The National Park Service has stated that they will conduct the long-term planning and conversion of the golf course to a new public park with restored wildlife habitat and trail-based recreation. Please help build a better public park at Sharp Park that everyone can enjoy by supporting the legislation.

Thank you for your consideration.

Sincerely,

Mr. David Neiberger
PO Box 6549
Carmel By The, CA 93921-6549

To: BOS Constituent Mail Distribution,
Cc:
Bcc:
Subject: File 110966 Sharp Park

From: Daniel Brand <ironcreek57@gmail.com>
To: Board.of.Supervisors@sfgov.org
Date: 11/11/2011 05:46 AM
Subject: Restore Sharp Park into a National Park
Sent by: Daniel Brand <ironcreek57@gmail.com@change.org>

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.

Daniel Brand
Sheboygan, Wisconsin

Note: this email was sent as part of a petition started on Change.org, viewable at www.change.org/petitions/restore-sharp-park. To respond, email responses@change.org and

include a link to this petition.

----- Forwarded by Board of Supervisors/BOS/SFGOV on 11/14/2011 11:15 AM -----

From: Kelly Woodford <kellywoodford2005@yahoo.com>
To: Board.of.Supervisors@sfgov.org
Date: 11/12/2011 06:10 AM
Subject: Restore Sharp Park into a National Park
Sent by: Kelly Woodford <kellywoodford2005@yahoo.com@change.org>

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.

Kelly Woodford
Marshfield, Wisconsin

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

BOS-11
File 110966

Office of the Clerk of the Board
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, CA 94102-4689
Board.of.Supervisors@sfgov.org

To Whom It May Concern:

I am submitting this letter today to make clear my support of restoring Sharp Park -- to expand and improve the recreation opportunities at the site and in San Francisco, as well as to help recover endangered species. I hope you share these values and will vote to pass the proposed Sharp Park restoration legislation.

Currently, Sharp Park is beset by numerous problems: It loses money and drains funding from the Recreation and Park budget, the operation of the golf course harms endangered species, and the site is threatened by sea-level rise and climate change. Community groups, scientists, and restoration experts concur that the major expenditures needed to keep an unsustainable golf course in play here for a few more years can no longer be justified.

The Sharp Park legislation gives us the opportunity to partner with the National Park Service to create a better public park that everyone can enjoy, while allowing San Francisco to redirect scarce recreation dollars back to parks and recreation facilities within the city. The legislation increases access to affordable golf by giving Pacifica residents access to San Francisco's other municipal courses at San Francisco resident rates.

I may not be a resident of San Francisco, but I am a resident of the Bay Area, and frequently spend my dollars and time at its parks, beaches, and local businesses. It is just as important to me that Sharp Park is restored. The legislation makes sense for the environment, for San Francisco taxpayers, for fuller public enjoyment of Sharp Park, and for all residents of the Bay Area relying so heavily on your city's recreation and parks. I hope you'll support this important legislation.

Regards,

Maria Malachuk

QSD. 814.5191

nan Black, CA

Cc: Supervisors John Avalos, David Campos, Carmen Chu, David Chiu, Malia Cohen, Sean Elsbernd, Mark Farrell, Jane Kim, Eric Mar, Ross Mirkarimi, Scott Wiener

①

BOS-11
File 111213
LU Clerk

To: BOS Constituent Mail Distribution,
Cc:
Bcc:
Subject: 2011-11-09 response to KSSF letter on Hunt Street vacation.PDF

From: <SVettel@fbm.com>
To: <bruce.storrs@sfdpw.org>, <linda.avery@sfgov.org>, <board.of.supervisors@sfgov.org>
Cc: <c_olague@yahoo.com>, <rm@well.com>, <wordweaver21@aol.com>, <plangsf@gmail.com>, <mooreurban@aol.com>, <hsugaya@carey-sf.com>, <rodney@waxmuseum.com>, <jane.kim@sfgov.org>, <Eric.L.Mar@sfgov.org>, <Malia.Cohen@sfgov.org>, <scott.wiener@sfgov.org>, <chris@sslawfirm.com>, <richard.handel@sfgov.org>, <Marlena.Byrne@sfgov.org>, <gjohnson@sfmoma.org>, <nbenezra@SFMOMA.org>, <JoelR@pudco.com>, <kevin.guy@sfgov.org>
Date: 11/09/2011 03:06 PM
Subject: 2011-11-09 response to KSSF letter on Hunt Street vacation.PDF

Mr. Storrs, Commissioners and Supervisors, please find attached a letter written on behalf of the San Francisco Museum of Modern Art disputing the contentions set forth in the letter you received earlier today from SSL Law Firm on behalf of KSSF Enterprises, the owner of the W Hotel. KSSF opposes the vacation of Hunt Street, a small land-locked alley that occupies land needed for the expansion of the SFMOMA museum. Because SFMOMA has agreed to provide the W Hotel with loading and valet parking access across its property following completion of the Expansion project (and the project EIR Improvement Measure TR-7 mandates it), we do not believe the W has any valid objection to the City vacating Hunt Street.

A General Plan Referral motion concerning the street vacation is before the Planning Commission tomorrow, Nov. 10, and I understand the Land Use Committee of the Board will hear the proposed street vacation ordinance, which was introduced by Supervisor Kim, on November 28.

Thank you for your consideration.

Steven L. Vettel
Farella Braun + Martel LLP
RUSS BUILDING
235 MONTGOMERY STREET
SAN FRANCISCO / CA 94104

T 415.954.4902
F 415.954.4480
www.fbm.com



2011-11-09 response to KSSF letter on Hunt Street vacation.PDF

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FARELLA BRAUN + MARTEL LLP

Attorneys At Law

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San Francisco / CA 94104

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STEVEN L. VETTEL
svettel@fbm.com
D 415.954.4902

November 9, 2011

Bruce R. Storrs, City Surveyor
Department of Public Works
Bureau of Street-Use and Mapping
875 Stevenson Street, Room 460
San Francisco CA 94103-0942

Hon. Christina Olague, President
San Francisco Planning Commissioner
1650 Mission Street, Suite 400
San Francisco CA 94103

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

Re: Vacation of Hunt Street in conjunction with development of the SFMOMA
Expansion Project

Dear Mr. Storrs, Commissioners and Supervisors:

I am writing on behalf the San Francisco Museum of Modern Art (SFMOMA) to respond to the letter dated November 9, 2011, from Christine Griffith of SSL Law Firm, representing KSSF Enterprises Ltd., the owner of the W Hotel. KSSF objects to the proposed vacation of Hunt Street.

As you know, SFMOMA proposes a major expansion of its museum facilities at 151 Third Street that will extend the museum footprint to Howard Street. Located between the existing museum property and the Howard Street expansion site is Hunt Street, a 30' x 115' landlocked public street. Hunt Street must be vacated, and the underlying land conveyed by the City to SFMOMA for the SFMOMA Expansion project to proceed. The Board of Supervisors has already approved a Conditional Land Disposition and Acquisition Agreement, dated October 15, 2010, authorizing the land conveyance upon approval of the vacation of the street. The Planning Commission and Board of Supervisors may consider the street vacation once the Planning Commission certifies the project's Final EIR, calendared for tomorrow, November 10.

The W Hotel is located at 181 Third Street, and a small portion of Hunt Street abuts the W property in the interior of the block. Attached as Exhibit A is a drawing indicating the

location of the SFMOMA Expansion site, Hunt Street, and the W Hotel. Currently, most of Hunt Street is occupied with parking by firefighters at Fire Station No. 1 (676 Howard Street), all of whom will relocate to a new station at 935 Folsom as part of the Expansion project. The W also uses a small segment of Hunt Street and a vacant portion of the SFMOMA's property at 151 Third Street (called the "Natoma loading area") for loading and valet parking vehicles to drive between the W's porte cochere and loading dock and Natoma Street. However, the W Hotel property also has direct street access on Third Street and on Howard Street, and its porte cochere and loading dock have direct access to Howard Street.

Nonetheless, SFMOMA has agreed voluntarily to provide the W Hotel with vehicular access across its property 24/7 and has designed the Expansion project so that the W can continue to access its porte cochere and loading dock from both Howard Street and Natoma Street after the Expansion project is completed. Exhibit B shows the current W Hotel loading and valet parking operations (EIR C&R Figure 2) and the future loading and valet parking operations this voluntary agreement will provide (EIR C&R Figures 3 and 4). The ceiling height of this configured loading access area will be at least 14.5 feet, fully sufficient to accommodate the W's loading, trash and parking needs. Improvement Measures TR-7 has been added to the EIR, and upon the Planning Commission imposing this measure as a condition of approval (to which SFMOMA consents), SFMOMA's agreement to provide access will become an enforceable condition of project approval. Improvement Measure TR-7 is copied below:

Improvement Measure TR-7 (Loading)

As an improvement measure to minimize the potential for conflicts within the Natoma loading area and to ensure that deliveries for SFMOMA and W Hotel are adequately accommodated:

- SFMOMA shall provide an on-site loading dock manager to coordinate loading, manage the delivery demand, provide assistance for truck maneuvers into and out of the loading area, and coordinate trash collection activity.
- SFMOMA shall ensure that the W Hotel has 24-hour access across the Natoma loading area.
- The SFMOMA on-site loading dock manager shall coordinate and integrate scheduling of truck deliveries for SFMOMA and the W Hotel.
- The SFMOMA on-site loading dock manager and overnight security staff shall actively manage the loading area 24 hours a day to ensure that trucks park efficiently and do not dwell in loading spaces, or block valet and loading access for the W Hotel.
- The SFMOMA on-site loading dock manager shall, to the extent possible, schedule deliveries destined to the Natoma loading area (e.g., restaurant deliveries) to before 7:00 a.m. to minimize conflicts with other daytime couriers such as Federal Express and United Parcel Service.
- Delivery vehicles longer than 35 feet shall be prohibited from entering the Natoma loading area.

Accordingly, there is simply no merit to KSSF's objection to the vacation of Hunt Street. Maintenance of Hunt Street as a public street is not necessary for the W Hotel's loading and

parking needs and it would preclude completely construction of the SFMOMA Expansion project. Our specific rebuttal to the points set forth in Ms. Griffith's letter are below:

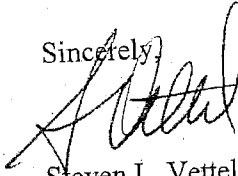
1. Hunt Street is *not* necessary for public use. Only relocating firefighters and the W Hotel make use of it, and alternative means are being provided to the W. The EIR does not state that Hunt Street is needed for continued *public* use; it indicates only that the W Hotel's *private* loading and parking requirements should be accommodated, and the SFMOMA Expansion design and Improvement Measure TR-7 do just that.
2. Case and statutory law do *not* prohibit a City from vacating a street and conveying the underlying land to a private party. We agree that a city may not reserve an unvacated public street for the exclusive use of a private party (*Rumford v. City of Berkeley* (1982) 31 Cal.3d 545), but once a city vacates a street, it may dispose of the underlying land in the manner, and upon the terms and conditions, it so chooses. Cal. Streets. & High. Code § 8355. Such conveyances occur often. For example, in 1979, the City vacated the western leg of Hunt Street that extended to Third Street and conveyed the underlying land to the original developer of the W Hotel. It is ironic indeed that the W Hotel's current owners now claim an identical convenience to SFMOMA is unlawful.
3. Because the design of the SFMOMA Expansion and Improvement Measure TR-7 will require SFMOMA to continue to accommodate the W Hotel's loading and parking access from Natoma Street, the vacation of Hunt Street will *not* increase traffic on New Montgomery, Howard or Third Street.
4. Vacation of Hunt Street is fully consistent with the General Plan. The Planning Department's draft General Plan referral motion sets forth in detail how the street vacation advances many General Plan policies and does not conflict with Urban Design Policies 2.8-2.10.
5. Even after the vacation of Hunt Street, the W Hotel will abut and have full vehicular and pedestrian access to Third Street and Howard Street, such that no compensation is due the owners for the taking of any abutters rights to Hunt Street. "The general rule is that an abutting owner or occupant is not entitled to access to his or her land at every point between it and the highway but only to reasonable and convenient access to the property and the improvements on it. He or she is only entitled to one such access." *Miller & Starr, California Real Estate* 3d § 15:69, citing *Highland Development Company v. City of Los Angeles* (1985) 170 Cal.App.3d 169. Moreover, the W Hotel does not abut Natoma Street, such that it has no legal right of access to that distant street.

Thank you for this opportunity to respond to KSSF's objection. The SFMOMA Expansion project cannot proceed without Hunt Street being vacated, such that the street vacation is most definitely in the public interest. Alternative arrangements are in place (in both the design and proposed conditions of approval) for the W Hotel to continue to have 24/7 access across the SFMOMA property for its loading and valet parking needs. Accordingly, we

Bruce R. Storrs, Planning Commission, Board of Supervisors
November 9, 2011
Page 4

respectfully request that the City proceed with the vacation of Hunt Street upon certification of EIR, such that the conveyance of the underlying land to SFMOMA as contemplated by the October 15, 2010, Conditional Land Disposition and Acquisition Agreement may occur.

Sincerely,



Steven L. Vettel

SLV
Enclosures

cc: Christine W. Griffith, SSL Law Firm
Dennis J. Herrera, Esq., City Attorney

24414\2853350.1

11

[illegible]

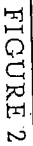



FIGURE 2

NOT TO SCALE

 BUILDING FOOTPRINT

SOURCE: SFMOMA, SEPTEMBER 2011.

*SFMOMA Expansion and Fire Station
Relocation and Housing Project
Comments and Responses Document*

Existing Ground Floor Loading Conditions

HOWARD ST.

THIRD ST.

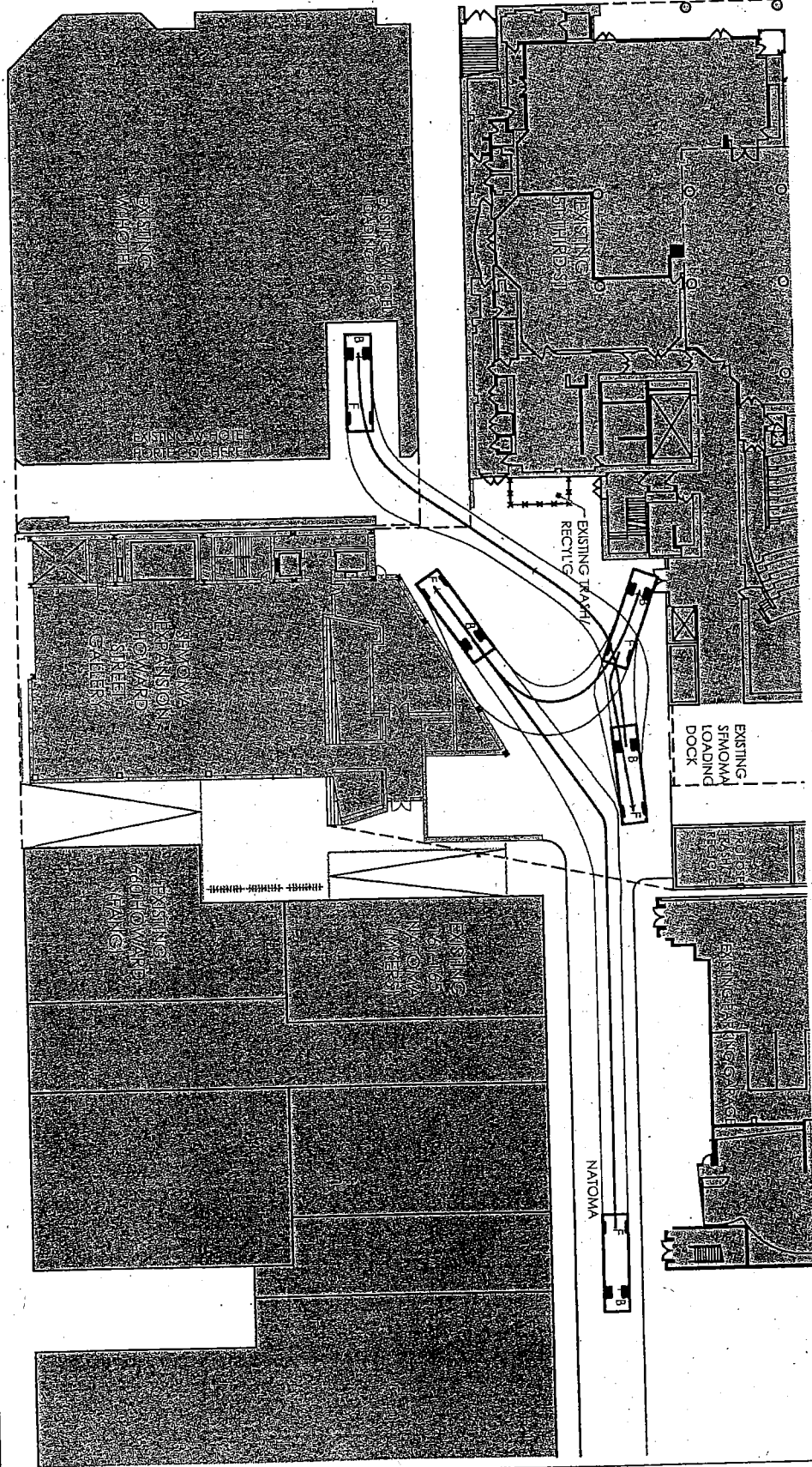


FIGURE 3

*SFMOMA Expansion and Fire Station
Relocation and Housing Project
Comments and Responses Document
Proposed Ground Floor Loading Conditions*

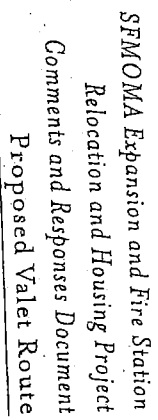


FIGURE 4

SOURCE: SFMOMA, SEPTEMBER 2011.



Commission of Animal Control and Welfare

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2011 NOV 10 PM 4:48

BY

Handwritten signature/initials

COMMISSIONERS

Sally Stephens
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Jack Aldridge, DVM
Vice-Chair

Philip Gerrie
Secretary

Ryan Young
Commissioner

Pam Hemphill
Commissioner

Geneva Page
Commissioner

Susanna Russo
Commissioner

DEPARTMENT REPRESENTATIVES

Vicky Guldbeck
*Animal Care &
Control*

John Denny
Police Department

October 14, 2011

P.J. Johnston, President
SF Arts Commission
25 Van Ness Avenue, Suite 345
San Francisco, CA 94102

Dear Mr. Johnston,

The Commission of Animal Control and Welfare voted unanimously last night to send you a letter urging you, the Commission, and the City to rescind the two contracts awarded to Tom Otterness, who, in 1977, committed a premeditated act of unspeakable animal cruelty and called it "art."

When he was 25 years old, Otterness brought an animal home from a shelter in Denver, tied it to a fence and shot it to death. He filmed the execution, which took about 30 seconds, and turned it into a film ("Shot Dog Film") in which the 30-second execution was repeated over and over again for 30 minutes. He called the snuff film "art."

Three years later, in an interview, Otterness made clear that his killing of the little dog was intentional. He was asked: "You said earlier that when you showed "Shot Dog Film" at the screening room at 42nd Street that you wanted to hurt the viewers." Otterness replied: "Yeah, I mean that whole night on 42nd Street, as best as I could do it, was the most aggressive way I could think of to show a film, the most damaging thing that I could do to the audience by showing a film." There was no remorse in this statement.

Otterness did not express remorse for his actions until 2008, when people began to question some of his contracts because of them. As a society, we believe in the concept of contrition and redemption for horrible acts. However, true contrition requires more than mere words. As far as we can tell, Otterness has never donated large sums (or even small ones) to animal shelters or rescue organizations. He has not donated sculptures or other artwork to animal charities. He has not volunteered his time at shelters, or with rescues, or other animal-oriented nonprofits. He has never created artwork with a theme to stop animal abuse. He has not shown true contrition – actions plus words.

When we heard that the city of St. Francis had awarded two contracts to Otterness, we were appalled. Information about his past was not hard to find. As Chair of the Commission, I was called by a reporter for the *Examiner* before the first story about Otterness' past appeared in that paper. I googled Otterness' name, and the fourth item that came up was "Tom Otterness, Dog Killer."

Now that we know of his past, who will be able to look at his "whimsical and cartoonish" sculptures and not think of the dog that he killed and whose death was trivialized by being repeated over and over again in a film? The Commission of Animal Control and Welfare urges you to rescind the two contracts San Francisco has made with Tom Otterness. The city of St. Francis cannot display, with public funding, art from someone who has committed such an unconscionable act of animal cruelty.

City Hall, 1 Dr. Carlton B. Goodlett Place, Room 362, San Francisco, CA 94102

3

This is not the first time we have contacted you about animal cruelty in public art. In 2008, the SF Art Institute opened an exhibit called "Don't Trust Me" by Paris-based artist Adel Abdessemed. This exhibit included six televisions that showed videos of six different animals – a doe, a goat, a horse, an ox, a pig, and a sheep – being bludgeoned to death with a large sledgehammer. These acts of violence were also called "art." The exhibit was picketed by animal welfare advocates, and, because of the outcry against it, was closed early.

On September 12, 2008, the Commission of Animal Control and Welfare sent a letter to Grants for the Arts, which provides some funding (from Hotel Tax Fund money) for the Art Institute, recommending that Grants for the Arts not give grant money to any institution and/or artist that supports abuse of killing of animals for the purpose of "art." In a letter dated October 1, 2008, Kary Schulman, Director of Grants for the Arts, responded to us: "Please know that we expect grantees to uphold high artistic and ethical standards. Deliberate or egregious animal cruelty can never be excused in the name of art."

The Commission of Animal Control and Welfare urges you to develop a policy to ensure public money is not given to artists who commit acts of animal cruelty as part of their "art." As a member of the public said at our meeting:

"We perceive and enjoy art based on the artist projection of society and how he sees society is going. Art does not mean as much in a vacuum as what we think the art stands for. Part of that is looking at who the artist is as a person. Artists such as Andy Warhol or Vincent van Gogh were known for who they were as well as their work. It is too bad that this artist did that when he was young. Do we want to have *his* art displayed to the public for future generations? Who would want that? It is not a matter of convicting someone of a crime, but rather not rewarding him with public money. The government should push forward the morals of the people they represent... What is more reflective of public morality than spending public money on art? I don't want my public money being spent to reward an artist who has built his career on the notoriety of killing an animal." – Corey Evans

Please develop a process to look at an artist's entire body of work, especially any controversies involving human or animal cruelty, when awarding contracts, not just their proposal for the individual project. Even a rudimentary web search would have brought Otterness' past actions to your attention and could have avoided all this controversy.

We are happy to work with you to ensure that no artist who has committed acts of animal cruelty as part of his or her "art" is awarded a contract by the City of San Francisco, and that no public money is given to someone who abuses or kills animals.

Sincerely,



Sally Stephens
Chair, Animal Control and Welfare Commission
415-577-9646 cell
sally.stephens.sf@gmail.com

cc: Mayor Ed Lee
San Francisco Board of Supervisors

MAY 2, 2011 · 5:15 PM

He Shot Dogs, Didn't He? Otterness's 1977 Canine Snuff Film

In 1977, he was up to something a little more, er, avant-garde, with his "Shot Dog Film," for which Otterness, then in his twenties, chained up a small black-and-white dog he had recently adopted, and then killed it.

a little interview with the artist about the film after the jump

The Dog Shot film was made before the four fight films. It's about fucking someone... getting fucked by someone. That's what the fight films are about too. Running over someone; defeating someone; being defeated. They're the same thing those two films.

- Tom Otterness



Tom Otterness, Still from Golden Gloves Fight Film, 1978

You said earlier that when you showed Dog Shot Film at the screening room at 42nd Street that you wanted to hurt the viewers.

Yeah, I mean that whole night on 42nd Street, as best as I could do it, was the most aggressive way I could think of to show a film, the most damaging thing that I could do to the audience by showing a film. I hired a photographer with a camera so when people were leaving the theater, they were assaulted by a flash, attacked.

Why do you want to assault the audience?

You understand that. That's not a question you would ask me if the tape wasn't going. Its Soho, you know. People sleep a lot. They are not often awake.

You wanted to add something in the interview here...

Yeah, just a statement that the dog film was not allowed to be shown in the context of this Punk Art show.

Why do you want to say that?

Well, I think it will change the way people look at what was accepted into the catalogue. I think it changes it a lot. It changes the color of all the other photographs. It means that all the other photographs in the catalogue are acceptable and that the dog film wasn't.

Which probably means you are the most extreme...

Yeah, I think so. It must be... it must define it.

Share this:

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Twitter

Email

One Response to He Shot Dogs, Didn't He? Otterness's 1977 Canine Snuff Film

kristin

May 6, 2011 at 1:21 am

"a little interview with the artist about the film after the jump"

When was this interview done?

Reply



October 1, 2008

Mr. Philip Gerrie, Secretary
Ms. Pam Hemphill, Commissioner
San Francisco Commission of Animal Control & Welfare
1 Dr. Carlton B. Goodlett Place, Room 453
San Francisco, CA 94102

City and County of
San Francisco
City Hall, Room 350
San Francisco, CA 94102

Dear Commissioners Gerrie and Hemphill,

Thank you for your letter of September 12 outlining your commission's recent hearing on the San Francisco Art Institute. We received a great deal of public feedback on the Adel Abdessemed exhibit, and have shared these concerns with our Citizens Advisory Committee and other concerned City staff.

First a bit of context. The San Francisco Art Institute has received general operating support from Grants for the Arts since 1966. For the past 42 years it has continually met funding criteria and provided San Francisco residents and visitors with high quality artistic programming. Our fiscal year 2008/09 grant to the organization totals \$87,000, given as general operating support for public programs. Our office places few restrictions on how these funds can be spent, though most of our grantees use them for administrative and artistic expenses such as office rental, staff salaries, artist fees, etc.

Grants for the Arts is dedicated to serving as a long-term, reliable source of funding for all of our grantees. To that end our grantees are evaluated based a group's performance over time, rather than on isolated incidents or individual shows. That said, we too had concerns about the Abdessemed exhibit, though we do not feel it is representative of the Institute's work as a whole. Please know that we expect grantees to uphold high artistic and ethical standards. Deliberate or egregious animal cruelty can never be excused in the name of art.

I assure you that the Commission of Animal Control & Welfare's recommendation to decline funding to "any institution that supports the abuse or killing of animals for the purposes of art" will be discussed by the GFTA Citizens Advisory Committee.

If you have any questions or would like to discuss this issue further, please do not hesitate to call me at 415.554.6710.

Sincerely,

Kary Schulman
Director



**SAN FRANCISCO
PLANNING DEPARTMENT**

B05-11 (electronic)
cpage
LU Clerk-AM

MEMO

Notice of Electronic Transmittal

**Notice of Preparation of an Environmental Impact Report
and Notice of Public Scoping Meetings**

**CASE NO. 2011.0558E, Citywide
Transit Effectiveness Project (TEP)**

1550 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

DATE: November 9, 2011
TO: Angela Calvillo, Clerk of the Board of Supervisors
FROM: Bill Wycko, Environmental Review Officer – (415) 558-9048
Debra Dwyer, Case Planner – Planning Department (415) 575-9031
RE: Planning Department Case File No. 2011.0558E
Transit Effectiveness Project (TEP)

In compliance with San Francisco's Administrative Code Section 8.12.5 "Electronic Distribution of Multi-Page Documents", the Planning Department has submitted a multi-page Notice of Preparation of an Environmental Impact Report for the proposed project, Transit Effectiveness Project (TEP) in digital format. This notice is provided to the Board of Supervisors pursuant to the San Francisco Administrative Code Chapter 31, Section 31.12.

Please note that public comment on the scope of the analysis in the EIR will be accepted by the Planning Department from November 10, 2011 through 5:00PM on December 9, 2011. The documents will also be available online at <http://tepeir.sfplanning.org>. The Planning Department will hold two public scoping meetings on the EIR on Tuesday and Wednesday, December 6 and 7, 2011 at 6:30 PM at One South Van Ness Avenue, 2nd Floor Atrium (corner of South Van Ness Avenue and Market Street), San Francisco. The document follows this transmittal memo and is being provided electronically to the Clerk of the Board for distribution to the Supervisors.

If you have any questions related to this project's environmental evaluation, please contact me at (415)575-9031 or Debra.Dwyer@sfgov.org.

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

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Mc





City and County of San Francisco
Edwin M. Lee
Mayor

BOS-11
cpage

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

October 18, 2011

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

Ben Rosenfield, Controller
1 Dr. Carlton B. Goodlett Place, Room 316
San Francisco, CA 94102-4689

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AK

Dear Ms. Calvillo and Mr. Rosenfield

Enclosed is the FY 2010-11 Annual Report of Gifts received by the Department of Public Health. As required by Section 10.110 of the San Francisco Administrative Code the Department of Public Health annually reports to the Board of Supervisors all gifts received. This report was reviewed and accepted by the Health Commission.

Sincerely,

Greg Wagner
Chief Financial Officer
Department of Public Health



City and County of San Francisco
Edwin M. Lee
Mayor

San Francisco Department of Public Health

Barbara A. Garcia, MPA
Director of Health

MEMORANDUM

DATE: October 12, 2011

TO: Steven Tierney, President
and Honorable Members of the Health Commission

THROUGH: Barbara A. Garcia
Director of Health

FROM: Greg Wagner
Chief Financial Officer

RE: Annual Report of Gifts Received in FY 2010-11

As required by section 10.100-201 of the San Francisco Administrative Code and consistent with the policy and procedure for the acceptance of gifts adopted by the Health Commission in October 1995, the following provides a summary of gifts received in FY 2010-11.

Summary of Gifts Received in FY 2010-11

Fund/Organization	Amount under \$25,000	Amount over \$25,000	Total
San Francisco General Hospital			
SFGH Foundation	\$1,190,257	\$2,599,076	\$3,789,333
Laguna Honda Hospital			
Patient Gifts			
Gift Fund	20,098	-	20,098
Friends of Laguna Honda Hospital	33,209	-	33,209
Staff Development Gifts			
Gift Fund	1,900	-	1,900
Total	55,207	-	55,207
Population Health & Prevention			
San Francisco Public Health Foundation	296,335	143,788	440,123
Total Gifts	\$1,541,799	\$2,742,864	\$4,284,663

The Department is grateful to the volunteers and their leaders, and for the generous contributions received from the community.

The mission of the San Francisco Department of Public Health is to protect and promote the health of all San Franciscans.
We shall ~ Assess and research the health of the community ~ Develop and enforce health policy ~ Prevent disease and injury ~
~ Educate the public and train health care providers ~ Provide quality, comprehensive, culturally-proficient health services ~ Ensure equal access to all ~
barbara.garcia@sfdph.org ♦ (415) 554-2526 ♦ 101 Grove Street, Room 308, San Francisco, CA 94102

San Francisco General Hospital

San Francisco General Hospital Foundation

The San Francisco General Hospital Foundation was established in 1994 to support programs and projects at the San Francisco General Hospital. For the above period, grants and donations totaling \$3,789,333 were received by the San Francisco General Hospital Foundation. Grants and gifts of \$25,000 and over amounted to \$2,599,076.

	Amount under \$25,000	Amount over \$25,000	Total
SFGH Foundation	\$1,190,257	\$2,599,076	\$3,789,333

Grants and Donations \$25,000 and over were from the following donors:

Avon Foundation	\$750,000
Kaiser	400,000
Kalmanovitz Charitable Foundation	250,000
The Horace Goldsmith Foundation	200,000
The Stanley S. Langendorf Foundation	150,000
San Francisco Health Plan	111,778
Chevron Energy Solution	100,000
The San Francisco Foundation	88,198
State of California - Department of Public Health	81,500
Center for Orthopaedic Trauma Advancement	75,000
OREF	52,600
Ashlyn Dyer Foundation	50,000
Mimi & Peter Haas Fund	50,000
McKesson Foundation	50,000
Bank of America Charitable Foundation	40,000
Synthes, Inc.	25,000
Macy's	25,000
Lisa and Douglas Goldman Foundation	25,000
William G. Gilmore Foundation	25,000
Wells Fargo Bank	25,000
Wells Fargo Bank Foundation	25,000
Total	\$2,599,076

Programs and services provided in the period 7/1/10 to 6/30/11 as follows:

Amputee Support	\$43,031
Bay Area Perinatal AIDS Center	27,436
Cancer Awareness Resource Education	84,162
Cardiac Center	5,712
Centering Pregnancy	13,875
Chinatown Public Health Education	118,593
Dorothy Washington Scholarship Fund	40,691
Draper Nursing Education Program	51,813
Endoscopy Planning Grant	36,492
eReferral Specialty Care	230,992
Healthy San Francisco	55,541
Hepatitis Support and Education	26,171
Hospital Rebuild	28,743
Look to End Abuse Permanently	12,697
Magnet Readiness	37,400
Medical-Legal Partnership	9,894
Merle Sande Lectureship	12,606
NeuroTrauma	23,325
NeuroTrauma Outreach Program	40,765
Oncology	14,389
Orthopedics Department	258,202
Other Projects	26,783
Palliative Care	99,427
Partners in Nursing	32,831
Positive Health Program	14,300
Prevent Heart Attacks & Strokes	194,369
Quality Improvement	89,987
Radiology Education Fund	9,946
SFGHF Hearts Grant - Culture of Excellence	32,252
SFGHF Hearts Grant - Diabetes Prevention	7,822
SFGHF Hearts Grant - Doula Training	9,738
SFGHF Hearts Grant - ER Patient Flow Improvement	7,657
SFGHF Hearts Grant - eReferral Dermatology Component	8,387
SFGHF Hearts Grant - Lymphedema Education & Referral Program	17,446
SFGHF Hearts Grant - Medical-Legal Partnership	23,748
SFGHF Hearts Grant - Natural Food Access Project	13,762
SFGHF Hearts Grant - Other Projects	42,118
SFGHF Hearts Grant - Patient Simulator for Clinical Education	67,370
SFGHF Hearts Grant - Psychology Remodeling	56,954
SFGHF Hearts Grant - Shared Governance Initiative	5,500
SFGHF Hearts Grant - Spiritual Care & Education Program	42,721

SFGHF Hearts Grant - Trauma Brain Injury Patient Education	5,485
SFGHF Hearts Grant: HIV Patient Education	91,710
SFGHF Spirit	9,616
Southeast Health Center	68,577
Transitional Care Program	730,957
Video Medical Interpretation	160,915
Vocational Rehabilitation	15,380
Volunteer Program	75,442
Vulnerable Population	40,366
Women Health - Avon (portion of grants booked in prior periods)	810,186
Women's Option Center	46,543
Total	\$4,030,825

Fundraising costs for the San Francisco General Hospital Foundation were approximately 19.2% of the funds raised during calendar year 2010. However, this number fluctuates year to year based on the amount raised by the Foundation.

Laguna Honda Hospital

Laguna Honda received gifts totaling \$55,207 in FY 2010-11. The gifts to the Laguna Honda Gift Fund consisted of:

Donor	Amount under \$1,000	Amount over \$1,000	Total
Friends of Laguna Honda		\$33,209	\$33,209
Various	\$1,771	18,327	20,098
Total Gift Fund Donations	\$1,771	\$51,536	\$53,307

Received more than \$1,000 from the following 6 donors:

Friends of Laguna Honda	\$33,209
Cederborg & Bret LLP, Estate of Lois M. Sullivan	10,000
Alzheimers Association	4,524
United Way of the Bay Area	1,803
Sigma Ent Optical Metrology Consulting	1,000
The Center for Student Missions Inc.	1,000

Received less than \$1,000 from each of 19 different donors
Total

1,771
\$53,307

Friends of Laguna Honda

Friends of Laguna Honda, a non-profit organization founded in 1956, is dedicated to enhancing the quality of life for the residents at Laguna Honda Hospital by funding non-medical programs and services that would otherwise be unavailable.

Expenditure Summary:

Art with Elders	\$31,200
Ball Games	12,651
Entertainment	4,213
Hospital wide Special Events	43,674
Miscellaneous for Patients' Benefit	1,946
Outings - Chartered Buses	8,795
Outings - Restaurants, Movies, Admission Tickets	31,686
Palliative Care & Hospice Community Events	1,319
Positive Care Program Events	913
Special Food and Beverages provided w/ Activities	8,620
Supplies, Game Prizes	7,200
Total	\$152,218

There are no direct fundraising costs as acceptance and expenditures of the LHH gift funds are managed as part of LHH's accounting staff duties.

In addition to donations to its Gift Fund, Laguna Honda Hospital received \$1,900 donation to the Staff Development Funds in FY 2010-11. Three Staff Development Funds (Admin, Nursing, and Physician) were moved out of the Gift Fund and into the hospital's operating fund as of 7/1/2010.

Donor	Amount under \$1,000	Amount over \$1,000	Total
Stand up for Working Families		\$1,500	\$1,500
Various	\$400		400
Total Donations	\$400	\$1,500	\$1,900

There was no spending from the Staff Development Funds in FY 2010-11.

San Francisco Public Health Foundation

Population Health and Prevention programs received gifts totaling \$ 440,123 in FY 2010-11 through the San Francisco Public Health Foundation.

The San Francisco Public Health Foundation, founded in 1988, is dedicated to augmenting and expanding the services and programs of the San Francisco Department of Public Health. The Foundation provides the mechanism for individuals, corporation, foundations and organizations to support programs and fund special projects that make a meaningful contribution to the health and welfare of our city. The Foundation assists the Department in providing innovative services to San Francisco's most vulnerable residents. Thanks to funds directed through the foundation, children and adults, in addition to being physically healthy, thrive and enjoy an improved quality of life.

The gifts help support a growing number of new and innovative community programs and services.

	Gift Amounts under \$25,000	Gift Amounts over \$25,000	Total
San Francisco Public Health Foundation	\$296,335	\$143,788	\$440,123

The sources of the gifts to the San Francisco Public Health Foundation in FY 2010-2011 included:

Universities	\$73,881
Government	5,246
Corporate	25,098
Foundation	160,788
Organizations	130,919
Individuals	44,192
Total	\$440,123

In FY 2010-11, expenditures totaling \$ 493,853 were used for the following programs and services:

Public Health Education & Prevention	\$15,253
Direct Patient Services	94,140
Communicable Disease Control/treatment/prevention	9,564
Outreach & Healthcare for the Homeless	258,174
Youth & Children's Services	46,595
Environmental Services	19,715
Public Outreach and Administration	50,412
Total Expenses	\$493,853

The total overhead, administration and fundraising costs of the San Francisco Public Health Foundation for FY 2010-11 were \$ 53,586, approximately 11% of the program expenses.

Foundation and Volunteer Boards

The Board of Directors for the San Francisco General Hospital Foundation, The San Francisco Public Health Foundation, and the volunteer organizations for SFGH and LHH are listed below.

San Francisco General Hospital Foundation

Matthew Paul Carbone, President
Kirsten Bibbins-Domingo, Vice President
John Luce, Vice President
Pam Baer, Vice President
Jonathan Tsao, Vice President
Leon Tuan, Secretary
Mary Bersot, Treasurer
Helen Archer-Dusté
Amy Busch
Sue Carlisle, Ex-Officio
Sue Currin, Ex-Officio
Tina Frank
Prisca Geeslin
Judith Swift Guggenheimer
Lisa Hauswirth

Theodore Miclau
Magdalen Mui
Walter Newman
Roland Pickens
Laura A. Robertson
Alex Rosenblatt
David Sanchez, Ex-Officio
Connie Shanahan
Mike Silva
Ruth Ann Stumpf
Beth S. Veniar
Michael West
Jamie Whittington

Friends of Laguna Honda

Bruce Nelson, President
Richard J. Behrendt, Vice President
G. Barney Schley, Vice President
Craig B. Collins, Treasurer
W. Sloan Upton, Secretary
Peter W. Callander, M.D.
Kathleen Cardinal
Lisa Wilcox Corning
Patrick Devlin
R. Porter Felton
William J. Hoehler

Peter A. Johnson
Joseph S. Lerer
Terry Lowry
William B. MacColl, Jr.
Mrs. James K. McWilliams
William C. Miller
Morris H. Noble, Jr.
Katie Rafanelli
Sara C. Stephens
June R. Lilienthal (Emeritus)
Betty Sutro (Emeritus)

San Francisco Public Health Foundation

Randy Wittorp, President
Lisa Hammann, Vice-President
Daniel Cody, Secretary
Cynthia Gomez, Treasurer
Colleen Chawla
Martin Engel
Harry Kenning
Dani Nolan
Steven Tierney
Arthur Weiss

November 5, 2011

San Francisco City/County Supervisors
One Dr. Carlton B. Goodlet Place
San Francisco, CA 94102

Dear San Francisco Supervisors:

California will turn 162 years old Sunday, November 13, 2011. Because yours is one of our State's Original 27 Counties, we sent you a letter last week.

Our Original Constitution was ratified and first State officers chosen in an election held November 13, 1849. Two months later, a Legislature convened in San Jose and organized itself. Local government came into being in the form of 27 original counties. Yours was one of them.

These counties were sliced and diced into today's 58. Both our State and these many local governments testify to what all kinds of people, who want to, can accomplish together.

In its beginning, we were a mix of two cultures. All laws were promulgated in Spanish and English. We are a rainbow today. That is why so many of us in Johnny-come-lately (1889) Orange County have been reviewing and celebrating State History annually the last 12 years. We became convinced Californians built their State together. We celebrate the fact they still do.

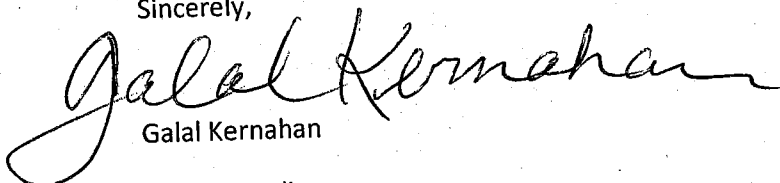
We feel counting blessings helps make sure they don't fade away. We hope you feel the same way – and will help encourage posting of our State's November 13 Birthday on the Official California Observance Calendar. Please think about it. Then urge State officials to do it.

Here is a glimpse of our efforts. We have offered Early California History studies and papers at University of California, Irvine, California State University, Fullerton and the Orange County Heritage Museum. There have been presentations by historical re-enactors and genealogical searches for descendants of those who signed California's Original 1849 Constitution.

This year's November 13th California State Birthday falls on a Sunday. Rather than wind up our efforts with more historical presentations, we are encouraging local churches and religious communities to share this thought: The State of California began in prayer.

Each session of the 1849 Monterey Constitutional convention was opened with prayer. Every session of our State Legislature has been since. A Roman Catholic Priest from Carmel and a Congregational Cleric, recently arrived with the U.S. Pacific Naval Squadron, alternately opened each day's 1849 deliberations. In the Legislature's 161 years, sessions of the Assembly and State Senate sessions have been opened by chaplains. Today, a Greek Orthodox Priest serves the Assembly and a woman Jewish Rabbi serves the State Senate.

Sincerely,


Galal Kernahan

Galal@comline.com

For the California Initiative of Los Amigos of Orange County and the Society for Hispanic Heritage and Ancestral Research

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
NOV - 7 PM 3:35

(6)



SAN FRANCISCO ARTS COMMISSION

BOS-11
cpage
CORB

EDWIN M. LEE
MAYOR

JD BELTRAN
INTERIM DIRECTOR OF
CULTURAL AFFAIRS

MEMORANDUM

TO: Clerk of the Board

FROM: JD Beltran, Interim Director of Cultural Affairs

DATE: November 1, 2011

SUBJECT: FY 2011-12 First Quarter Report

*Rebelle
Kull
for*

PROGRAMS

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

ARTS COMMISSION GALLERY
401 VAN NESS AVENUE
415.554.6080

WWW.SFARTSCOMMISSION.ORG

ARTSCOMMISSION@SFGOV.ORG

In pursuance to the FY 2011-12 Annual Appropriation Ordinance and the Controller's "High Level Financial Reports for September 30 - 2011", please see the attached Arts Commission Report with the explanation for the first quarter ending September 30, 2011.

cc: Mayor's Office
Controller's Office
Deputy Director/CFO, Arts Commission

Attachment: Report (2 pages)

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2011 NOV 10 PM 3:09
PC



CITY AND COUNTY OF
SAN FRANCISCO

7

ARTS COMMISSION									
FY 2011-12 QUARTERLY REPORT - EXPENDITURE									
Quarter Ending: September 30, 2011									
CHARACTER		FY11-12 Budget	FY11-12 1st Qtr Actual	Spend Rate	% FY Elapsed	EXPLANATION			
Subfund: 1G AGF AAA General Fund Non-Project									
001	Salaries	323,574	103,928	32.12%	21.46%	The spending rate is 10.66% higher in salary and 8.9% higher in benefit. The budget was set with 10.91% attrition and savings on salary, which was far above the City's agencies average rate of 5% to 6%. The excess in spending rate was mainly due to the unattainable attrition and saving on salary set at the budget preparation time. Payment to WC Teachers started late and will be fully used up at the year end. Billing from other performing departments will be started in second quarters onwards.			
013	Mandatory Fringe Benefits	127,218	38,620	30.36%	21.46%				
021	Non Personal services	71,000	3,500	4.93%	25.00%				
081	Services of Other Depts	191,187	-	0.00%	25.00%				
	Subfund : 1G-AGF-AAA Totals	712,979	146,048	20.48%					
Subfund: 1G AGF AAP General Fund Annual Project									
001	Salaries	144,092	17,399	12.07%	21.46%	The spending rate is within the % elapsed for the quarter. The spending rate is within the % elapsed for the quarter.			
013	Mandatory Fringe Benefits	62,759	7,534	12.00%	21.46%				
021	Non Personal services	2,113,591	23,815	1.13%	25.00%				
038	City Grant Programs	2,745,514	410,630	14.96%	25.00%	The spending rate is within the % elapsed for the quarter.			
06F	Facilities Maintenance	150,000	-	0.00%	25.00%	Work in progress. Expense not billed by DPW yet.			
081	Services of Other Depts	204,254	14	0.01%	25.00%	Work in progress. Expense not billed by Performing Departments yet.			
086	Expenditure Recovery	(441,229)	-	0.00%	25.00%	GFTA grant not received for the quarter.			
	Subfund : 1G-AGF-AAP Totals	4,978,981	459,392	9.23%					

ARTS COMMISSION
FY 2011-12 QUARTERLY REPORT - EXPENDITURE
Quarter Ending: September 30, 2011

Page - 2 -

CHARACTER	FY11-12 Budget	FY11-12 1st Qtr Actual	Spend Rate	% FY Elapsed	EXPLANATION
-----------	-------------------	---------------------------	---------------	-----------------	-------------

Sub fund: 1G AGF WOF Work Order Fund - WritersCorps

001	Salaries	134,735	40,739	30.24%	21.46%) The actual spending rate is higher due to charging and spending the budget
013	Mandatory Fringe Benefits	59,856	17,434	29.13%	21.46%) amount fully in the early part of the year first to this account. After using up the
) full amount, these charges will be accounted for in other fund.
021	Non Personal services	75,409	8,383	11.12%	25.00% WritersCorps teachers expenses spending rate is usually
					slow in the first quarter and will be fully used up in later quarters.

086	Expenditure Recovery	(270,000)	(40,253)	14.91%	25.00% Billing for teachers will be made to the Requesting Departments
	Subfund : 1G-AGF-WOF Totals	-	26,303	n/a	in the 2nd quarter for the balance.

ARTS COMMISSION
FY 2011-12 QUARTERLY REPORT - REVENUE
Quarter Ending: September 30, 2011

CHARACTER	FY11-12 Budget	FY11-12 1st Qtr Actual	FY11-12 Year End Projection	EXPLANATION
-----------	-------------------	---------------------------	-----------------------------------	-------------

Subfund: 1G AGF AAA GF Non-Project Controlled

60127	Civic Design Fee	39,659	-	39,659 Actual fee revenue will be realized in later quarters.
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Subfund: 1G AGF AAP GF Annual Project

12210	Hotel Room Tax	1,516,000	-	1,516,000 Controller had not recorded the hotel tax revenue in this quarter.
-------	----------------	-----------	---	--

9501G	ITI FR 1G-General Fund	55,000	13,750	55,000 GFTA grant transfer revenue in 1st quarter is 25 %.
-------	------------------------	--------	--------	--

		1,571,000	13,750	1,571,000
--	--	-----------	--------	-----------

To: BOS Constituent Mail Distribution,
Cc:
Bcc:
Subject: PLEASE FORWARD TO ALL 11 SUPERVISORS

From: afarhat8@cs.com
To: board.of.supervisors@sfgov.org
Date: 11/08/2011 04:10 PM
Subject: PLEASE FORWARD TO ALL 11 SUPERVISORS

I've been a San Francisco resident and home owner for more than 30 years, and for most of this time have been employed within the city. I truly believe that San Fransico is a world class city and that I'm very fortunate to be living here.

I recently learned that the City has commissioned Tom Otterness to create 2 bronze sculptures, one to be placed in the future Central Subway, the other to be located at San Francisco General Hospital.

This is appalling, and totally unacceptable. I'm sure you're familiar with Mr. Otterness' past hisory of artwork.

San Francisco can not have two works of art by this person placed and displayed at these prominent locations. To do so would be to degrade and cheapen this City.

Subjecting the many people that pass through these two places every day to this man's works would be an outrage. Our citizens and visitors should not be exposed to such a person's so-called art. This city has many talented but lesser-known artists that deserve to have their works considered to replace the two currently under commission.

Please do whatever necessary to fix this major error in judgement.

Thank you.

Ali J. Farhat
277 Oak Street
San Francisco



To: BOS Constituent Mail Distribution,
Cc:
Bcc:
Subject: Please forward to all 11 supervisors. (This is not a district issue)

----- Forwarded by Board of Supervisors/BOS/SFGOV on 11/10/2011 06:19 PM -----

From: Mark Silvia <markmsilvia@gmail.com>
To: board.of.supervisors@sfgov.org
Date: 11/09/2011 12:56 PM
Subject: Please forward to all 11 supervisors. (This is not a district issue)

Hello I am a proud citizen of the city of San Francisco. As a dog lover and owner I am very concerned about the decision to grant money

to Tom Otterness so that he can build a sculpture that would be on display in San Francisco. I know something went very wrong here.

You must be already aware of his deliberate dog killing for the sake of art. I am begging you to do whatever is necessary to stop this man

from ever being able to produce art in this city. He is a dog killer and for that reason alone he must be stopped. Please make it known to the world that

someone like Mr. Otterness will never be allowed to represent San Francisco in any way, shape or form.

Sincerely,

Mark Silvia
20 Franklin St. #606
San Francisco

To: BOS Constituent Mail Distribution,
Cc:
Bcc:
Subject: File 111212: Rank Choice Voting

From: Bassam Qasem <bassam.qasem.71@gmail.com>
To: Board.of.Supervisors@sfgov.org
Date: 11/08/2011 09:25 PM
Subject: Rank Choice Voting

I am an Arab immigrant who recently became an American citizen able to participate in the democratic process in my beloved San Francisco. I just wanted to say that all the noise being made lately about the "confusion" around ranked choice voting is blown completely out of proportion and does in no way represent me. In fact, the talk from the board of superiors to take that choice away from me makes me angry.

More Choice is Better than Less: Believe it or not, Syria, Egypt, Tunisia and other Arab Spring countries actually did have elections. Their governments and politicians though made choice so restrictive that the composition of the rulers did not represent the people any more. Ranked voting gives us more choices. The great thing about ranked choice is that it accommodates both the voters that want to pick more than one candidate and the those that want to pick just one. The people get to pick their representatives. More choice is better than less for the community.

Polls are Not Elections: One of the many complaints I hear in the media is the surprise that a candidate that trailed in the polls won an election. Like that doesn't happen without ranked choice? Polls are an imperfect survey of people's sentiments and are in no way a substitute to actual elections. Ranked choice is a much more accurate representation of people's desires.

Community before Politics: Ranked choices forces politicians to work with each other, even endorse each other, and decreases the likelihood of personal attacks and negative campaigning. That is great for the community and great for politics.

This year I voted to allow the board of supervisors to act as my representative in amending laws. I, as a voter, do not have to be consulted on every aspect of city business. However, I do, very much, expect to be consulted on my choice of representative. Allowing special interests to return a less perfect system and take away the ranked choice system does not represent my wishes as a voter.

I urge you to please resist this attempt and think about the community first.

PLEASE OPPOSE THE CHARTER AMENDMENT TO OVERTURN VOTER APPROVED RANKED CHOICE.

Sincerely,

Bassam Qasem

9

To: BOS Constituent Mail Distribution,
Cc:
Bcc:
Subject: Ranked Choice Voting

From: Ann Garrison <anniegarrison@gmail.com>
To: board.of.supervisors@sfgov.org
Date: 11/13/2011 11:20 AM
Subject: Ranked Choice Voting

After reporting on this for KPFA Radio on November 12th, I'm still not sure what I think of RCV myself, except that, if you want people to understand it, you should ask John Arnst to produce a more accurate summary of what actually happened on the Department of Elections website.

<http://www.anngarrison.com/audio/san-francisco-mayor-ed-lees-43-landslide>

--

Sincerely,
Ann Garrison
Independent Journalist,
415-287-4259
cell: 415-240-2761

To: BOS Constituent Mail Distribution,
Cc:
Bcc:
Subject: Fw: Update on Renaissance Bayview

From: "Sharon Miller" <Sharon@rencenter.org>
To: <board.of.supervisors@sfgov.org>
Date: 11/07/2011 01:12 PM
Subject: Update on Renaissance Bayview

Dear Board of Supervisors,

I am writing to thank you for your support, provide you with an update on Renaissance Bayview and assure you that we are continuing our small business services.

As you may know, as a result of the California Redevelopment Association's lawsuit with the State of California, concerning the future of all redevelopment agencies in the state, the San Francisco Redevelopment Agency was required to freeze all of its upcoming new programs and contracts. For Renaissance Bayview this means a freeze on our funding for our programs and coordination of the Bayview Merchants' Association.

Despite these severe challenges, Renaissance Bayview remains deeply committed to our work. Through other funding we have secured, we will continue to provide small business services including:

- Third Street Corridor Program
- Contractors Program
- SFShines Façade Program Application Packaging Services
- Individual Development Accounts
- Consulting Support for Corridor and Established Businesses
- Business Assistance Center
- Training Classes - In addition to the current business planning class, workshops, and classes will be held on a reduced schedule. Bayview residents may also participate also in Renaissance South of Market and Online training Classes at the same cost as Bayview Classes. (next class is Start and Grow Smart, a two part introduction to business class on November 14 and 21)

I am hopeful that the Redevelopment Agency's funding cuts are temporary and that Renaissance Bayview will be able to regain full funding in the near future. I appreciate your continuous involvement with Renaissance Bayview and look forward to serving you and the community as we adjust to new funding reality.

Please, feel free to contact me at 415.348.6243 or Sharon@rencenter.org with any questions, concerns and suggestions you may have.

Thank you very much.

Sincerely,

Sharon Miller
CEO

PS: If you wish to know more about the status of the SF Redevelopment Agency, please

10

contact Licinia.mcmorrow@sfgov.org or Vanessa.dandridge@sfgov.org.

Sharon Miller
CEO
Renaissance Entrepreneurship Center
275 5th Street
San Francisco, CA 94103
415-348-6243 (direct)
415-541-8580 ext. 243
www.rencenter.org

To: BOS Constituent Mail Distribution,
Cc:
Bcc:
Subject: Letter to the Supervisors

From: CP Lai <cplai@yahoo.com>
To: "Board.of.Supervisors@sfgov.org" <Board.of.Supervisors@sfgov.org>
Date: 11/10/2011 11:39 PM
Subject: Letter to the Supervisors

Dear Clerk of the board,

I don't know which Supervisor is responsible for the Oak Street bike lane proposal. So I don't know where to send this.

Please forward this email to the supervisors for consideration.

I heard on the news today that the city is considering adding a bike lane to Oak Street. I am not a SF resident, but I do notice the horrific traffic conditions on SF streets. The proposal will only make matter worse.

I do have an novel idea that will improve SF traffic and yet make bicyclists very happy. Let SF be the first to do something bold and creative.

Instead of sacrificing a lane on Oak Street to the cyclists, you should give the entire Page Street to the cyclists and ban bicycles on Oak Street entirely. It is the best of both world, Oak Street traffic will streamline without the bicyclists and the bikers can take over Page street entirely which is parallel to Oak Street. Page street can be blocked off with strategically place curbs and huge speed bumps that only allowing full speed bikes traffic and force local traffic to go through at 15mph or below. All the stop signs on Page Street can be made into 2 ways stops. All side streets crossing Page Street must stop for through bike traffic on Page Street. The bikers will love it when they have a non-stop bike path through the heart of SF. Meanwhile, Oak Street is reserved for cars only.

Feel free to discuss this idea with me and make sure to share with the mayor.

yours, sincerely,

CP Lai

cplai[AT]yahoo[DOT]com

11

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

11/11/2011 11:49 AM

Nov 11, 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. Patrick Russell
6052 Chabot Rd Apt 10
Oakland, CA 94618-1661

File 111213

To: BOS Constituent Mail Distribution, *Alisa Miller*
Cc:
Bcc:
Subject: Letter regarding vacation of Hunt Street

From: "Liz Bridges" <liz@SSLFIRM.COM>
To: <b.storrs@sfdpw.org>
Cc: <peterwong@keckseng-na.com>, <ivanlee@keckseng-na.com>, <dereksasano@keckseng-na.com>, "Michael.Pace@whotels.com", <michael.pace@whotels.com>, <svettel@fbm.com>, <cityattorney@sfgov.org>, <linda.avery@sfgov.org>, <board.of.supervisors@sfgov.org>, "Chris Wade Griffith" <chris@SSLFIRM.COM>, <kevin.guy@sfgov.org>
Date: 11/09/2011 11:02 AM
Subject: Letter regarding vacation of Hunt Street

Mr. Storrs,

Please find attached a letter on behalf of KSSF Enterprises Ltd. regarding the City's proposed vacation of Hunt Street.

Best regards,

Liz Bridges

Elizabeth L. Bridges | SSL Law Firm LLP | 575 Market Street, Suite 2700 | San Francisco, CA 94105 | Tel: (415) 814-6400 | Fax: (415) 814-6401 | Cell: (415) 359-4789 | Email: liz@sslfirm.com | www.sslfirm.com

This email may contain material that is confidential, privileged and/or attorney work product for the sole use of the intended recipient. Any review, reliance or distribution by others or forwarding without express permission is strictly prohibited. If you are not the intended recipient, please contact the sender and delete all copies. Legal Advice Disclaimer: You should recognize that responses provided by this e-mail means are akin to ordinary telephone or face-to-face conversations and do not reflect the level of factual or legal inquiry or analysis which would be applied in the case of a formal legal opinion. A formal opinion could reach a different result. We would, of course, be happy to prepare such a definitive statement or formal opinion if you would like us to do so.



Letter NOT consenting to vacation of Hunt St (00209619).PDF

13

SSL



LAW

FIRM

LLP

575 MARKET STREET, SUITE 2700

SAN FRANCISCO, CA 94105

TELEPHONE: 415.814.6400

FACSIMILE: 415.814.6401

chris@sslfirm.com

November 9, 2011

VIA ELECTRONIC MAIL & U.S. MAIL

Bruce Storrs, City Surveyor
Department of Public Works
Bureau of Street Use and Mapping
875 Stevenson Street, Room 460
San Francisco, CA 94103-0942

E-mail: b.storrs@sfdpw.org

Re: Proposed Vacation of Hunt Street

Dear Mr. Storrs:

We are writing on behalf of KSSF Enterprises Ltd., owner of the W Hotel. KSSF Enterprises Ltd. has been asked by counsel for the San Francisco Museum of Modern Art to consent to the vacation of the eastern segment of Hunt Street, located in Assessor's Block 3722, as an abutting property owner to that public street segment.

KSSF Enterprises Ltd. does not consent to the vacation of the eastern segment of Hunt Street. Furthermore, we do not believe that the City can legally vacate the eastern segment of Hunt Street.

In order to vacate Hunt Street, the Board of Supervisors must find that the street segment is "unnecessary for present or prospective public use." Cal. Streets & Highway Code section §8324. *Citizens for Improved Sorrento Access, Inc. v. City of San Diego* (2004) 118 Cal.App.4th 808, 813. Additionally, the closure of a public street must be in the "public interest." *Heist v. County of Colusa* (1984) 163 Cal.App.3d 841, 849. In this instance, the Board can find neither of these things.

Hunt Street is currently used for parking, loading and traffic moving through the mid-block area bounded by New Montgomery, Howard and Third Streets, and accessed by Natoma Street. The mid-block area has been used in this manner for many years and both SFMOMA and the W Hotel require the continued use of a mid-block space for these activities. The SFMOMA expansion project Draft EIR recognizes that SFMOMA and the W Hotel will continue to use and require a mid-block area for loading and access activities even after the SFMOMA expansion. Draft EIR, p. 38-39. Thus, the City has already recognized—in its own environmental disclosure document—that the Hunt Street area is necessary for present and prospective public use.

Vacating Hunt Street to make way for the SFMOMA expansion would run contrary to several cases that hold that the City may not close or vacate a street for exclusive private use—here, for the exclusive private use of SFMOMA. *Constantine v. City of Sunnyvale* (1949) 91 Cal.App.2d 278, 282; *City of Lafayette v. County of Contra Costa* (1979) 91 Cal.App.3d 749; *Citizens Against Gated Enclaves v. Whitley Heights Civic Assoc.* (1994) 23 Cal.App.4th 812.

The vacation of Hunt Street is not in the “public interest.” If the street were vacated, the mid-block traffic noted above would instead occur on New Montgomery, Howard and Third Streets. These are areas of significant congestion even without the additional burden of re-routed traffic. At least three major public thoroughfares would be significantly and negatively impacted by the vacation of Hunt Street, resulting in impacts to a large number of San Francisco drivers.

Vacating Hunt Street also violates the City’s own policies on street vacation. General Plan, Urban Design Element, Policies 2.8-2.10. The City’s General Plan provides that the City must “[m]aintain a strong presumption against the giving up of street areas for private ownership or use...” General Plan, Urban Design Element, Policy 2.8. To that end, the General Plan states that “[n]o release of a street area shall be recommended which would result in:

1. Detriment to vehicular or pedestrian circulation;
2. Interference with the rights of access to any private property; [...]
4. Obstruction or diminishing of a significant view, or elimination of a viewpoint; [...]
9. Reduction of street space in areas of high building intensity, without provision of new open space in the same area of equivalent amount and quality and reasonably accessible for public enjoyment; [or, ...]
11. Adverse effect upon any element of the General Plan or upon an area plan or other plan of the Department of City Planning.”

Vacation of the Hunt Street and Easement Areas will result in several of the adverse affects that these General Plan provisions seek to avoid.

Finally, in the event that the City does proceed with vacating Hunt Street, it will be acting in violation of the Federal Constitution and Article I, section 19 of the California Constitution which require just compensation for the taking or damaging of private property for public use. Vacating Hunt Street will substantially impair the W Hotel’s right of access as an abutting landowner. *People v. Ricciardi* (1943) 23 Cal.2d 390, 398 (“An abutting landowner on a public highway has a special right of easement and use in the public road for access purposes, and this is a property right which cannot be damaged or taken away from him without due compensation. [Citation.]”); see also, *Rose v. California* (1942) 19 Cal.2d 713. Vacating Hunt Street will not only entirely cut off the W Hotel’s vehicular access to Hunt Street, it will substantially impair the W Hotel’s access to Natoma Street. This will have the impact of disabling loading and delivery access to the W Hotel, preventing trash and recycling removal and hindering the flow of vehicular traffic on and off the W Hotel’s property.

Thank you for your consideration of this correspondence. Please notify me of any hearing, formal or informal, any proposed and/or final action, and any other action whatsoever regarding this matter. Please contact me at (415) 814-6400 if you have any questions about our position.

Sincerely,



Christine W. Griffith

cc: Peter Wong, KSSF Enterprises Ltd.
Derek Sassano, KSSF Enterprises Ltd.
Michael Pace, W San Francisco
Steve Vettel, Farella Braun + Martel
Dennis Herrera, San Francisco City Attorney
San Francisco Planning Commission (*by email to Linda.Avery@sfgov.org*)
San Francisco Board of Supervisors (*by email to Board.of.Supervisors@sfgov.org*)

**Issued: AIRPORT COMMISSION: The Airport and Transportation Corridor Agencies
Are Complying With Their Agreement**

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

11/14/2011 01:38 PM

The Office of the Controller, City Services Auditor Division (CSA), has issued an audit report on the transaction fee for the FasTrak Licensing and Electronic Identification Billing Agreement between the Transportation Corridor Agencies (TCA) and the City and County of San Francisco (City), covering the period May 1, 2009, through April 30, 2011. This contract, managed by the Aviation and Parking Management Division of the Airport Commission (Airport), allows vehicles to pay for Airport parking using FasTrak technology.

The audit concludes that:

The Airport appropriately manages its contract with TCA.

The Airport has designed and implemented strong internal controls over the database and information technology used to record and process FasTrak transactions.

The Airport and TCA comply with key provisions of the agreement including those that protect the interests of the Airport and its parking patrons.

The Airport properly and accurately charges FasTrak parking patrons based on the duration of their garage stays.

Because the audit yielded positive results for all its objectives, the report contains no recommendations.

To view the full report, please visit our website at: <http://co.sfgov.org/webreports/details.aspx?id=1355>

For questions regarding the report, please contact Tonia Lediju at Tonia.Lediju@sfgov.org or 415-554-5393, or the Office of the Controller, Audits unit, at 415-554-7469.

14

City and County of San Francisco

Office of the Controller – City Services Auditor

AIRPORT COMMISSION:

**The Airport and Transportation
Corridor Agencies Are Complying
With Their Agreement**



November 14, 2011

**OFFICE OF THE CONTROLLER
CITY SERVICES AUDITOR**

The City Services Auditor (CSA) was created in the Office of the Controller through an amendment to the San Francisco Charter that was approved by voters in November 2003. Under charter Appendix F, CSA has broad authority to:

- Report on the level and effectiveness of San Francisco's public services and benchmark the City to other public agencies and jurisdictions.
- Conduct financial and performance audits of city departments, contractors, and functions to assess efficiency and effectiveness of processes and services.
- Operate a whistleblower hotline and website and investigate reports of waste, fraud, and abuse of city resources.
- Ensure the financial integrity and improve the overall performance and efficiency of city government.

CSA may conduct financial audits, attestation engagements, and performance audits. Financial audits address the financial integrity of both city departments and contractors and provide reasonable assurance about whether financial statements are presented fairly in all material aspects in conformity with generally accepted accounting principles. Attestation engagements examine, review, or perform procedures on a broad range of subjects such as internal controls; compliance with requirements of specified laws, regulations, rules, contracts, or grants; and the reliability of performance measures. Performance audits focus primarily on assessment of city services and processes, providing recommendations to improve department operations.

CSA conducts its audits in accordance with the Government Auditing Standards published by the U.S. Government Accountability Office. These standards require:

- Independence of audit staff and the audit organization.
- Objectivity of the auditors performing the work.
- Competent staff, including continuing professional education.
- Quality control procedures to provide reasonable assurance of compliance with the auditing standards.

Audit Team: Isabel Sobozinsky-Wall, Audit Manager
Nicholas Delgado, Auditor-In-Charge
Kat Scoggin, Associate Auditor



CITY AND COUNTY OF SAN FRANCISCO
OFFICE OF THE CONTROLLER

Ben Rosenfield
Controller

Monique Zmuda
Deputy Controller

November 14, 2011

San Francisco Airport Commission
San Francisco International Airport
P.O. Box 8097
San Francisco, CA 94128-8097

John L. Martin, Director
San Francisco International Airport
P.O. Box 8097
San Francisco, CA 94128-8097

Dear President Mazzola, Members, and Mr. Martin:

The Office of the Controller, City Services Auditor Division, presents its audit report of the transaction fee for the FasTrak Licensing and Electronic Identification Billing Agreement between the Transportation Corridor Agencies (TCA) and the City and County of San Francisco. The agreement, managed by the Aviation and Parking Management Division of the Airport Commission (Airport), allows drivers to pay for Airport parking using the FasTrak system. The audit evaluated both the Airport and TCA's performance under and compliance with selected provisions of the agreement.

The audit concludes that:

- The Airport appropriately manages its contract with TCA.
- The Airport has designed and implemented strong internal controls over the database and information technology used to record and process FasTrak transactions.
- The Airport and TCA comply with key provisions of the agreement including those that protect the interests of the Airport and its parking patrons.
- The Airport properly and accurately charges FasTrak parking patrons based on the duration of their garage stays.

The Airport's response to the audit report is attached as Appendix B.

We appreciate the assistance and cooperation that the staff of the Airport's Aviation and Parking Management Division and the parking operator, New South Parking-California (NSP), provided to us during the audit. Additionally we would like to commend the Airport and NSP for their performance in managing and adhering to the agreement with TCA. **Because the audit yielded positive results for all its objectives, this report contains no recommendations.**

Respectfully,

Tonia Lediju
Director of Audits

cc: Mayor
Board of Supervisors
Civil Grand Jury
Budget Analyst
Public Library

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LIST OF ABBREVIATIONS AND ACRONYMS

CSA	City Services Auditor Division
FAMIS	Financial Accounting and Management Information System
NSP	New South Parking-California
S&B system	Scheidt & Bachmann Parking Access and Revenue Control System
TCA	Transportation Corridor Agencies

INTRODUCTION

Audit Authority

This audit was conducted under the authority of the charter of the City and County of San Francisco (City), Section 3.105 and Appendix F, which requires that the City Services Auditor of the Office of the Controller conduct periodic, comprehensive financial and performance audits of city departments, services, and activities.

As part of its 2010-11 fiscal year work plan, the City Services Auditor Division (CSA) performed a compliance audit of the City's agreement with the Transportation Corridor Agencies (TCA). This agreement is managed by the Airport Commission (Airport).

Background

In an effort to expedite garage traffic, reduce vehicle emissions, and provide more convenience to Airport patrons, in August 2007 the City entered an agreement to incorporate FasTrak technology as an accepted electronic payment method for Airport parking fees at the Airport's three parking locations: the long-term parking facility, international terminal garages, and domestic terminals garage. The City's partners in the agreement are the Foothill/Eastern Transportation Corridor Agency and the San Joaquin Hills Transportation Corridor Agency, referred to collectively as the Transportation Corridor Agencies. The contract is managed by the Airport's Aviation and Parking Management Division.

TCA owns, develops, and operates an electronic payment system that it employs on the San Joaquin Hills and Foothill/Eastern transportation corridors, that includes proprietary trade names, marks, operational specifications and processing systems under the FasTrak label. Through the agreement, TCA granted the Airport rights to use the FasTrak technology, trade names, and marks to collect user fees for airport parking facilities. In return, the Airport agreed to pay TCA recurring monthly licensing fees and a percentage of each transaction processed with FasTrak technology.

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The Airport and Transportation Corridor Agencies Are Complying With Their Agreement

On February 6, 2007, the Airport Commission passed resolution No. 07-0036, authorizing the airport director to enter a FasTrak License and Electronic Identification Billing Agreement with TCA. The agreement was executed on August 17, 2007.

The FasTrak technology implementation dates for each of the Airport's three parking locations are detailed in Exhibit 1.

EXHIBIT 1	FasTrak Implementation Dates by Airport Parking Location
------------------	---

Location	FasTrak Implementation Date
Long-term Parking Facility	October 16, 2007
International Garages	March 30, 2009
Domestic Garage	April 27, 2009

Source: Airport Commission

*Agreement term and
compensation requirements*

The agreement commenced on August 17, 2007, and was to continue for 36 months after the first day of operations of the FasTrak parking program at the Airport. In 2010 the Airport and TCA amended the agreement, extending it through October 15, 2013.

The agreement requires the Airport to pay TCA a recurring monthly licensing fee of \$1,000 and a processing or service fee of 5 percent of each parking transaction paid for by Airport patrons using FasTrak transponders. The Airport is also obligated to pay a one-time royalty payment of \$1.

The revenue generated by FasTrak transactions and the licensing and transaction fees paid to TCA for fiscal years 2009-10 and 2010-11 are shown in Exhibit 2.

EXHIBIT 2 **Airport FasTrak Revenue and Expenses**
Fiscal Years 2009-10 and 2010-11

	Total Transactions	Parking Revenue	License Fee Paid	Service Fee Paid	Net Income to Airport
2009-10	3,638	\$148,852	\$12,000	\$ 7,443	\$129,409
2010-11	4,299	145,127	12,000	7,256	125,871
Total	7,937	\$293,979	\$24,000	\$14,699	\$255,280

Source: Airport TCA (FasTrak) Transaction Activity Reports

*A contractor operates Airport
garages and manages
FasTrak transactions*

Under a separate agreement, the Airport contracts with New South Parking-California (NSP), a partnership between Central Parking System and Global Parking Systems, to operate public and employee parking facilities at the Airport.

NSP is to remit all parking revenue collections to the City, including those for FasTrak-related transactions. The Airport pays NSP a monthly management fee and reimburses NSP for certain operating costs, including labor and other allowable expenses. As the parking operator, NSP is to manage all FasTrak transactions, including resolving any parking operation difficulties and reconciling revenue earned.

Objectives

The audit focused on both the Airport and TCA's performance under and compliance with selected provisions of the agreement. The objectives of the audit were to:

1. Determine whether the Airport appropriately manages its agreement with TCA and whether both TCA and the Airport comply with the agreement.
2. Identify whether the Airport's monitoring process can be strengthened to better ensure contract compliance.
3. Determine whether controls over the Airport's systems to record transactions identified under the agreement are properly designed and operating adequately.
4. Determine whether transactions processed under the TCA agreement are properly recorded and whether the

related fees are appropriately charged.

Scope and Methodology

The audit reviewed the Airport's agreement with TCA covering the period from May 1, 2009, through April 30, 2011.

To conduct the audit, the audit team:

- Reviewed and obtained an understanding of key provisions of the agreement between the Airport and TCA.
- Interviewed key personnel from the Airport and NSP.
- Reviewed and assessed the adequacy of the Airport's internal controls over FasTrak transactions.
- Reviewed and assessed the compliance of the Airport, NSP, and TCA with key provisions of the agreement.
- Tested a sample of TCA invoices submitted to the Airport for compliance with the agreement, mathematical accuracy, and to determine whether they were properly recorded in the City's Financial Accounting and Management Information System.
- Recalculated a sample of FasTrak parking transactions to determine the accuracy of the parking fee calculation.
- Inspected the Airport's parking information system and assessed the adequacy of system controls.

Statement of Auditing Standards

This performance audit was conducted in accordance with generally accepted government auditing standards. Those standards require planning and performing the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for findings and conclusions based on the audit objectives. We believe that the evidence obtained provides a reasonable basis for the findings and conclusions based on the audit objectives.

CHAPTER 1 – The Airport Appropriately Manages Its Agreement With TCA and Ensures That the Systems Used to Record FasTrak Transactions Are Appropriate

The Airport has properly designed and implemented effective controls to ensure that it processes invoices and receipts from TCA accurately and on time, and maintains adequately designed information systems to process transactions and store transaction data.

Finding 1.1

The Airport appropriately monitors invoices, receipts, and overall FasTrak activity in its parking facilities.

The Airport appropriately manages its contract with TCA.

The Airport adequately monitors receipts of parking revenues from TCA, payments to TCA, individual FasTrak parking transactions, and the integrity of its parking transaction data. The Airport's strong controls to verify the accuracy of TCA's invoices ensure that:

- The Airport receives all the parking revenue collected by TCA on its behalf.
- The Airport only pays TCA the fees required by the agreement.
- TCA provides the services required by the agreement.

The Airport's controls ensure that license and service fees billed by TCA are accurate and paid promptly. To ensure that each TCA monthly invoice is accurate:

- NSP staff reconciles the parking revenues, on which the service fees are based, from the invoice to internal records.
- Airport parking staff re-calculates the transaction fee amount.
- The Airport parking manager reviews and approves the invoice before submitting it to the Airport's Accounting unit.
- The Accounting unit reviews the supporting documents,

checks for the parking manager's signature indicating approval, and then processes the payment.

The Airport also monitors FasTrak activity and overall parking activity. NSP staff submits reports to the Airport that summarize transactions by date and by parking location. Additionally, the Airport parking manager works closely with NSP to track overall parking trends and anticipate future parking needs at the Airport.

Finding 1.2

FasTrak transactions are automated, and the Airport's parking management system verifies all FasTrak parking transactions as they occur.

The Airport has strong internal controls over the information technology and database used to record and process FasTrak transactions.

The Airport uses a third-party information system, the Scheidt & Bachmann Parking Access Revenue Control System (S&B system) that automates FasTrak transactions and has strong, built-in controls.¹ These controls leave little to no room for human error or fraud in parking transactions paid with FasTrak.

The S&B system's controls have strict criteria for allowing a customer to pay the parking fee with a FasTrak transponder. The S&B system only allows a FasTrak transaction to occur if the customer:

- Enters the parking facility in a designated FasTrak lane.
- Does not opt for a different payment method upon entry by taking a ticket or inserting a credit card.
- Uses a readable transponder.
- Exits the parking facility in a designated FasTrak lane.
- Has a FasTrak account that was in good standing and authorized to be used to pay for Airport parking at both entry and exit.

If any of these criteria are not met, the S&B system requires the customer to use a different payment method. In addition to these strict criteria, the S&B system further verifies the parking transaction by automatically matching a vehicle's exit with its entry using cameras and license plate recognition technology, which is described in greater detail in Appendix A.

¹ S&B is an automated system of hardware and software the Airport uses to manage all of its parking transactions. Appendix A presents an overview of the S&B system as it applies to FasTrak transactions.

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The Airport and Transportation Corridor Agencies Are Complying With Their Agreement

The Airport has strong controls over the integrity of the FasTrak transaction data.

The S&B database of FasTrak transactions is secure and has the appropriate user limitations. Proper security and data integrity ensure that the Airport can be confident that its parking transaction data is accurate.

To ensure the integrity of its FasTrak transaction data, the Airport has established the following controls.

- Each Airport and NSP employee's access to the database is appropriately restricted to the functions required for that employee's role.
- Once transaction data is recorded in the S&B database, neither NSP nor Airport staff can alter or manipulate the data in any way.
- According to the Airport parking manager, in the event of an S&B database server failure, a back-up server maintained in a separate location by the Airport's technology department would take the primary server's place, resulting in no disruption in parking services.
- The agreement requires TCA to retain completed FasTrak transaction data for three years after the final transaction is completed

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The Airport and Transportation Corridor Agencies Are Complying With Their Agreement**

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CHAPTER 2 – The Airport and TCA Comply With the Agreement, and the Airport Accurately Captures and Records FasTrak Revenue and Payment Transactions

Summary

The Airport and TCA are complying with key provisions of the FasTrak License and Electronic Identification Billing Agreement, in particular including the following:

- Compensation
- Timeliness of payments
- Parking patron confidentiality

In addition, the Airport accurately records all parking fee transactions charged to parking patrons, all related TCA license and service fee costs incurred, and parking revenue generated.

Finding 2.1

The Airport and TCA adhere to key provisions of their agreement.

The Airport and TCA comply with the agreement.

Both the Airport and TCA are in compliance with key provisions of the agreement, including provisions on licensing and transaction fees, invoicing cycles, and data transfer. Furthermore, five sections of the agreement help protect the interests of the Airport and its patrons.

The five key provisions, their requirements, and the entities to which they apply are summarized in Exhibit 3.

EXHIBIT 3 **Key Provisions of the Agreement Between TCA and the Airport**

Article	Responsible Entity	Requirements
6.2 – License Fee for FasTrak	Airport and TCA	<ul style="list-style-type: none"> TCA to bill a \$1,000 monthly license fee to City on or before the 30th of each month. TCA to receive City's payment within 30 days of invoice date.
6.3 – License Fee for TCA Transactions	Airport and TCA	<ul style="list-style-type: none"> City to pay TCA 5 percent of each TCA transaction* processed as a service fee. TCA to bill service fee to City monthly. City to remit payment to TCA within 30 days of invoice date.
7.1 – Electronic File Format	TCA	<ul style="list-style-type: none"> TCA services to be processed in accordance with specified interface file specifications.
7.2 – Payment Protocol	Airport and TCA	<ul style="list-style-type: none"> Each day City to send an electronic file to TCA containing date, time, amount, and transponder number associated with each TCA transaction.* Each month TCA to pay City via check or wire transfer for previous month's valid TCA transactions.
7.5 – Confidentiality of FasTrak Patron Information	Airport and TCA	<ul style="list-style-type: none"> City and TCA to strictly maintain confidentiality of all electronic files and other documents or information containing TCA FasTrak patron information.

*Note: The agreement defines a TCA transaction as the use of a FasTrak transponder issued by TCA for payment of airport parking fees. The audit report uses the term FasTrak transaction.

Source: FasTrak License and Electronic Identification Billing Agreement.

Of the 24 monthly invoices submitted by TCA for May 1, 2009, through April 30, 2011, the audit reviewed a sample of 6 (25 percent) and their related payments. TCA submitted these invoices to the Airport for payment of license fees and TCA service fees incurred and owed. The review found:

- All TCA invoices were within the agreement's stipulated time frames and on the correct billing cycle.
- TCA accurately charged the Airport for the license and transaction fees for actual FasTrak transactions.
- All payments made to TCA matched invoiced amounts.
- The Airport submitted payments to TCA within the

stipulated time frames of the agreement.

For the same six invoice periods, the audit also assessed the adequacy of TCA's remittance to the Airport of FasTrak parking fees. TCA collected these fees for the Airport from parking customers who paid using FasTrak. The assessment concluded that:

- TCA correctly paid the Airport for all valid FasTrak transactions during each invoice period.
- All payments from TCA matched total parking revenue detailed on TCA invoices.

The audit also reviewed the Airport and TCA's confidentiality protocol, as well as the Airport's adherence to confidentiality requirements. The review found:

- Both the Airport and TCA have encountered no problems in performing the file transfer process as stipulated in the agreement.
- The Airport complies with the confidentiality requirements of the agreement pertaining to patron information.
- The Airport limits the information collected for parking patrons to FasTrak transponder IDs and vehicle license plate numbers.
- The Airport does not allow access to information on FasTrak transponder owners.

Finding 2.2

Fees charged to parking patrons accurately represent garage stay durations.

The Airport accurately captures FasTrak parking payment transactions.

The Airport correctly calculates all parking fees based on garage stay duration for all FasTrak transactions at its three parking locations. The fees charged to parking patrons are based on entry and exit dates and times, with rates based on 20-minute increments and full-day (24-hour) increments. The Airport also offers parking patrons a grace period for which no fee is charged if the vehicle exits within ten minutes of entry.

Of the total of 7,677 garage entrance and exit FasTrak

Office of the Controller, City Services Auditor
The Airport and Transportation Corridor Agencies Are Complying With Their Agreement

transactions during the audit period, 486 (6 percent) were tested by recalculating the total amount due to the Airport based on the duration of the garage stay. The test found that the Airport accurately calculated all transactions, including those charged based on 20-minute increments, full-day increments, and those that fell within the 10-minute grace period. The audit found no errors in the parking fees charged to patrons who used FasTrak.

Finding 2.3

Revenue and expenditure transactions related to the agreement are properly recorded in the City's accounting system.

All payments between the Airport and TCA are properly recorded in the City's accounting system.

The Airport properly records in the City's Financial Accounting and Management Information System (FAMIS) the parking fee revenue received from TCA and license and FasTrak transaction fees paid to TCA. Further, the Airport accurately reconciles cash receipts with its internal records. According to the policies and procedures for cash receipts issued by the Office of the Controller's Accounting Operations and Systems Division, transactions for City receipts should be reported in FAMIS. Specifically, the policy states that:

All moneys and checks received by any officer or employee of the City and County for, or in connection with the business of, the City and County, should be deposited with the Treasurer or into a City Bank account....Transactions for these receipts should also be reported in FAMIS.

Of the 24 parking fee revenue payments TCA made to the Airport, 7 (29 percent) were reviewed, and of the 24 license and transaction fees payments the Airport made to TCA, 7 (29 percent) were also reviewed. These reviews found that:

- TCA's invoices are accurately calculated.
- Amounts payable to the Airport by TCA are accurately recorded in FAMIS.
- Amounts paid to TCA are accurately recorded in FAMIS.

The revenue received by the Airport also matched all NSP reconciliation reports, which NSP prepares as part of its internal control processes described in Finding 1.1. These

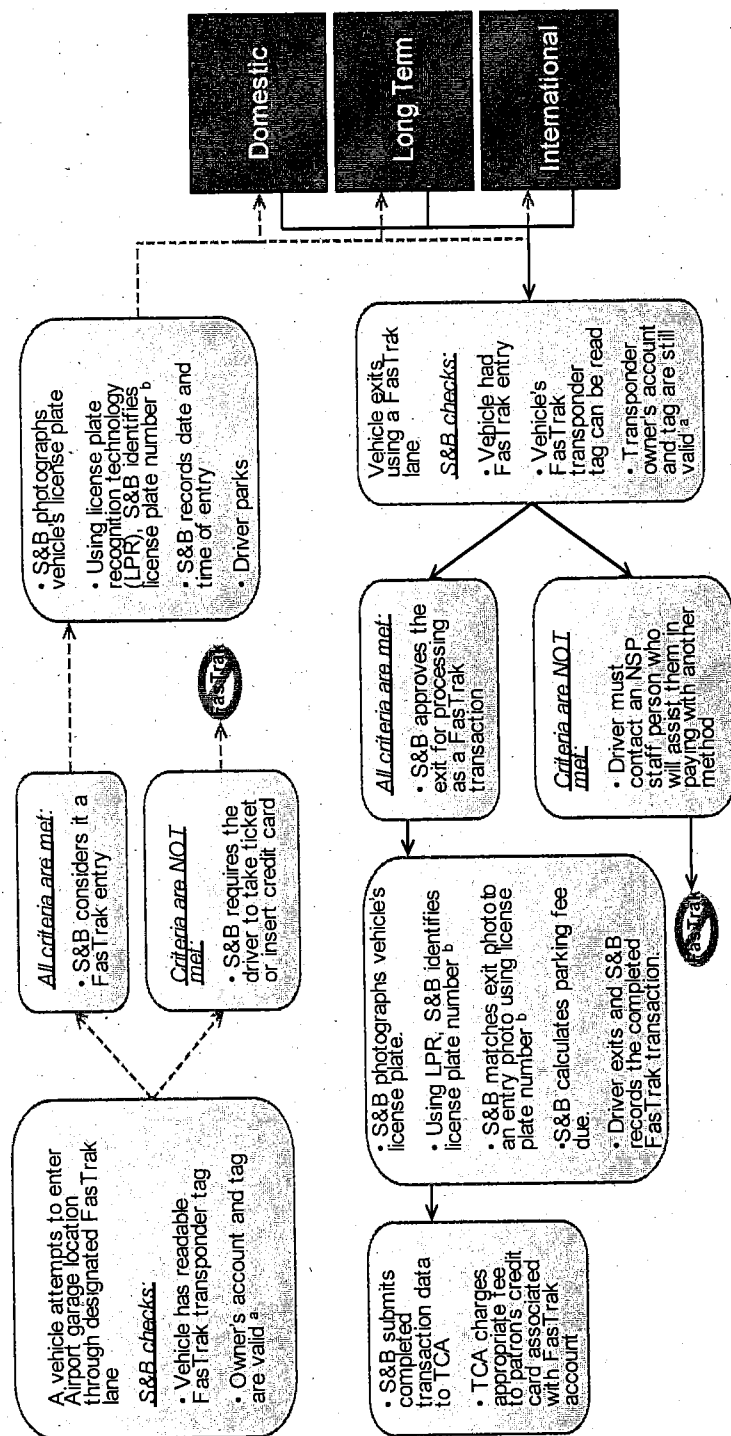
Office of the Controller, City Services Auditor
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reports indicate expected revenue payable to the Airport, which was calculated based on actual FasTrak transactions processed during a given period.

**Office of the Controller, City Services Auditor
The Airport and Transportation Corridor Agencies Are Complying With Their Agreement**

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APPENDIX A: Overview of the Scheidt & Bachmann System



Notes:

^a Through an automated interface with Scheidt & Bachmann Parking Access Revenue Control System (S&B System), TCA sends the Airport a list of all valid FasTrak transponder tags each night. All tags tied to accounts that are in good standing and backed by a credit card are automatically made valid to pay Airport parking fees. If FasTrak patrons have elected to opt out of the parking program or their accounts are not in good standing, TCA will deem the accounts invalid and the S&B system will preempt the use of the FasTrak for payment. ^b If the license plate recognition software designates a photo as a "low-quality read," it asks an NSP employee to visually inspect the photo and correct the license plate number. Upon exit, the S&B system attempts to match an exit with an entry based on the license plate number. If it cannot automatically do so, it asks an NSP employee to visually inspect the exit photo and likely entry photos to confirm a match.

Source: Auditor observation and interviews with staff of Airport and New South Parking-California.

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APPENDIX B: DEPARTMENT RESPONSE



San Francisco International Airport

November 8, 2011

Ms. Tonia Lediju
Director of Audits
Office of the Controller
City Services Auditor Division
City and County of San Francisco
1 Dr. Carlton B. Goodlett Place, Room 477
San Francisco, CA 94102

Subject: Transaction Fee Audit – Transportation Corridor Agencies

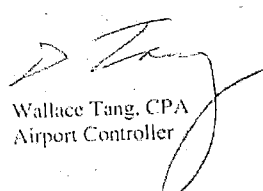
Dear Ms. Lediju:

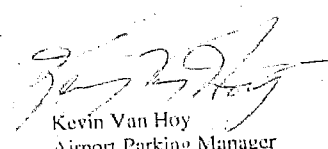
The Airport is in receipt of the draft audit report prepared by the City Services Auditor (CSA) Division on the Transaction Fee for the Transportation Corridor Agencies, dated November 2, 2011, and concurs with its findings.

We would like to sincerely thank the entire CSA audit team, which consisted of Isabel Sobozinski-Wall, Nicholas Delgado, and Kathleen Scoggin, for their level of professionalism throughout the audit process and their willingness to work with Airport staff in collaborative fashion.

If you have any questions, please feel free to call Kevin Van Hoy at (650) 821-4051 or Wallace Tang at (650) 821-2850.

Very truly yours,


Wallace Tang, CPA
Airport Controller


Kevin Van Hoy
Airport Parking Manager

cc: John L. Martin
Leo Fermin
Gary Franzella
Cindy Nichol
Isabel Sobozinski-Wall, CSA
Nicholas Delgado, CSA

AIRPORT COMMISSION CITY AND COUNTY OF SAN FRANCISCO

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AIRPORT DIRECTOR

Post Office Box 8097 San Francisco, California 94128 Tel (650) 821-5000 Fax (650) 821-5005 www.sfo.com

To: BOS Constituent Mail Distribution,
Cc:
Bcc:
Subject: BLIP Quarterly Report - 3rd Quarter 2011 (July - September)

From: "Vasche, Amber" <Amber.Vasche@sfdpw.org>
To:
Date: 11/14/2011 03:01 PM
Subject: BLIP Quarterly Report - 3rd Quarter 2011 (July - September)

Good afternoon,

The Branch Library Improvement Program's "2000 Branch Library Improvement Bond Quarterly Report" for the Third Quarter of 2011 (July - September) is now available.

Please find a copy of the report attached. For additional information about BLIP activities, visit our website at www.sfpl.org/blip.

If you would like to receive our Quarterly Reports in another format, would like to add someone to our distribution list, or have any questions, please let us know.

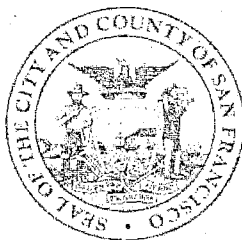
Thank you for your interest in the Branch Library Improvement Program.

Amber Vasché
Building Design and Construction Division
Department of Public Works
City and County of San Francisco
30 Van Ness, 4th Floor
San Francisco, CA 94102
(415) 557-4667
Amber.Vasche@sfdpw.org
<http://www.sfdpw.org>



Q3 2011_Blip Quarterly Report.pdf

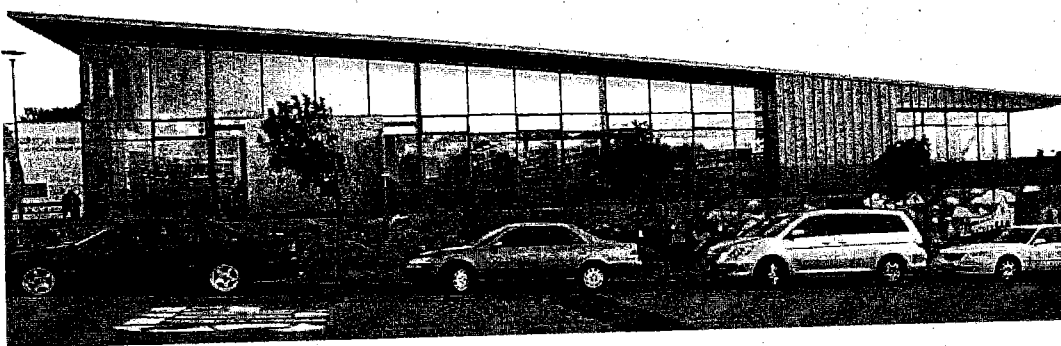
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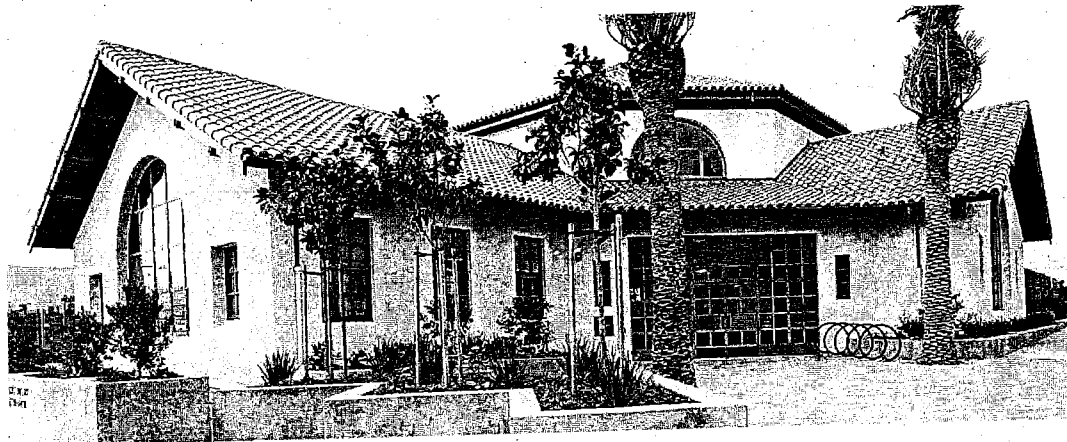
2000 Branch Library Improvement Bond

QUARTERLY REPORT

Third Quarter 2011
July - September



Ortega Branch Library
Opened September 10, 2011



Visitacion Valley Branch Library
Opened July 30, 2011



Prepared by: Amber Vasché, Management Assistant Finance & Accounting, 557-4667,
Mindy Linetzky, Bond Program Administrator, 557-4662, & Deborah M. Morgan, Project Management Assistant, 557-4602
Presented by: Lena Ch'en, Program Manager, 557-4751

Building better libraries for stronger communities

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San Francisco Public Library

Luis Herrera
City Librarian



BRANCH LIBRARY
IMPROVEMENT PROGRAM

Lena Ch'en
Bond Program Manager



Mohammed Nuru
Interim Director

Executive Summary Quarterly Report July - September 2011

The Branch Library Improvement Program (BLIP) is pleased to report great progress in building and renovating branch libraries throughout San Francisco. This past quarter, we managed four projects in construction: Visitacion Valley, Ortega, Golden Gate Valley, and Bayview, and one project, North Beach, in design.

The BLIP has received \$112,901,580 in GO bond proceeds and interest and as of this quarter, has a combined expended and encumbered amount of \$107,162,687. This quarter, the Library Commission decreased the budgets of the completed Portola and Eureka Valley projects and transferred the savings of \$501,710 into the program reserve. They also accepted \$1,089,489 in Visitacion Valley Developer fees increasing the overall BLIP budget (including all fund sources) to \$189,999,608. As anticipated, the Bayview budget was increased by \$1,736,448. All library projects are fully funded except for the North Beach project. There were no schedule changes this quarter.

On July 30th, we held the grand opening celebration for the new Visitacion Valley Branch Library. Designed by DPW, this new 9,945 square foot building replaces a tiny rented storefront library. Hundreds of community residents celebrated this grand addition to their neighborhood.

On September 10th, we held a joint event with the Recreation and Parks Department, as we celebrated the opening of both the new Ortega Branch Library and the West Sunset Playground. Also designed by DPW, this new 9,300 square foot library features a green roof, an expandable program room, views to the ocean, and much more.

We continue on an ambitious schedule as we plan to open the restored Golden Gate Valley Branch Library October 15th.

This quarter, opponents of the new North Beach Branch Library filed a lawsuit challenging the certification of the Environmental Impact Report (EIR) for the North Beach Library and Joe DiMaggio Playground Master Plan. However, we continue to move ahead with Construction Documents and project coordination.

The new Bayview Branch Library is under construction and out of 26 trade packages; the contractor has awarded 14 subcontracts with 8 more in process and 4 completing negotiation. Construction activities include site grading and compaction, and the building of concrete piers and grade beams for the foundation. The project is tracking at 46% Local Business Enterprise (LBE) participation, exceeding the Human Rights Commission project goal of 30%.

Program Budget

- Baseline Program Budget: \$133,265,000
Current Program Budget: \$189,999,608
Projected Program Budget: \$196,530,512
- Our previous shortfall estimate reported was \$12.5 million to come from a second sale of Lease Revenue Bonds. The current projected shortfall is \$6,530,904, and the fund source is to be determined.
- The current Program Budget \$189,999,608 is funded from the following sources:

City Prop. A Bonds	\$105,865,000
Interest Proceeds	7,036,580
Lease Revenue Bond	34,056,156
Rents Realized	340,172
City ESP Bonds	2,400,000
State Prop. 14 Bonds	9,710,784
Library Preservation Fund	11,501,427
Developer Impact Fees Advanced for Vis Valley	2,000,000
Friends of the Library	16,000,000

- A total of \$154,833,058 has been *expended or encumbered* as of September 30, 2011:

City Prop. A Bonds	\$102,494,150
Bond Interest & Rents	4,993,125
Lease Revenue Bond	22,329,005
City ESP Bonds	2,400,000
State Prop. 14 Bonds	9,710,376
Library Preservation Fund	11,762,855
Friends of SFPL	1,143,547

- Actual *expenditures* through September 30, 2011 of \$148,662,843 are as follows:

City Prop. A Bonds	\$100,958,209
Bond Interest & Rents	4,981,990
Lease Revenue Bond	17,873,073
City ESP Bonds	2,400,000
State Prop. 14 Bonds	9,710,376
Library Preservation Fund	11,597,448
Friends of SFPL	1,141,747

Project Status

- The following project is in Design:

North Beach	Construction Documents
-------------	------------------------

- The following projects are in Construction:

Golden Gate Valley	99% Complete
Bayview	Awarded trade packages. Building concrete piers and foundation grade beams.

- The following projects opened this quarter:

Visitacion Valley	Opened 7/30/11
Ortega	Opened 9/10/11

Program Background 2000 – 2011

Program Summary

- Voters approved the Branch Library Improvement Bond in November 2000.
- The Branch Library Improvement Program consists of 24 branch library projects and a Support Services Center – 16 renovations, 4 leased facilities to be replaced with City-owned buildings, 3 branches to be replaced with new buildings, and the construction of the brand-new Mission Bay branch.
- The goals of the BLIP are to increase public safety through seismic strengthening and hazardous materials abatement; increase accessibility by conforming with the Americans with Disabilities Act (ADA); improve infrastructure through modernization and code compliance upgrades; and improve public library service through reconfigured interior spaces, adaptations for technology and, where possible, expansion.
- On July 22, 2008, the City & County of San Francisco Board of Supervisor's passed the Green Building ordinance. The final 10 projects will achieve a LEED Silver rating or greater.

Budget Summary

- Program budget reports are presented monthly to the Commission. Budget changes were last approved in July and August 2011 for the Portola, Eureka Valley, Bayview and Visitacion Valley projects, the Program Reserve and the overall budget.

GO & REVENUE BONDS:

- A total of \$105,865,000 in Proposition A General Obligation Bonds have been sold

in four bond sales and appropriated by the Board of Supervisors.

- Proposition D passed by 74.5% which extended the Library Preservation Fund and allows the City to issue revenue bonds for branch improvements.
- In May 2009, \$34,056,156 of Lease Revenue Bonds was allocated to the BLIP as part of the first sale for 6 libraries and program wide services, including the cost of bond issuance.
- In February 2010, \$1,683,967 from G.O. Bond Interest and \$59,800 from Rents were allocated to the BLIP.
- In August 2011 the Library Commission accepted \$1,089,489 in Visitacion Valley Developer fees.

LIBRARY PRESERVATION FUND:

- The Board of Supervisors approved transfers from the Library Preservation Fund reserves into the Branch Library Improvement Program in FY 03/04, FY 05/06, FY 06/07, FY 07/08, & FY 08/09.
- In FY 08/09, \$2,000,000 in Library Preservation Funds was advanced for anticipated developer impact fees for the new Visitacion Valley library.
- In January 2011, the Board of Supervisors approved a supplemental appropriation request for \$2,169,200 of developer impact fees, \$1,089,489 of which were accepted by the Library Commission this quarter, and transferred to the Visitacion Valley project budget. The previously advanced Library Preservation Funds were returned to the Program Reserve for use by other projects.

GRANTS:

- The State awarded two March 2000 Proposition 14 grants totaling \$9.7 million for the Richmond and Ingleside projects for furniture and construction.

Program Management Activities

OUTREACH:

- To date, library and management staff have sponsored or attended 671 public meetings to update neighborhoods, merchant groups, legislative bodies and other organizations.
- Monthly presentations are made to the Library Commission.

SCHEDULES:

- Baseline project schedules established in October 2001 are reflected along with Current Approved schedules for active projects in the Program Timeline & Schedule report.
- Program schedule reports for active projects are presented monthly to the Commission. Schedule changes were approved in June 2011 for the Golden Gate Valley project.

DESIGN TEAMS:

- Five design teams were selected in 2002 through a competitive RFQ process: Carey & Co. for Noe Valley, Tom Eliot Fisch / Field Paoli for Marina, THA Architecture for West Portal and Parkside, Fougerson Architecture for Sunset, and Leddy Maytum Stacey for North Beach.
- Two design teams were selected for new branches in 2002 through a competitive RFQ process: Fougerson Architecture /Group 4 for Ingleside and Stoner Meek / Noll & Tam Architects for Portola.
- Three design teams were selected through a competitive RFQ process in 2007: Tom Eliot Fisch/Paulett Taggart for Park & Presidio; Field Paoli/ Joseph Chow & Associates for Golden Gate Valley; and THA Architecture for Bayview.
- Bureau of Architecture designed Excelsior, Richmond, Visitacion Valley, Ortega, Western Addition, Bernal Heights, Potrero, Ortega, Merced, and Anza branch libraries.

TEMPORARY SERVICES:

- Three bookmobiles have been purchased and one is serving the Golden Gate Valley community while the branch is under construction.

- A temporary site at the YMCA is serving the Bayview community during construction of the new branch library.

PUBLIC ART:

- An art enrichment master plan was presented to the Library Commission in 2002 and revised in September 2008. Public art has been installed in Glen Park, Mission Bay, Ingleside, Portola, Potrero, Richmond, Visitacion Valley and Ortega. Artists were selected for Bayview and North Beach.

MOU:

- A Memorandum of Understanding has been completed between the DPW & SFPL.
- Major revisions to the MOU were completed in 2008 and updates were presented to the Library Commission in November 2008 and December 2009.

BLIP AWARDS:

- AIA Special Achievement Award (3/5/09).
- Governor's Historic Preservation Award for the Noe Valley restoration (11/21/08).
- CA Preservation Foundation Design Award for the Noe Valley restoration (9/19/09).
- Historic Restoration Award from the American Public Works Association for the Richmond restoration (2/25/10).
- 2010 DPW Employee Recognition Award for the Bernal Heights renovation (5/21/10).
- Historic Preservation Awards from the Northern California American Public Works Association for the Bernal Heights and Eureka Valley renovations (2/24/11).
- Historic Preservation Award from the American Public Works Association for the Bernal Heights renovation (9/19/11).
- Best New Building Award by the Architectural Foundation of SF for the Ingleside Branch Library (6/11).
- 2011 Green & Blue Award for BLIP as a "Green Building Leader" from the San Francisco Department of the Environment (6/21/11).

Scope of Work

The bond program includes 7 site acquisitions, new construction of 8 branch libraries, and renovation and/or expansion of 16 existing branches and a support services center. Renovations will include some or all of the following: seismic strengthening, hazardous material abatement, Americans with Disabilities Act conformance, code compliance, electrical and mechanical upgrades, technology improvements, and reconfiguration of interior spaces.

	Renovation and/or Expansion	Site Acquisition	New Construction	Opening Date for Completed Projects
Anza	•			June 18, 2011
Bayview *		•	•	
Bernal Heights	•			Jan. 30, 2010
Eureka Valley	•			Oct. 24, 2009
Excelsior	•			July 9, 2005
Glen Park		•	•	Oct. 13, 2007
Golden Gate Valley	•			
Ingleside		•	•	Sept. 12, 2009
Marina	•			Aug. 4, 2007
Merced	•			May 14, 2011
Mission Bay		•	•	July 8, 2006
Noe Valley	•			March 8, 2008
North Beach *			•	
Ortega *			•	Sept. 10, 2011
Park	•			Feb. 26, 2011
Parkside	•			Nov. 6, 2010
Portola		•	•	Feb. 28, 2009
Potrero	•			March 6, 2010
Presidio	•			March 26, 2011
Richmond	•			May 16, 2009
Sunset	•			Mar. 31, 2007
Visitation Valley		•	•	July 30, 2011
West Portal	•			Feb. 10, 2007
Western Addition	•			Feb. 2, 2008
Support Center	•	•		Feb. 2005

*Original scope changed from renovation to new construction

Project Status Summaries

Projects Opened This Quarter:

Visitation Valley Branch Library

Project Location: 301 Leland Avenue

Program Manager: Lena Chen
lena.chen@sfdpw.org; (415) 557-4751

Project Description: The new 9,945 sq. ft. Visitation Valley Branch Library will address the programmatic needs of the neighborhood by providing separate children, teen, and adult spaces; a large program room; increased collection; ADA accessibility; new shelving and furniture; outdoor patios and landscaping; public art; and code compliant seismic, electrical and mechanical systems. The new construction is targeting LEED Silver certification. The re-opening celebration was held July 30, 2011.



Project Schedule

	Start	Finish
Original	Pre-2005	Dec-06
Approved	Pre-2005	Jun-11

Project Budget

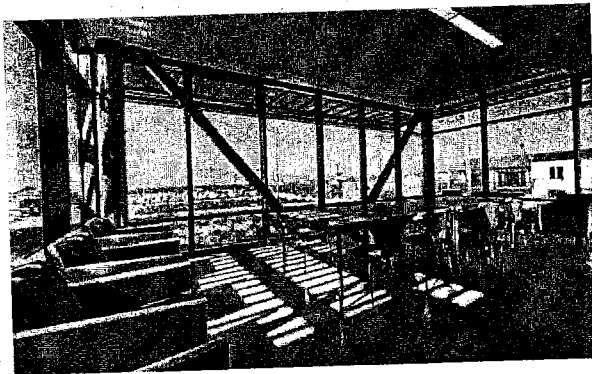
Original Budget	\$5,320,000
Current Budget	\$13,398,281
Current Projected	\$13,398,281
Spent to Date/Actual	\$12,335,341

Ortega Branch Library

Project Location: 3223 Ortega Street

Program Manager: Lena Chen
lena.chen@sfdpw.org; (415) 557-4751

Project Description: The new 9,300 sq. ft. Ortega Branch Library will address the programmatic needs of the neighborhood by providing separate children, teen, and adult spaces; a large program room; increased collection; ADA accessibility; new shelving and furniture; living roof; and code compliant seismic, electrical and mechanical systems. The new construction is targeting LEED Silver certification. The re-opening celebration was held September 10, 2011.



Project Schedule

	Start	Finish
Original	Pre-2005	Feb-08
Approved	Pre-2005	Jul-11

Project Budget

Original Budget	\$3,560,000
Current Budget	\$10,020,492
Current Projected	\$10,020,492
Spent to Date/Actual	\$8,630,028

Projects in Construction:

Golden Gate Valley Branch Library

Project Location: 1801 Green Street

Program Manager: Lena Chen
lena.chen@sfdpw.org; (415) 557-4751

Project Description: Work at the Golden Gate Valley Branch Library will include seismic strengthening; a new addition to provide elevator services; an improved program room; increased collections; ADA accessibility improvements; new and refurbished shelving and furniture; historic terracotta restoration; new paved courtyard and landscaping; and seismic, electrical and mechanical upgrades. The branch reconstruction is targeting LEED Silver certification. The re-opening celebration will be held October 15, 2011.



Project Schedule

	Start	Finish
Original	May-05	Feb-09
Approved	May-08	Oct-11

Project Budget

Original Budget	\$5,340,000
Current Budget	\$8,472,283
Current Projected	\$7,345,643
Spent to Date/Actual	\$6,384,338

Bayview Branch Library

Project Location: 5075 Third Street

Program Manager: Lena Chen
lena.chen@sfdpw.org; (415) 557-4751

Project Description: The new 8,884 sq. ft. Bayview Branch Library will address the programmatic needs of the neighborhood by providing separate children, teen, and adult spaces; a large program room; an interior courtyard; increased collection; ADA accessibility; new shelving and furniture; public art and code compliant seismic, electrical and mechanical systems. The new construction will meet at least Silver certification standards and may meet Gold certification standard.



Project Schedule

	Start	Finish
Original	Pre-2005	Nov-06
Approved	Nov-07	Oct-11

Project Budget

Original Budget	\$3,820,000
Current Budget	\$13,567,244
Current Projected	\$13,567,244
Spent to Date/Actual	\$7,954,030

Project in Design Phase:

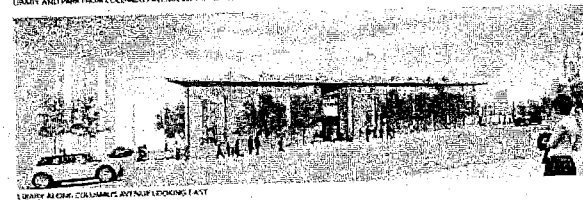
North Beach Branch Library

Project Location: 850 Columbus Avenue

Program Manager: Lena Chen

lena.chen@sfdpw.org; (415) 557-4751

Project Description: The new 8,500 sq. ft. North Beach Branch Library will address the programmatic needs of the neighborhood by providing separate children, teen, and adult spaces; a large program room; ADA accessibility; new shelving and furniture; public art and code compliant seismic, electrical and mechanical systems. The new construction is targeting LEED Silver certification. In addition to the new library, a Master Plan was developed with the Recreation & Parks Department to expand and reorganize the adjacent Joe DiMaggio Playground.



Project Schedule

	Start	Finish
Original	Pre-2005	Mar-07
Approved	Nov-07	Nov-11

Project Budget

Original Budget	\$3,460,000
Current Budget	\$3,500,000
Current Projected	TBD
Spent to Date/Actual	\$1,876,710

**2000 Branch Library Improvement Program G.O. Bond
Program Budget Reports: Revenues as of 9/30/2011**

Branch / Project	Baseline Budget (10/01)	Approved Budget (8/11)	City Prop. A Bonds	City Prop. A Bond Interest ⁽³⁾	Lease Revenue Bond (RB)	Library Preservation Fund	State Prop. 14 Bonds	Other Funds	Total All Sources
Site Acquisitions / New Construction									
Bayview	3,820,000	13,567,244	1,985,874	2,297,102	7,757,850	1,530,834	-	15,584	13,567,244
Glen Park	5,484,116	5,484,116	5,214,590	-	-	269,526	-	-	5,484,116
Ingleide	4,570,000	7,034,000	4,447,934	203,307	-	630,816	3,751,943	-	7,034,000
Mission Bay	3,350,000	3,737,573	3,736,025	-	-	1,548	-	-	3,737,573
North Beach (Partially Funded)	3,460,000	3,500,000	1,116,914	44,134	2,201,833	137,119	-	-	3,500,000
Ortega	3,560,000	10,020,492	5,793	5,793	8,099,867	963,254	-	-	10,020,492
Portola	4,570,000	5,951,015	5,640,108	190,607	-	120,300	-	-	5,951,015
Visitation Valley	5,320,000	13,398,281	10,287,876	68,837	-	716,980	-	2,324,588 ⁽⁴⁾	13,398,281
Support Services	9,080,000	8,867,578	8,852,224	15,354	-	-	3,751,943	-	8,867,578
SUBTOTAL	42,300,000	71,560,299	40,213,323	2,825,134	18,059,360	4,370,377	3,751,943	2,340,172	71,560,299
Renovations									
Anza	4,740,000	7,726,324	4,978,819	512,634	1,781,112	453,759	-	-	7,726,324
Bernal Heights	5,350,000	5,743,000	5,028,145	372,148	-	342,707	-	-	5,743,000
Eureka Valley	4,580,000	4,160,075	3,338,170	667,980	-	153,924	-	-	4,160,075
Excelsior	3,820,000	3,594,441	3,594,441	-	-	-	-	-	3,594,441
Golden Gate Valley	5,340,000	8,472,283	1,790,849	170,616	6,225,540	285,278	-	-	8,472,283
Marina	4,110,000	3,823,319	3,823,319	-	-	-	-	-	3,823,319
Merced	4,200,000	5,410,462	790,690	201,086	3,830,081	588,595	-	-	5,410,462
Noe Valley	4,410,000	5,480,954	5,472,454	-	-	8,500	-	-	5,480,954
Park	1,310,000	2,898,893	1,463,690	1,385,203	-	50,000	-	-	2,898,893
Parkside	2,880,000	4,699,217	4,477,987	16,400	-	204,830	-	-	4,699,217
Potrero	4,230,000	5,426,847	4,651,509	809,216	-	166,122	-	-	5,426,847
Presidio	1,530,000	4,181,646	4,081,174	-	-	100,471	-	-	4,181,646
Richmond	7,630,000	13,711,500	2,627,958	35,282	-	2,689,419	5,958,841	-	13,711,500
Sunset	1,490,000	1,459,109	1,429,023	13,302	-	16,785	-	-	1,459,110
West Portal	4,110,000	4,419,838	4,419,838	-	-	-	-	-	4,419,838
Western Addition	3,430,000	4,303,862	3,318,860	24,928	-	960,174	-	-	4,303,862
SUBTOTAL	63,160,000	85,511,870	55,286,926	4,008,795	11,836,743	6,020,564	5,958,841	2,400,000	85,511,869
Program-Wide Services & Costs									
Library Program Costs	800,000	780,000	764,982	15,018	-	-	-	-	780,000
Program Consultants	750,000	1,165,000	1,162,819	2,181	-	-	-	-	1,165,000
Program Management	3,600,000	7,158,372	6,330,503	145,259	682,611	-	-	-	7,158,373
Real Estate Dept	120,000	235,281	235,281	-	-	-	-	-	235,281
Art Enrichment Program	362,000	362,000	251,807	40,193	-	70,000	-	-	362,000
Temporary Services & Moving	4,360,000	522,559	422,559	-	-	-	-	-	522,559
Furniture & Equipment Reserve	15,000,000	16,273,200	-	-	-	273,200	-	16,000,000 ⁽²⁾	16,273,200
Bond Financing Costs	1,500,000	2,202,455	1,196,800	-	1,005,655	-	-	-	2,202,455
Debt Service Reserve	1,675,000	2,471,797	-	-	2,471,797	-	-	-	2,471,797
Program Reserve	27,805,000	1,756,775	-	-	-	1,756,775	-	-	1,756,775
SUBTOTAL	133,265,000	189,999,608	105,865,000	7,036,580	34,056,156	12,590,916	9,710,784	20,740,172	189,999,608
TOTAL			105,865,000	7,036,580	34,056,156	12,590,916	9,710,784	20,740,172	189,999,608

Notes:
 (1) Earthquake Safety Program funds remaining for Branch Libraries (\$2,400,000)
 (2) Private donations from Friends of the Library (\$16,000,000)
 (3) Bond interest proceeds appropriated (\$1,673,481; \$3,679,132; *\$1,683,967 [pending Controller's release of reserve])
 (4) Rents received & appropriated (\$128,342; \$152,030; \$69,800)
 (5) Advance for Developer Impact Fees (\$2,000,000)

**2000 Branch Library Improvement Program G.O. Bond
Program Budget Reports: Expenditures as of 9/30/2011***

Dist	Branch / Project	Phase	Category	Baseline Budget (10/2001)		Current Budget		Expended		Encumbered		Balance	
				All Sources	2000 Prop. A Bonds	All Sources	2000 Prop. A Bonds	All Sources	2000 Prop. A Bonds	All Sources	2000 Prop. A Bonds	All Sources	2000 Prop. A Bonds
1	Anza	Opened this Quarter	Soft Costs	1,292,727	1,292,727	2,804,467							
			Construction Costs	3,318,000	3,318,000	4,737,633							
			Project Contingency	129,273	129,273	184,224							
			SUBTOTAL	4,740,000	4,740,000	7,726,324	5,491,463	6,496,033	4,979,669	22,991	7,240	504,544	
10	Bayview	Pre-Construction	Site Acquisition			1,210,795							
			Soft Costs	868,182	868,182	3,020,851							
			Construction Costs	2,865,000	2,865,000	8,749,141							
			Project Contingency	86,818	86,818	586,457							
			SUBTOTAL	3,820,000	3,820,000	13,567,244	4,262,976	3,285,099	1,305,871	4,668,931	1,333,334	1,623,771	
9	Bernal Heights	Opened	Soft Costs	1,605,000	1,605,000	1,799,960							
			Construction Costs	3,745,000	3,745,000	3,802,560							
			Project Contingency			140,480							
			SUBTOTAL	5,350,000	5,350,000	5,743,000	5,400,293	5,602,620	5,259,813			140,480	
8	Eureka Valley	Opened	Soft Costs	1,145,000	1,145,000	1,454,868							
			Construction Costs	3,435,000	3,435,000	2,705,207							
			Project Contingency										
			SUBTOTAL	4,580,000	4,580,000	4,160,075	4,006,150	4,160,075	4,006,150				
11	Excelsior	Opened	Soft Costs	955,000	955,000	1,430,944							
			Construction Costs	2,865,000	2,865,000	2,163,497							
			Project Contingency										
			SUBTOTAL	3,820,000	3,820,000	3,594,441	3,594,441	3,594,441	3,594,441				
8	Glen Park	Opened	Site Acquisition	1,770,000	1,770,000	3,431,448							
			Soft Costs	700,000	700,000	560,974							
			Construction Costs	2,100,000	2,100,000	1,491,694							
			Project Contingency										
			SUBTOTAL	4,570,000	4,570,000	5,484,116	5,214,590	5,484,116	5,214,590				
2	Golden Gate Valley	Construction	Soft Costs	1,456,364	1,456,364	2,963,803							
			Construction Costs	3,738,000	3,738,000	4,436,336							
			Project Contingency	145,636	145,636	1,070,144							
			SUBTOTAL	5,340,000	5,340,000	8,472,283	1,961,465	6,122,958	1,618,534	261,380	71,638	271,293	
7	Ingleside	Opened	Site Acquisition	1,770,000	1,770,000	2,051,799							
			Soft Costs	700,000	700,000	928,781							
			Construction Costs	2,100,000	2,100,000	3,950,042							
			Project Contingency			103,378							
			SUBTOTAL	4,570,000	4,570,000	7,034,000	2,651,241	6,930,213	2,547,863			103,378	
2	Marina	Opened	Soft Costs	934,091	934,091	1,008,507							
			Construction Costs	3,082,500	3,082,500	2,814,812							
			Project Contingency	93,409	93,409								
			SUBTOTAL	4,110,000	4,110,000	3,823,319	3,823,319	3,823,319	3,823,319				
7	Merced	Opened this Quarter	Soft Costs	1,050,000	1,050,000	1,971,488							
			Construction Costs	3,150,000	3,150,000	3,438,974							
			Project Contingency										
			SUBTOTAL	4,200,000	4,200,000	5,410,462	991,776	4,881,474	979,810	8,228		11,966	

**2000 Branch Library Improvement Program G.O. Bond
Program Budget Reports: Expenditures as of 9/30/2011***

Dist	Branch / Project	Phase	Category	Baseline Budget (10/2001)		Current Budget		Expended		Encumbered		Balance	
				All Sources	2000 Prop. A Bonds	All Sources	2000 Prop. A Bonds	All Sources	2000 Prop. A Bonds	All Sources	2000 Prop. A Bonds	All Sources	2000 Prop. A Bonds
6	Mission Bay	Opened	Site Acquisition	3,350,000	3,350,000	3,737,573							
			Project Contingency										
			SUBTOTAL	3,350,000	3,350,000	3,737,573	3,736,025	3,737,573	3,736,025				
8	Noe Valley	Opened	Soft Costs	1,202,727	1,202,727	1,201,363							
			Construction Costs	3,087,000	3,087,000	4,279,591							
			Project Contingency	120,273	120,273								
			SUBTOTAL	4,410,000	4,410,000	5,480,954	5,472,454	5,480,954	5,472,454				
3	North Beach (Partially Funded)	Design	Soft Costs	786,364	786,364	3,500,000							
			Construction Costs	2,595,000	2,595,000								
			Project Contingency	78,636	78,636								
			SUBTOTAL	3,460,000	3,460,000	3,500,000	1,161,048	1,324,933	1,104,676	551,777	2,872	53,500	
4	Ortega	Construction	Soft Costs	809,091	809,091	3,014,230							
			Construction Costs	2,670,000	170,000	7,006,262							
			Project Contingency	80,909	80,909								
			SUBTOTAL	3,560,000	1,060,000	10,020,492	957,571	8,130,023	947,043	500,005		10,528	
5	Park	Opened	Soft Costs	339,409	339,409	861,974							
			Construction Costs	936,650	936,650	1,768,922							
			Project Contingency	33,941	33,941	267,997							
			SUBTOTAL	1,310,000	1,310,000	2,898,893	2,848,393	2,467,510	2,431,246	25,883	25,883	391,764	
4	Parkside	Opened	Soft Costs	654,545	654,545	1,510,019							
			Construction Costs	2,160,000	2,160,000	3,189,198							
			Project Contingency	65,455	65,455								
			SUBTOTAL	2,880,000	2,880,000	4,699,217	4,494,387	4,466,327	4,294,957	54,210	51,468	147,962	
10	Portola	Opened	Site Acquisition	1,770,000	1,770,000	1,341,456							
			Soft Costs	700,000	700,000	1,153,569							
			Construction Costs	2,100,000	2,100,000	3,455,990							
			Project Contingency										
			SUBTOTAL	4,570,000	4,570,000	5,951,015	5,830,715	5,951,015	5,830,715				
10	Potrero	Opened	Soft Costs	1,057,500	1,057,500	1,629,895							
			Construction Costs	3,172,500	3,172,500	3,796,952							
			Project Contingency										
			SUBTOTAL	4,230,000	4,230,000	5,426,847	5,260,725	5,347,619	5,155,694			105,031	
2	Presidio	Opened	Soft Costs	417,273	417,273	1,148,312							
			Construction Costs	1,071,000	1,071,000	2,498,767							
			Project Contingency	41,727	41,727	534,567							
			SUBTOTAL	1,530,000	1,530,000	4,181,646	4,081,174	3,484,436	3,416,612	45,785	45,785	618,777	
1	Richmond ^{2,3}	Opened	Soft Costs	2,080,909	21,909	3,099,774							
			Construction Costs	5,341,000	10,355,914								
			Project Contingency	208,091	255,812								
			SUBTOTAL	7,630,000	230,000	13,711,500	2,663,240	13,455,688	2,429,194			234,046	

**2000 Branch Library Improvement Program G.O. Bond
Program Budget Reports: Expenditures as of 9/30/2011***

Dist	Branch / Project	Phase	Category	Baseline Budget (10/2001)		Current Budget		Expended		Encumbered		Balance 2000 Prop. A Bond
				All Sources	2000 Prop. A Bonds	All Sources	2000 Prop. A Bonds	All Sources	2000 Prop. A Bonds	All Sources	2000 Prop. A Bonds	
5	Sunset	Opened	Soft Costs	447,000	447,000	501,612						
			Construction Costs	1,043,000	1,043,000	957,497						
			Project Contingency									
			SUBTOTAL	1,490,000	1,490,000	1,459,109	1,442,325	1,459,109	1,442,325			
	Support Services	Opened	Site Acquisition	9,080,000	9,080,000	8,867,578						
			Project Contingency									
			SUBTOTAL	9,080,000	9,080,000	8,867,578	8,867,578	8,867,578	8,867,578			
10	Visitation Valley	Construction	Site Acquisition	1,990,000	1,990,000	2,245,732						
			Soft Costs	734,091	734,091	2,920,116						
			Construction Costs	2,522,500	2,522,500	8,232,433						
			Project Contingency	73,409	73,409							
			SUBTOTAL	5,320,000	5,320,000	13,398,281	10,356,713	12,306,116	9,277,362	29,225	8,857	1,070,494
7	West Portal	Opened	Soft Costs	1,233,000	1,233,000	1,016,714						
			Construction Costs	2,877,000	2,877,000	3,403,124						
			Project Contingency									
			SUBTOTAL	4,110,000	4,110,000	4,419,838	4,419,838	4,419,838	4,419,838			
5	Western Addition	Opened	Soft Costs	857,500	857,500	1,323,836						
			Construction Costs	2,572,500	2,572,500	2,980,126						
			Project Contingency									
			SUBTOTAL	3,430,000	3,430,000	4,303,962	3,343,788	4,303,962	3,343,788			
Program-Wide Services & Costs												
	Library Program Costs			800,000	800,000	780,000	780,000	751,158	751,158			28,842
	Program Consultants			750,000	750,000	1,165,000	1,165,000	1,123,320	1,123,320			41,680
	Program Management ⁴			3,600,000	3,600,000	7,158,372	6,475,762	7,228,062	6,524,348			(48,586)
	Real Estate Dept			120,000	120,000	235,281	235,281	235,281	235,281			-
	Art Enrichment Fund					362,000	292,000	361,798	291,996			4
	Moving & Interim Services			4,360,000	4,360,000	522,559	422,559	465,511	422,559			-
	Furniture & Equipment Reserve			15,000,000	15,000,000	16,273,200	1,196,800	1,143,547	-			429,418
	Bond Financing Costs			1,500,000	1,500,000	2,202,455		1,773,037				-
	Debt Service Reserve					2,471,797						-
	Program Reserve			1,675,000	1,675,000	1,756,775						-
			SUBTOTAL	27,805,000	27,805,000	32,927,439	10,567,402	13,081,714	10,116,044	0	0	151,357
TOTAL PROGRAM:				133,265,000	105,865,000	189,999,608	112,901,580	148,664,643	105,615,611	6,168,415	1,547,077	5,438,891

*Expenditure data through 9/30/2011 from FAMIS as of 10/20/2011

Notes:

1. 2000 Prop. A Bonds reported for Current Budget, Expenditures, and Encumbrances includes bond proceeds and interest appropriated to date

2. Baseline Budget included \$2,400,000 from Earthquake Safety Bonds

3. Expenditures to date "All Sources" includes \$2,400,000 Earthquake Safety Bonds

4. The Program Management budget was increased by the Library Commission to \$7,635,525 on October 6, 2011. The item was not able to be heard in September since the Library Commission meeting was cancelled. Prop. A Bonds will be used for this budget increase, and the currently shown deficit will be funded.

FILE 101055

C. G. Johnson

Fw: Legal objections to expansion of SF plastic bag ban
Carmen Chu to: Peggy Nevin

11/14/2011 03:00 PM

Pls retain in public records pertaining to an item that will be coming before the Board.

Thanks,

Carmen Chu
SF Board of Supervisors
District 4
1 Dr. Carlton B. Goodlett Pl.
SF, CA 94102
(415) 554-7460
www.sfgov.org/chu

----- Forwarded by Carmen Chu/BOS/SFGOV on 11/14/2011 03:02 PM -----

From: "Stephen L. Joseph" <savetheplasticbag@earthlink.net>
To:
Date: 11/13/2011 05:54 PM
Subject: Legal objections to expansion of SF plastic bag ban

RE: Proposed expansion of plastic bag ban

San Francisco Board of Supervisors
City Operations & Neighborhood Services Committee
November 14, 2011 meeting, agenda item #5

OUR INITIAL LEGAL OBJECTIONS AND NOTICE OF INTENT TO LITIGATE AGAINST THE CITY AND COUNTY OF SAN FRANCISCO ARE ATTACHED.

Under the proposed ordinance, plastic carryout bags would be banned at all grocery stores, all retail stores, and all food establishments, including restaurants.

Grocery stores, retail stores, and food establishments, including restaurants, could provide paper carryout bags, compostable carryout bags, or reusable bags for a minimum charge of 10 cents per bag. This would increase to 25 cents per bag in July 2014.

(A "food establishment" includes any restaurant, mobile food facility, guest house, boardinghouse, special events, school food concessions, bar or tavern, take-out establishment, fast food establishment, caterer, catering facility, temporary facility, food demonstration, commissary, pushcart, stadium concession, bed and breakfast establishment, and private school cafeteria.)

This is an absurd and damaging initiative in a city that relies on tourists. Imagine the impact in Chinatown, North Beach, Fisherman's Wharf, and Union Square.

The California Supreme Court granted us legal standing in Save The Plastic Bag Coalition v. City of Manhattan Beach. The court ruled that large cities and counties such as San Francisco that choose to ban plastic bags must comply with the California Environmental Quality Act ("CEQA"). The city is taking the position that CEQA doesn't apply to a plastic bag ban, thereby ignoring the

16

Supreme Court's ruling.

Further, cities and counties are not permitted to tell retail food establishments including restaurants what kind of carryout bags they may provide. Under the California Retail Food Code, only the California Legislature may make that determination.

We are asserting comprehensive legal objections and plan to litigate if the city adopts the proposed ordinance.

(We are presently litigating against Santa Cruz County for banning plastic carryout bags at restaurants.)

Please contact me if you have any questions.

Regards,

Stephen L. Joseph, Counsel
SAVE THE PLASTIC BAG COALITION
350 Bay Street, Suite 100-328
San Francisco, CA 94133
Phone: (415) 577-6660
Fax: (415) 869-5380
Website: www.savetheplasticbag.com
E-mail: savetheplasticbag@earthlink.net

FOLLOW US ON TWITTER:
<http://twitter.com/saveplasticbag#>

SUBSCRIBE TO OUR RSS FEED:
<http://tinyurl.com/4v1c9cr>

NOTE: This e-mail and any attachments are confidential and privileged. If you are not the intended recipient, you may not use, copy or disclose them to anyone. Please notify the sender and delete them. Thank you.



STPB comments and objections to SF proposed ordinance.pdf

SAVE THE PLASTIC BAG COALITION

SAN FRANCISCO CITY OPERATIONS AND NEIGHBORHOOD SERVICES COMMITTEE

November 14, 2011

COMMENTS ON AND INITIAL LEGAL OBJECTIONS TO PROPOSED EXPANSION OF PLASTIC BAG BAN TO ALL RETAIL STORES AND RESTAURANTS

NOTICE OF INTENT TO LITIGATE BASED ON:

- **CEQA AND THE CALIFORNIA SUPREME COURT RULING IN SAVE THE PLASTIC BAG COALITION V. CITY OF MANHATTAN BEACH**
- **STATE LAW PREEMPTION (RETAIL FOOD CODE)**
- **VIOLATIONS OF U.S. CONSTITUTION**

Presented by:

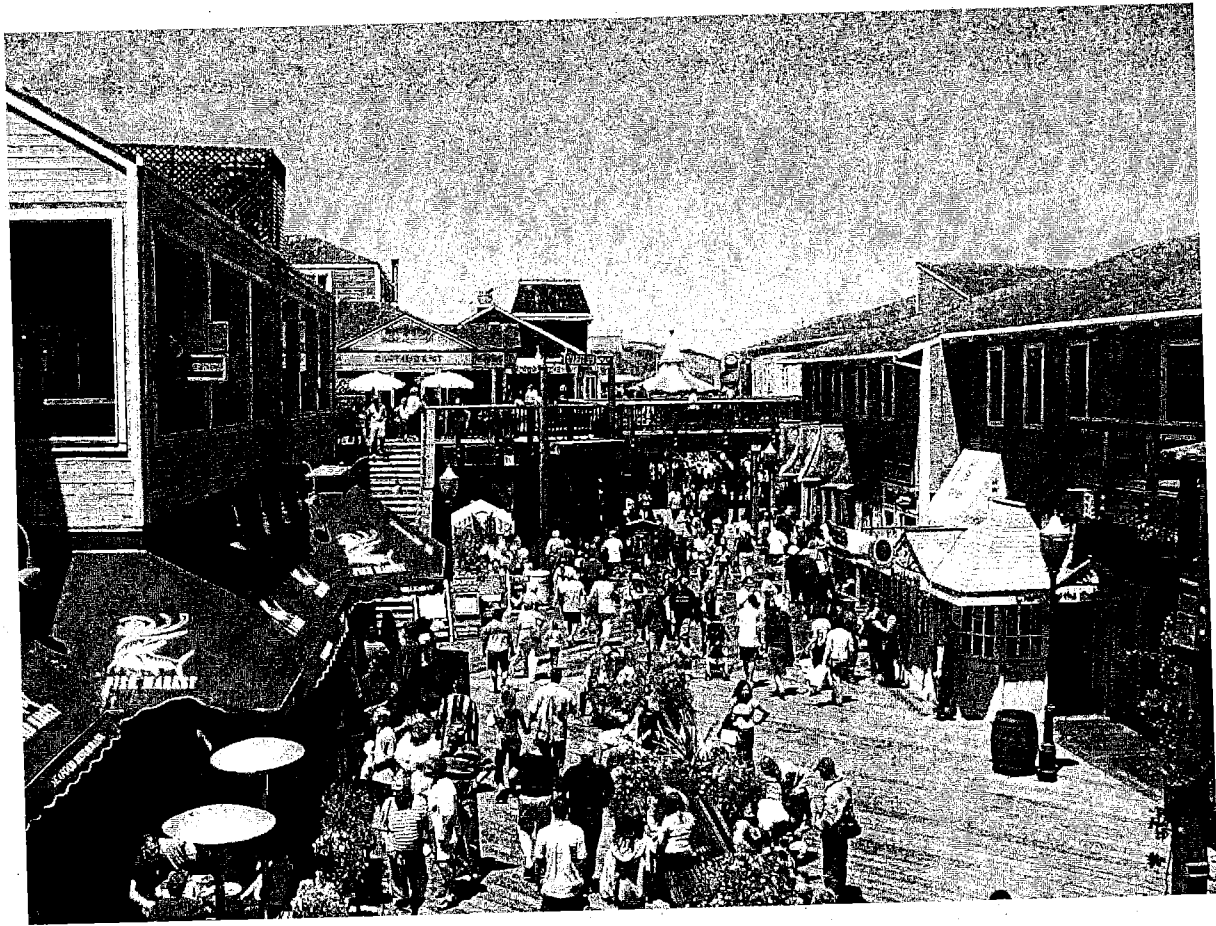
Stephen L. Joseph, counsel

Phone: (415) 577-6660

Fax: (415) 869-5380

E-mail: savetheplasticbag@earthlink.net

Website: www.savetheplasticbag.com

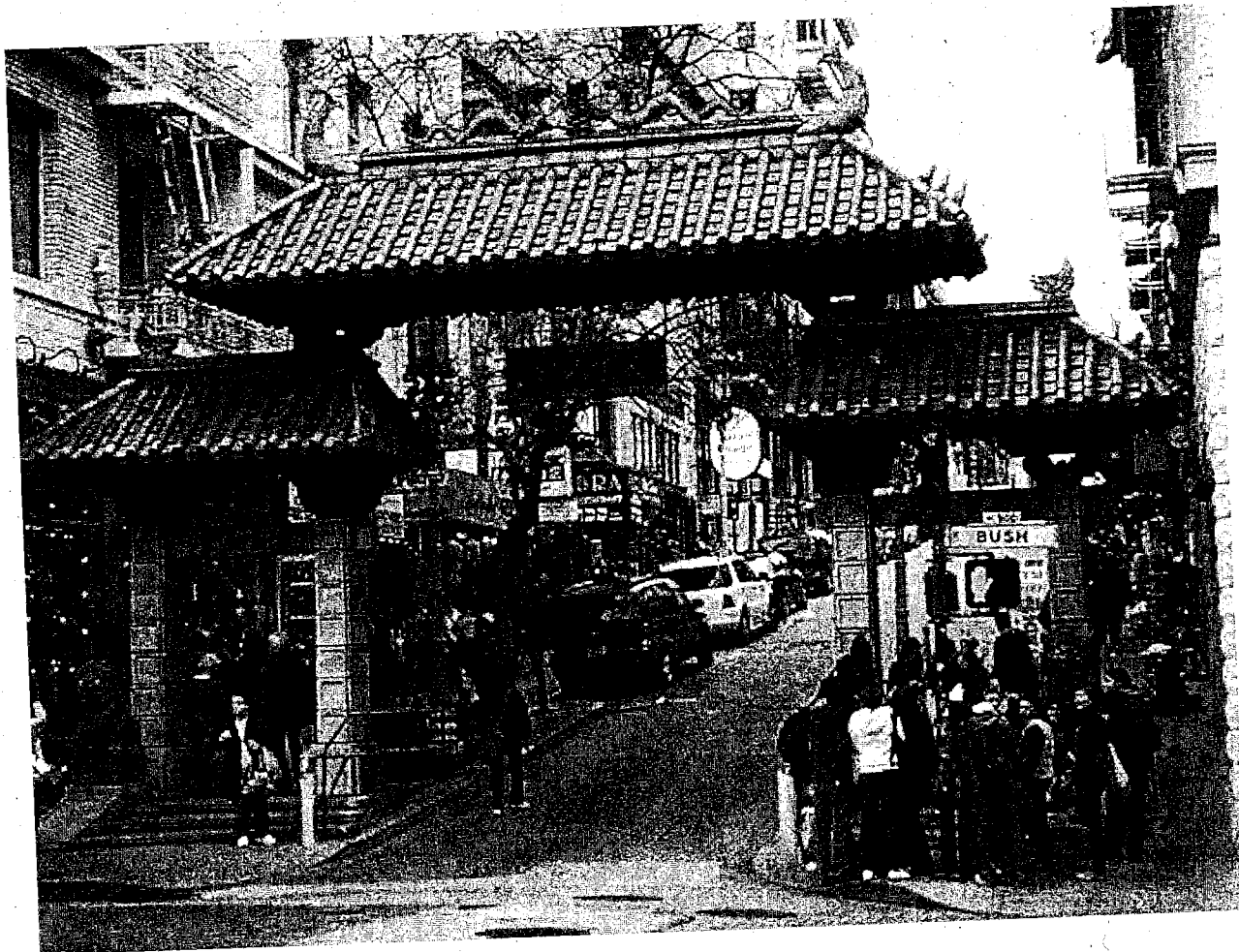


WELCOME TO SAN FRANCISCO'S PIER 39

**SHOULD WE EXPECT ALL THESE TOURISTS TO
BRING ALONG AND CARRY AROUND REUSABLE BAGS?**

**IF TOURISTS BUY THEM, WILL THEY DISCARD
THEM AFTER JUST ONE OR TWO USES?**

HAS THE CITY PROPERLY STUDIED THESE AND OTHER ISSUES?



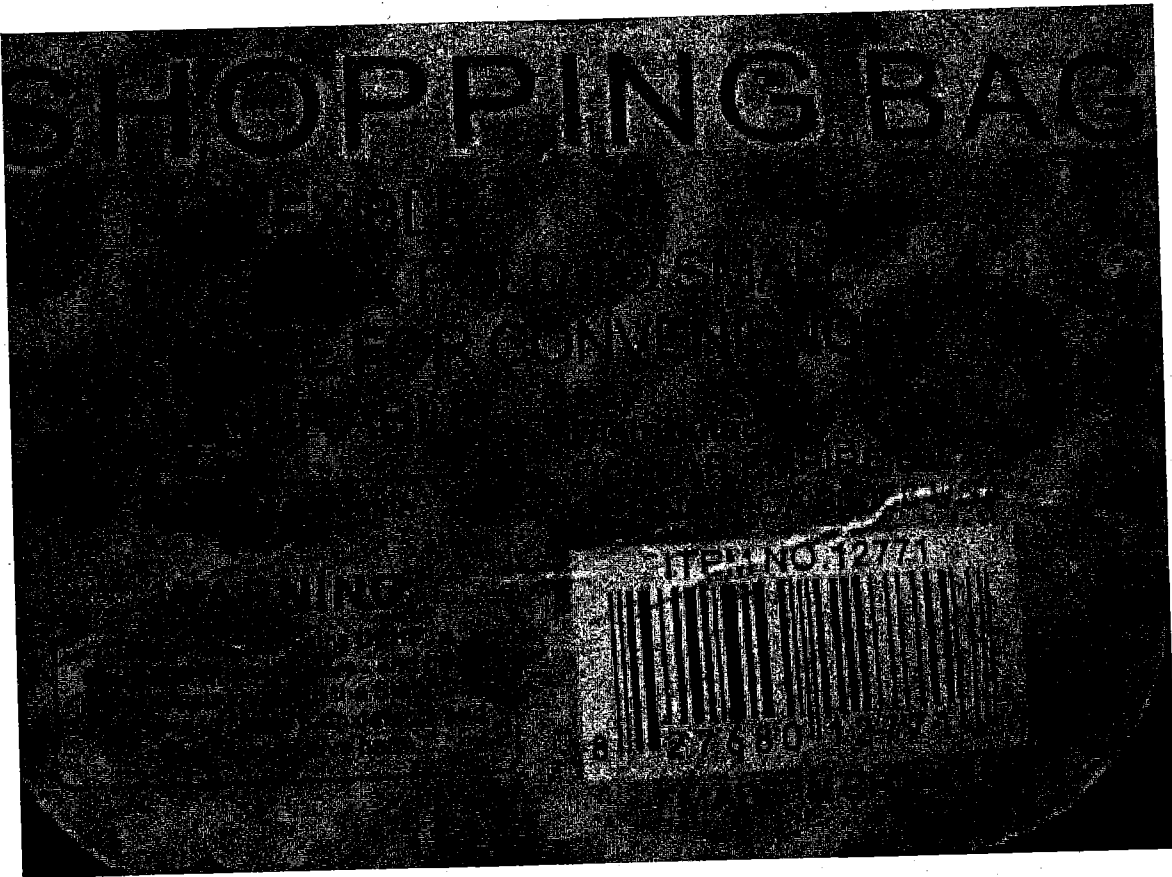
WELCOME TO SAN FRANCISCO'S CHINATOWN

HOW WILL BUSINESSES BE IMPACTED BY THE PROPOSED ORDINANCE?

HAS THE CITY ADEQUATELY CONSULTED THE BUSINESS COMMUNITY?

**THIS IS AN ABSURD AND DAMAGING INITIATIVE
IN A CITY THAT RELIES ON TOURISTS.**

**IMAGINE THE IMPACT IN CHINATOWN, NORTH BEACH,
FISHERMAN'S WHARF, AND UNION SQUARE.**



THIS IS A LABEL FROM AN IMPORTED REUSABLE BAG
THAT IS SOLD IN SAN FRANCISCO.

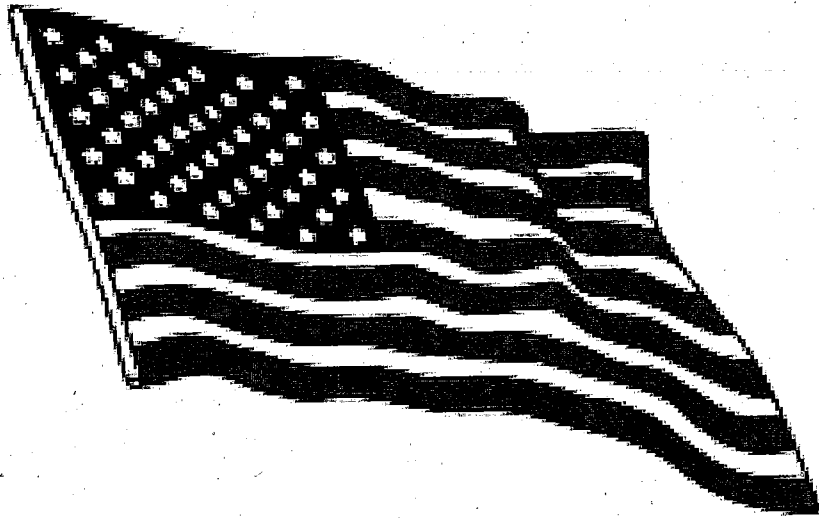
THE LABEL STATES:

WARNING

THIS PRODUCT CONTAINS DEHP, A PHTHALATE CHEMICAL, LEAD, AND
OTHER CHEMICALS KNOWN TO THE STATE OF CALIFORNIA TO CAUSE
BIRTH DEFECTS AND OTHER REPRODUCTIVE HARM.

THERE ARE MAJOR TOXICITY ISSUES WITH IMPORTED REUSABLE BAGS.

THERE ARE NO TOXICITY ISSUES WITH PLASTIC CARRYOUT BAGS.



**APPROXIMATELY 85% OF PLASTIC CARRYOUT BAGS
THAT ARE USED IN THE UNITED STATES
ARE MADE IN THE UNITED STATES,
INCLUDING AT FACTORIES HERE IN CALIFORNIA.
THOUSANDS OF FAMILIES ARE DEPENDENT ON THESE JOBS.
THE VAST MAJORITY OF REUSABLE BAGS ARE IMPORTED.**

JUNK-n-Gyre



**THE UNIMPRESSIVE RESULTS OF DR. ERIKSEN'S 24-HOUR 50-MILE TRAWL
THROUGH THE "GREAT PACIFIC GARBAGE PATCH"
BY THE ALGALITA MARINE RESEARCH FOUNDATION.**

THAT IS ABOUT THE DISTANCE FROM SAN FRANCISCO TO SAN JOSE.

THE IMAGE INCLUDES DEAD FISH CAUGHT UP IN THE TRAWL.

THE AMOUNT OF PLASTIC FOUND WOULD FILL THE PALM OF A HAND.

THERE WERE NO PLASTIC BAGS!

http://www.youtube.com/watch?v=3d3_fLsjC8U

SURVEY OF 152 BIRD ENTANGLEMENTS
OFF THE U.S. WEST COAST
FROM 2001 TO 2005

Table 1. Entangled birds (n=152) recorded from 2001-2005.

Common name	n	Entanglement material (where identified)
Black-footed Albatross	1	Rope
Brandt's Cormorant	11	Fishing line, fishing hook, rope and metal
Brown Pelican	5	Fishing hook, hook and sinker
California Gull	4	Fishing line
Common Merganser	1	Fishing line
Common Murre	42	Balloon, fishing line, fishing hook, fishing net, hook, line and sinker, plastic, salmon gear
Double-crested Cormorant	3	Fishing line
Glaucous-winged Gull	5	Fishing line, fishing hook, fishing net
Heermann's Gull	1	Fishing line
Northern Fulmar	3	Balloon & string, fishing line and sinker
Pelagic Cormorant	6	Fishing line, fishing hook, line and sinker
Short-tailed Shearwater	1	Fishing line
Sooty Shearwater	11	Fishing line, fishing hook
Surf Scoter	1	Fishing line
Western Grebe	8	Fishing line, string
Western Gull	25	Fishing line, fishing hook, line and sinker
Unidentified spp.	24	Fishing line, fishing hook, plastic, rope and string

THIS IS WHAT IS KILLING MARINE LIFE, NOT PLASTIC BAGS

<http://www.farallones.org/volunteer/documents/PSGPoster.pdf>

THE COALITION

Save The Plastic Bag Coalition ("STPB") was formed in 2008. STPB's membership includes (but is not limited to) companies and individuals engaged in the manufacture and distribution of plastic carryout bags and polyethylene reusable bags. This includes plastic carryout bags and polyethylene reusable bags that are marketed, sold and distributed in San Francisco.¹

In *Save the Plastic Bag v. City of Manhattan Beach* (2011), the California Supreme Court, in a unanimous decision, granted us standing to legally challenge plastic bag bans. The court stated: (<http://www.courtinfo.ca.gov/opinions/documents/S180720.PDF>)

"Corporate purposes are not necessarily antithetical to the public interest.... Corporations [may] have particular expertise and thus may have an enhanced understanding of the public interests at stake."

STPB believes and contends that some environmental groups seeking to have plastic bags banned have spread *environmental myths, misinformation, exaggerations, false statistics, and selective photography* to promote their goal. Such groups are driven by ideological motives rather than the facts. The *Times of London* has stated in an editorial: (<http://tinyurl.com/7l67ere>)

"There is a danger that the green herd, in pursuit of a good cause, stumbles into misguided campaigns.

Analysis without facts is guesswork. Sloppy analysis of bad science is worse. Poor interpretation of good science wastes time and impedes the fight against obnoxious behavior. There is no place for bad science, or weak analysis, in the search for credible answers to difficult questions.... Many of those who have demonized plastic bags have enlisted scientific study to their cause. By exaggerating a grain of truth into a larger falsehood they spread misinformation, and abuse the trust of their unwitting audiences. "

David Laist, a senior policy analyst with the U.S. Marine Mammal Commission, has publicly stated as follows: (<http://tinyurl.com/2fdu3b2>)

"In their eagerness to make their case [against plastic bags], some of the environmental groups make up claims that are not really supportable."

¹ STPB is not, and never has been, connected with or funded by the American Chemistry Council (ACC), even indirectly.

THERE IS NO "GREAT PACIFIC GARBAGE PATCH"

- The so-called "Great Pacific Garbage Patch," which is alleged to be twice the size of Texas, does not exist. Click on the following link to read our paper on the subject: <http://tinyurl.com/837xod9>.
- We challenge anyone to provide us with a photograph of the "Great Pacific Garbage Patch." Check Google Images and you will find none.
- Heal the Bay now acknowledges that the term is "misleading."
- The chief scientist on the Scripps expedition, which went out to the Pacific to survey marine debris, says that the allegations about the patch have been hugely exaggerated. She is frustrated with environmentalists who spread misinformation on the subject (and presumably legislators and government officials who believe them without question). She says: "Misinformation on this issue is rampant." (<http://tinyurl.com/837xod9>)
- Dr. Marcus Eriksen of the Algalita Marine Research Foundation, who sailed a vessel from Long Beach to Hawaii to find the patch. After 24 hours of trawling over 50 miles, the amount of plastic that he found was about the size of the palm of a hand. He now admits: "There is no island of plastic trash." Click on the following link to view the video of his 24-hour trawl: http://www.youtube.com/watch?v=3d3_fLsjC8U
- In 2011, Oregon State University issued a press release based on the work of one of its scientists that was in no way financed or connected with the plastic industry. She said "the highest concentrations ever reported by scientists produces a patch that is a small fraction of the state of Texas, not twice the size." (<http://tinyurl.com/837xod9>)
- Any plastic debris in the Pacific Ocean will soon be overwhelmed by the gigantic amount of debris from the tsunami in Japan.
- The Sea Education Association has surveyed plastic debris in the Atlantic Ocean for the past 22 years. They found no overall change in the amount of plastic from 1986 to 2008. Karen Lavender, an oceanographer at the Sea Education Association said: "I expected to see the line go right up. It took us a good year to decide no, we have not seen an increase, no matter how you slice it." Each half-hour trawl in the area where the concentration was the highest typically turned up just 20 tiny pieces, equivalent to about 0.3 grams in all. By comparison, a U.S. nickel weighs 5 grams. ("Mystery of the Missing Ocean Plastic": <http://news.discovery.com/earth/plastic-oceans-atlantic.html>)
- Save The Bay claims: "It is estimated that about one million of these [plastic] bags wind up in the [San Francisco] Bay each year where they pollute the water, smother wetlands and entangle and kill animals." This is just a false headline-grabbing statistic invented by Save The Bay. It has no basis in fact. We have not seen any plastic bags in the bay. U.S. Coast Guard personnel who cruise the bay every day tell us that they have not seen any either. We are not saying there are none, but there are certainly not one million per year.

**THE ALLEGATION THAT 100,000 MARINE MAMMALS AND A
MILLION SEABIRDS ARE KILLED EACH YEAR BY PLASTIC BAGS
IS BASED ON A TYPOGRAPHICAL ERROR AND IS UNTRUE**

- The existing San Francisco ordinance states that plastic bags cause “the death of over 100,000 marine animals from plastic entanglement.” (<http://tinyurl.com/6xouz8s>)
- The allegation that 100,000 marine mammals and a million seabirds are killed every year by plastic bags is a *myth*. The U.S. and Australian Governments say that the figures are false. Click on the following link to read our paper on the subject:
<http://tinyurl.com/837xod9>.

In 2008, the Times of London published an article entitled “*Series of blunders turned the plastic bag into global villain*” states in part as follows: (<http://tinyurl.com/7l67ere>)

“The central claim of campaigners is that the bags kill more than 100,000 marine mammals and one million seabirds every year. However, this figure is based on a misinterpretation of a 1987 Canadian study in Newfoundland, which found that, between 1981 and 1984, more than 100,000 marine mammals, including birds, were killed by discarded nets. The Canadian study did not mention plastic bags.

Fifteen years later in 2002, when the Australian Government commissioned a report into the effects of plastic bags, its authors misquoted the Newfoundland study, mistakenly attributing the deaths to “plastic bags”.

The figure was latched on to by conservationists as proof that the bags were killers. For four years the “typo” remained uncorrected. It was only in 2006 that the authors altered the report, replacing “plastic bags” with “plastic debris”. But they admitted: “The actual numbers of animals killed annually by plastic bag litter is nearly impossible to determine.”

In a postscript to the correction they admitted that the original Canadian study had referred to fishing tackle, not plastic debris, as the threat to the marine environment.

Regardless, the erroneous claim has become the keystone of a widening campaign to demonise plastic bags.

David Santillo, a marine biologist at Greenpeace, told The Times that bad science was undermining the Government’s case for banning the bags. “It’s very unlikely that many animals are killed by plastic bags,” he said. “The evidence shows just the opposite.””

- The U.S. National Oceanic and Atmospheric Administration (“NOAA”) states as follows:

“Question: Is it true that 100,000 marine mammals and/or sea turtles die each year due to marine debris/plastics/plastic bags?

Answer: We were able to find no information to support this statement. An erroneous statement attributing these figures to plastic bags was published in a 2002 report published by the Australian Government; it was corrected in 2006.

Question: Is it true that marine debris kills a million seabirds each year?

Answer: This statement is currently unknown. We are so far unable to find a scientific reference for this figure. The closest we have found is “214,500 to 763,000 seabirds are killed annually incidental to driftnet fishing by Japanese fishermen in the North Pacific Ocean (US Department of Commerce, 1981)” from Laist, 1987. This refers to active fishing gear bycatch and not marine debris; it also predates the high seas driftnet ban adopted by the United Nations General Assembly in 1992.”

- Environmental groups show the same picture of a turtle with a blue bag in its mouth, over and over again and try to provoke an emotional response from audiences. (<http://www.savetheplasticbag.com/ReadContent612.aspx>.) Nobody knows if the photograph is real or who took the photograph. They produce a handful of other photographs taken over the past 30 years. The evidence of a massive number of deaths on an annual basis just isn’t there.
- While turtles and whales eat lots of things that they shouldn’t, you can’t ban all of those items. The overwhelming majority of deaths are caused by discarded fishing lines and nets and you can’t ban those.

PLASTIC CARRYOUT BAGS ARE NOT TOXIC
BUT MANY IMPORTED REUSABLE BAGS ARE TOXIC

- There have been mischievous allegations made by some environmentalists that plastic carryout bags contain toxic additives such as BPA, DDT, PCBs or heavy metals which get into ocean water if a bag somehow makes its way into the ocean. ***This is not true.*** Plastic carryout bags do not contain any such toxic additives. Many plastic ***bottles*** contain BPA, but plastic bottles are not plastic bags. BPA is a plastic hardener used in hard plastics.
- The U.S. Food and Drug Administration has approved plastic bags for direct food contact meaning that they meet the highest standard.
- Los Angeles County has been handing out reusable bags to the public. We had two of those bags tested. Both bags tested positive for heavy metals. One of the bags contained more than 100 parts per million of lead. This is a serious environmental and health concern.
- U.S. Senator Charles Schumer (D-NY) asked for a federal investigation into the problem of toxic reusable bags. In his press release he stated as follows:
(http://schumer.senate.gov/new_website/record.cfm?id=328640)

“U.S. Senator Charles E. Schumer today called on the Food and Drug Administration (FDA), the Environmental Protection Agency (EPA) and Consumer Product Safety Commission (CPSC) to investigate and ban reusable shopping bags that contain higher than acceptable levels of lead. Many of these popular bags are manufactured in China and sold to grocery stores, who then sell them to customers. Schumer, Vice Chairman of the Joint Economic Committee, noted that while there may be no immediate danger to human health, food products come into direct contact with these bags and long-term exposure can pose serious health and environmental risks. Schumer, who has a long record fighting to make products imported from China safe for consumers and children, is asking federal agencies to investigate and ban any reusable bags sold to grocery stores and retailers that are found to have high levels of lead in them.

The problem came to light this past September when Wegmans, a supermarket chain with stores in New York and four other states, pulled a number of their reusable shopping bags that were manufactured in China after a consumer group found that they contained higher than acceptable levels of lead that could affect public health. Since that time, several other reports have shown higher than acceptable levels of lead in reusable shopping bags sold at chain supermarkets in other states like Publix and Winn-

Dixie, as well as drug stores across the country....

Several recent reports show that a significant number of reusable shopping bags contained over 100 parts per million (PPM) in heavy metals. In some cases, bags contained as many as 5 times the allowable limits. The paint on lead-filled bags has the ability to peel and flake off, coming into direct contact with exposed groceries, like fruits and vegetables. Exposure to high levels of lead can damage the nervous and immune systems and impair kidney function over time. When disposed of in landfills, these bags can leak toxins into the soil and water and have the potential to create even more environmental problems.

In September, Wegmans Food Markets Inc. announced that it would be replacing 725,000 reusable shopping bags in its stores in New York, Pennsylvania, New Jersey, Virginia and Maryland. The announcement came on the heels of a report by the Empire State Consumer Project that found that the green bags contained lead at 799 parts per million – more than double the amount allowed in children's products by the CPSC. Currently, the CPSC allows lead in children's products at up to 300 parts per million; next year, the limit will drop to 100 parts per million."

- California Assembly Member Kevin de Leon (D-Los Angeles) requested that the Los Angeles County Board of Supervisors delay its vote on banning plastic bags because of the revelations about potentially toxic levels of lead in reusable bags. He questioned whether the bags could contaminate the food that consumers transport and whether the lead could be spread in landfills when the bags are discarded. De Leon even admitted that he is a "co-author and long-time advocate of legislative proposals to ban plastic bags from the stream of commerce."
- In California, reusable bags are exempt from the toxic metals restrictions applicable to plastic and paper bags. Health & Safety Code §25212(h)(2). The restriction on toxic heavy metals in reusable bags was repealed by a bill authored by Assembly Member Julia Brownley (D-Santa Monica) in 2008. Assembly Member Brownley is the author of AB 1998, which would have banned plastic bags. She is the leading proponent in the Legislature for of banning plastic bags. *We cannot imagine why she would exempt reusable bags from toxicity standards.*
- Health and Safety Code §25214.13 defines a toxic amount for the purpose of regulating packaging including plastic and paper bags as "the sum of the incidental total concentration levels of all regulated metals present in a single-component package or in an individual packaging component exceeds 100 parts per million by weight." That definition needs to be incorporated into the proposed ordinance. Otherwise, "toxic amounts" has no meaning at all and the city will be permitting reusable bags to be distributed with high levels of toxicity caused by lead, cadmium or other heavy metals.

**PLASTIC RETAIL BAGS ARE A TINY PERCENTAGE
OF ALL LITTER IN SAN FRANCISCO**

- According to the May 2007 City of San Francisco Litter Survey Report (at page 29), which was completed before the existing ban took effect, plastic non-retail bags were 1.9% of total large litter and plastic retail bags were only 0.6% of total large litter. (<http://www.sfenvironment.org/downloads/library/rolitterstudy12june07final.pdf>)
- According to the City of San Francisco Streets Litter Re-Audit 2009 (at page 42):
 - “Plastic bags including retail sacks and zipper bags represented 2.4% of total large litter (108 items out of 4,488).”
- The solution to litter is to pick it up. In many parts of the San Francisco, the city does not pick up litter at all. Residents and business should be protesting vociferously about the state of city streets. There is also a lack of litterbins and overflowing litterbins.
- ***You cannot ban your way out of a litter problem. That is a false solution. You have to pick it up.***
- The reality of litter in San Francisco is that plastic bags are not a major part of the problem. Click on the following link which is a video on litter on Mason Street between Bay and Powell near Trader Joe's. Many tourists walk to and from Fisherman's Wharf along that block. Banning plastic bags will not affect the litter problem shown in the video.
<http://www.youtube.com/watch?v=pazWMPTCDmE>
- The following videos also show that plastic bags are an insignificant part of the letter problem in San Francisco:
<http://www.youtube.com/watch?v=jlgKtXt-xwg>
<http://www.youtube.com/watch?v=X3DRBzjwCQM>

PLASTIC BAGS COST TAXPAYERS VERY LITTLE

- In 2005, Mayor Newsom and Supervisor Mirkarimi introduced a resolution requesting a study of single-use bag consumption in San Francisco to include the amount of money the city was spending to collect and dispose of paper and plastic bags. The study would quantify the exact amount of San Francisco's resources spent on single-use bag-related problems, how many bags were used annually, and what amount per bag could be justified as a fee. Apparently, the city took the position that it was costing 17 cents for every plastic bag. (<http://tinyurl.com/79soec2>)
- The study was completed in May 2005. However, it is not available on the Internet.
- In 2010, we filed a formal Public Records Act request with SF Environment to obtain the study. The city has refused to provide us with a copy of the study stating: "The draft report in question is privileged from disclosure under the attorney work product doctrine. It was prepared at the direction and under the supervision of the City Attorney's Office and submitted as a confidential document to that office, for use is assessing the legal strengths and weaknesses of various legislative proposals." **This is a bogus and invalid excuse.**
- According to Californians Against Waste, Californians pay up to \$200 per household each year to clean up litter and waste associated with single-use bags. **This finding is wrong and absurd.**
- According to the U.S. Census, there are 12.1 million households in California. 12.1 multiplied by 200 is approximately \$2.4 billion. Is that the amount that public agencies in California spend cleaning up plastic bags? **Absolutely not.** In fact, the Los Angeles County EIR states: "Public agencies in California spend more than \$375 million each year for litter prevention, cleanup, and disposal." (EIR at page I-4.)
- Let us assume that plastic bags are 3% of all litter in San Francisco. We can apply the following calculation to determine the cost per household:

$$\frac{\$375 \text{ million} \times 3\%}{12.1 \text{ million households}}$$

- The Los Angeles County EIR found that no more than \$4 million would be saved by banning plastic bags. Los Angeles County has 3.1 million households. **That is a mere 93 cents per household per year. Not \$200!**
- Waste management companies complain that plastic bags clog up their machinery. However, in San Francisco, plastic bags should **never** be placed in residential or business recycling bins. If they are properly placed in trash or litter bins, they go straight from trashcans to the landfill without being processed by any machinery. If any plastic bags are clogging up machinery, it is because they are mistakenly being placed in recycling bins. The city should make sure the public knows that plastic bags go in trashcans, not recycling bins, except at stores where plastic bag recycling bins are installed.

PLASTIC BAGS HAVE NO SIGNIFICANT IMPACT ON LANDFILLS

- Some people say that plastic bags “clog up” landfills. Landfills are the contents of everyone’s trashcans plus other non-recyclables. Plastic bags do not “clog up” landfills any more than they clog up trashcans. Look inside your own trashcan. Plastic bags are low volume and light. A mere 0.4% (that is four-tenths of one percent) of the solid waste stream consists of plastic grocery and merchandise bags. (<http://tinyurl.com/6rbgfz3>)
- People say that plastic bags last a thousand years in a landfill. That is an environmental benefit, as the Los Angeles County EIR and all other plastic bag ban EIRs acknowledge. Plastic sequesters and locks in the CO₂. Sequestration of CO₂ is a major goal. Organic material including paper decomposes and emits methane, a greenhouse gas with 21 to 25 times the climate changing impact of CO₂.

PLASTIC BAGS ARE NOT MADE FROM OIL

- There is a claim repeated over and over again on the Internet that plastic bags are made of oil and that 12 million barrels of oil are used annually in the United States to make the plastic bags that Americans use. This claim is also made in the existing San Francisco ordinance banning plastic bags. (<http://tinyurl.com/6xouz8s>)
- The allegation is not true.
- 85% of plastic bags used in the United States are made in the United States. Plastic bags are made out of polyethylene. In the United States, ethylene is made of ethane, which is extracted from domestic natural gas. As a result, 85% of plastic bags used in the United States are not made out of oil.
- The ethane must be removed from the natural gas anyway to lower the BTU value of the natural gas to an acceptable level. Ethane burns too hot to be allowed to remain in high levels in natural gas that is delivered to homes and businesses for fuel. There is nothing else that the ethane can be used for except to make ethylene. If ethane is not used to make plastic, it will have to be burned off, resulting in greenhouse gas emissions.
- Using the ethane to make plastic does not in any way reduce the amount of fuel available for transportation or power generation or increase our energy imports.
- If we were to abolish plastic bags, it would have zero impact on our dependence on foreign oil.
- Incidentally, the overwhelming majority of reusable bags are imported from China and other parts of Asia. Banning plastic bags causes job losses in the U.S. and replaces them with jobs overseas.

**THE PROPOSED ORDINANCE IS DAMAGING AND
ABSURD IN A CITY THAT DEPENDS ON TOURISM**

- San Francisco hosted 15.9 million visitors in 2010, including hotel guests, those staying with friends and relatives, those staying in accommodations outside the City but whose primary destination was San Francisco, and regional visitors driving in for the day. These visitors spent \$8.3 billion in local businesses.
- This massive injection of visitor dollars directly supports local hotels, restaurants, shops, attractions, and cultural institutions. It also indirectly bolsters practically every segment of the city's economy and has a broad positive influence on government finances - some \$485 million in tax and fee revenue flowed into the City and County of San Francisco in 2010.
- **The city proposes to penalize tourists for not bringing reusable bags with them from out-of-town and not carrying them around with them as they tour the city.**
- Reusable bags (except polyethylene reusable bags) are not recyclable. To the extent that visitors buy reusable bags, they are like to use them once or just a few times before they leave. **San Francisco will be flooded with discarded non-recyclable reusable bags left by tourists.** The Los Angeles County EIR determined that every single polypropylene and cotton reusable bag distributed in a city or county must be used at least 104 times before delivering environmental benefits compared to a single plastic carryout bag. (Table at EIR at 12-21 and repeated in text throughout EIR.) Reusable bags are the worst environmental alternative if they are discarded after one or only a few uses.
- The impact on stores and restaurants in the Union Square area, Fisherman's Wharf, North Beach, Chinatown, and other areas visited by tourists would be immense. The proposed 10 cent and 25 cent fees are really taxes on shopping and eating. It is bound to negatively affect business. It is also certain to annoy and cause resentment among tourists who will naturally expect free bags for their purchases.
- San Francisco is expensive enough already.

INITIAL OBJECTIONS BASED ON CEQA
AND THE CALIFORNIA SUPREME COURT RULING IN
SAVE THE PLASTIC BAG V. CITY OF MANHATTAN BEACH;
NOTICE OF INTENT TO LITIGATE

STPB objects to the proposed ordinance or any substantially similar ordinance based on the California Environmental Quality Act ("CEQA") as no Environmental Impact Report ("EIR") has been prepared. The City has not even prepared a CEQA Initial Study or followed any of the mandatory CEQA procedures.

The City takes the position that this is not a "project" that is subject to CEQA. *The City is incorrect.* Since the City made that erroneous determination, the California Supreme Court issued its decision in *Save The Plastic Bag v. City of Manhattan Beach*.

In July 2008, the City of Manhattan Beach passed an ordinance banning plastic bags without preparing an EIR. Manhattan Beach prepared an Initial Study finding that there would be no significant negative environmental impact as the city was small. STPB objected and demanded that the city prepare an EIR on the ground that a shift to paper bags would have a significant negative impact on the environment. STPB filed a petition for writ of mandate in the Los Angeles Superior Court. The cases was ultimately ruled upon by the California Supreme Court which ruled as follows ((2011) 52 Cal.4th 155):

A. The Save The Plastic Bag Coalition has legal standing to file CEQA actions. (*Id.* 52 Cal.4th at 165-170.)

B. The City of Manhattan Beach was too small to have been required to prepare an EIR. The population is only 33,852. "There are only two supermarkets, three (and two future) drug stores, and one Target store known to be high volume users of plastic shopping bags in the City which would be affected by the ban." (*Id.* 52 Cal.4th at 161.)

C. The court stated: "[T]he analysis would be different for a ban on plastic bags by a larger governmental body, which might precipitate a significant increase in paper bag consumption." (*Id.* 52 Cal.4th at 174.)

D. The court stated: "While cumulative impacts should not be allowed to escape review when they arise from a series of small-scale projects, that prospect does not appear in this case. [That is, as of July 2008.] According to plaintiff, the movement to ban plastic bags is a broad one, active at levels of government where an appropriately comprehensive environmental review will be required." (*Id.* 52 Cal.4th at 174, n.10, emphasis added.)

In summary, EIRs are required for plastic bag bans by (i) cities and counties that are larger than Manhattan Beach and (ii) small cities and counties based on the cumulative impacts.

When Manhattan Beach passed its ban in July 2008 only San Francisco and Malibu had banned plastic bags. At the present time, the following additional plastic bans have been enacted:

- Los Angeles County ("LA County") adopted a plastic bag ban on November 16, 2010 and prepared and certified an EIR. (AR tab #91.) (In the Manhattan Beach opinion, which was as of July 2008, this was referred to a "possible" future ban. (*Id.*, 52 Cal.4th at 174.)
- The City of San Jose adopted a plastic bag ban on December 14, 2010 and prepared and certified an EIR.
- The City of Santa Monica adopted a plastic bag ban on January 25, 2011 and prepared and certified an EIR.
- Marin County adopted a plastic bag ban on January 25, 2011. Marin County failed to prepare an Initial Study or EIR. STPB has sued Marin County.

Based on these bans, the cumulative impacts of a shift to paper bags have reached critical mass and all cities and counties must prepare EIRs.

According to the U.S. Census Bureau, the population of San Francisco in 2010 was 805,235. This is approximately 24 times larger than Manhattan Beach. Therefore, San Francisco must prepare an EIR. However, the true population of San Francisco is much larger. Every day, people come into town from the North Bay, the East Bay, and the Peninsula. San Francisco hosted 15.9 million visitors in 2010, including hotel guests, those staying with friends and relatives, those staying in accommodations outside the City but whose primary destination was San Francisco, and regional visitors driving in for the day. Most of those visitors shop in San Francisco, including at Union Square, Fisherman's Wharf, North Beach and Chinatown. For the purpose of CEQA, the population of San Francisco is effectively at least 50 times greater than Manhattan Beach when commuters and tourists are included in the calculation.

THESE ARE INITIAL CEQA OBJECTIONS. STPB WILL FILE FINAL CEQA OBJECTIONS WITH SUPPORTING EVIDENCE OF ENVIRONMENTAL IMPACTS PRIOR TO THE PLANNED DECEMBER 6, 2011 BOARD OF SUPERVISORS MEETING.

STPB'S FINAL OBJECTIONS WILL SHOW THAT THE PROPOSED ORDINANCE (AND ANY SIMILAR ORDINANCE) MAY HAVE A SIGNIFICANT NEGATIVE IMPACT ON THE ENVIRONMENT RESULTING FROM THE PROLIFERATION OF PAPER BAGS AND REUSABLE BAGS. THIS IS A "FAIR ARGUMENT" UNDER CEQA TRIGGERING THE REQUIREMENT THAT SAN FRANCISCO PREPARE AN EIR. NO CATEGORICAL EXEMPTIONS ARE AVAILABLE IN VIEW OF THE SUPREME COURT'S RULING.

If San Francisco adopts an ordinance without preparing and certifying an EIR that fully complies with CEQA, STPB will file a petition for writ of mandate in the San Francisco Superior Court and a request for preliminary and permanent injunctive relief.

OBJECTION TO INCLUSION OF RESTAURANT BAGS
BASED ON STATE LAW PREEMPTION
(RETAIL FOOD CODE)

San Francisco is proposing to ban plastic carryout bags at restaurants. The only jurisdictions in the United States or Canada that have banned restaurant plastic bags are Santa Cruz County and Manhattan Beach. *We have sued Santa Cruz County to invalidate the ban on restaurant carryout bags.*

The City of Santa Monica banned all kinds of plastic carryout bags -- except restaurant plastic bags. The City of Santa Monica stated:

"Restaurants and other food vendors may provide single-use plastic carryout bags to customers only for the transportation of take-out food and liquids intended for consumption off of the food provider's premises. This exemption is included as a public health safeguard based on input from restaurant owners who expressed concern that some hot and liquid foods could leak from take-out containers and potentially cause paper bags to weaken and fail."

http://www.smgov.net/uploadedFiles/Departments/OSE/Business/Bag_Ban_Summary.pdf.

All other jurisdictions that have banned plastic bags have excluded restaurant plastic bags, including but not limited to Los Angeles County, Santa Monica, the City of San Jose, the City and County of San Francisco, the City of Long Beach, and the City of Calabasas.

Unlike supermarkets that sell packaged foods, restaurants sell freshly cooked foods that are usually hot and contain liquids including items fried in oil. Plastic is obviously safer than paper for transporting hot and liquid foods. Plastic is a waterproof and greaseproof material. Paper is not. Also, plastic bag handles can be tightly tied. Paper bags cannot be tied at the top. Liquids are far less likely to seep out of plastic bags.

When liquids spill inside a paper bag, the bag can break. That does not happen to a plastic bag.

Plastic bags may be transparent. Paper bags are never transparent. It may be important for consumers to be able to see what is inside a bag without opening it, especially if there are hot liquids, sauces, grease, or oils which could cause scalding or burns.

Some types of containers don't fit as well in paper bags. Whereas plastic bags conform to the size of the container, paper bags do not. The bottom of paper bags is generally rectangular-shaped which doesn't work when you have a standard, large square container.

The lady who sued in the McDonald's hot coffee case was burned so severely on her thighs and legs that her doctors didn't think she would live. If you watch the full movie about the hot coffee case, you will see horrific photographs of her injuries. <http://hotcoffeethemovie.com/>.

Her cotton sweatpants absorbed the coffee and held it against her skin, scalding her thighs, buttocks, and groin. She was taken to the hospital where it was determined that she had suffered third-degree burns on 6% of her skin and lesser burns over 16%.

She remained in the hospital for eight days while she underwent skin grafting. During this period, she lost 20 pounds (nearly 20% of her body weight), reducing her down to 83 pounds. Two years of medical treatment followed.

A jury awarded her \$200,000 in compensatory damages, which was then reduced by 20% to \$160,000. In addition, they awarded her \$2.7 million in punitive damages. The judge reduced the punitive damages to \$480,000, three times the compensatory amount, for a total of \$640,000. The decision was appealed by both McDonald's and the plaintiff, but the parties settled out of court for an undisclosed amount less than \$600,000.

PHOTOGRAPHS OF THE PLAINTIFF'S INJURIES CAUSED BY THE HOT COFFEE SPILL ARE AVAILABLE UPON REQUEST. THEY ARE NOT ATTACHED TO THIS DOCUMENT AS THEY MAY CAUSE DISTRESS TO PEOPLE SENSITIVE TO SUCH IMAGES.

From 1982 to 1992, McDonald's company received more than 700 reports of people burned by its coffee to varying degrees of severity and had settled claims arising from scalding injuries for more than \$500,000.

If the paper cup in the Hot Coffee case had been in a plastic bag when the plaintiff was attempting to remove the lid, she would not have suffered any injuries, no matter how hot the coffee. A plastic bag would have completely contained the spill. For this reason, Chinese food is often placed in cardboard containers that are placed in plastic carryout bags that are tied at the top to prevent hot juices from spilling and causing burns.

Take-out bags are often opened in cars, including moving cars or tourist buses, so proper packaging is essential. One can imagine the impact on a young child of hot liquid, hot oil, or hot grease seeping or spilling from a paper bag in a car. Scalding injuries are serious.

A restaurant owner has the legal right and duty to take all reasonable steps to prevent such injuries. Restaurant owners have liability issues. It is for the restaurant owner, not the city, to decide whether plastic or paper is the safest for its food. Denying restaurant owners the safest option could have disastrous consequences. **It just takes one tragic incident!**

Some compostable plastic bags are not suitable for hot liquids. BioBag is a major supplier of such bags in San Francisco. It advises consumers: "DON'T put hot liquids inside bag." (<http://www.biobagusa.com/biodegradable-bags.html>) As anyone who has used a compostable bag knows, they tend to break very easily.

The State of California regulates food safety in the California Retail Food Code. (Health and Safety Code Div. 104, Part 7.)

Health and Safety Code §113705 states as follows:

Legislative intent to preempt local standards

“The Legislature finds and declares that the public health interest requires that there be uniform statewide health and sanitation standards for retail food facilities to assure the people of this state that the food will be pure, safe, and unadulterated. Except as provided in Section 113709, it is the intent of the Legislature to occupy the whole field of health and sanitation standards for retail food facilities, and the standards set forth in this part and regulations adopted pursuant to this part shall be exclusive of all local health and sanitation standards relating to retail food facilities.”

Health and Safety Code §113709 states as follows:

Authority to establish local requirements

“This part does not prohibit a local governing body from adopting an evaluation or grading system for food facilities, from prohibiting any type of food facility, from adopting an employee health certification program, from regulating the provision of consumer toilet and handwashing facilities, or from adopting requirements for the public safety regulating the type of vending and the time, place, and manner of vending from vehicles upon a street pursuant to its authority under subdivision (b) of section 22455 of the Vehicle Code.”

Only the state Legislature, not a city or county, may enact a law regarding whether restaurants can take actions that affect whether the way food is served is “sanitary” or “safe” or “healthy.” For example, Health and Safety Code §114063(c) states that “French style, hearth-baked, or hard-crust loaves and rolls shall be considered properly wrapped if contained in an open-end bag of sufficient size to enclose the loaves or rolls.”

By banning restaurant plastic bags, the city would be implicitly and effectively determining that eliminating restaurant plastic bags is a sanitary, safe, and healthy food practice. This determination is preempted by the Retail Food Code. It is not covered by any of the exemptions in §113709.

Based on the foregoing, the banning of restaurant plastic bags is preempted and invalid.

OBJECTION TO INCLUSION OF RESTAURANT BAGS
BASED ON U.S. CONSTITUTION
(EXCEEDS POLICE POWER)

The police power of cities and counties to promote the general welfare is not unlimited. Insofar as the police power is utilized by a State, the means employed to effect its exercise can be neither arbitrary nor oppressive but must bear a real and substantial relation to an end which is public, specifically, the public health, public safety, or public morals, or some other phase of the general welfare. (*Liggett Co. v. Baldridge*, 278 U.S. 105, 111-12 (1928); *Treigle v. Acme Homestead Ass'n*, 297 U.S. 189, 197 (1936).)

The scope of the police power does not extend to the removal or infringement of fundamental personal rights and liberties that are protected by the Due Process Clause of the Fourteenth Amendment to the U.S. Constitution.

Citizens have a fundamental and inalienable right to have their food served and packaged using plastic bags, so that they will not be exposed to personal injury and property damage. This is a fundamental liberty that may not be removed absent a legitimate, compelling, necessary, urgent, and overriding interest.

Restaurants also have a fundamental and inalienable right to serve and package their food using plastic bags, so that they will not expose their customers to personal injury and property damage. This is a fundamental liberty that may not be removed absent a compelling, legitimate, necessary, urgent, and overriding public interest.

Restaurants also have a fundamental and inalienable right to provide plastic bags to avoid liability for personal injury and property damage.

Children are entitled to extra protection from potential physical injury or distress as a result of contact with hot burning or scalding liquids.

The proposed ordinance is arbitrary and oppressive, as the city has made no findings whatsoever regarding the dangers of banning restaurant plastic bags.

The purpose of the proposed ordinance is apparently to reduce litter. Any item can become litter. There are common sense and constitutional limits on what items can be banned in the name of litter reduction, especially when personal safety is threatened. Avoidance of litter is not a legitimate, compelling reason for banning restaurant plastic bags and exposing people to the risk of personal injury and property damage. It is an excessive and overbroad response to litter to ban such bags. There are other more narrowly tailored means to prevent such litter, including education, more trash receptacles, and more effective cleaning of public areas.

Based on the foregoing allegations, the ban of restaurant plastic bags in the proposed ordinance is unconstitutional and invalid.

OBJECTION TO INCLUSION OF RESTAURANT BAGS
BASED ON U.S. CONSTITUTION
(COMMERCE CLAUSE)

Nationwide and interstate chain restaurants in the city would be subject to the ban on restaurant plastic bags in the ordinance.

If the burden imposed on interstate commerce is clearly excessive in relation to the putative local benefits, it is invalid under the Commerce Clause of the U.S. Constitution. If a legitimate local purpose is found, then the question becomes one of degree. The extent of the burden that will be tolerated depends on the nature of the local interest involved, and on whether it could be promoted as well with a lesser impact on interstate activities. (*Pike v. Bruce Church*, 397 U.S. 137, 142 (1970).)

The draft ordinance is clearly excessive in that it penalizes every restaurant and every consumer that disposes of restaurant plastic bags in a proper manner by placing them in the trash. Only a tiny percentage of restaurants and consumers dispose of bags improperly, which is not a reason to penalize everyone else.

The draft ordinance is also clearly excessive because only 0.4% of landfills are comprised of all kinds of plastic bags. Only a fraction of those are restaurant plastic bags.

The city's proposed ban on restaurant plastic bags requires chain restaurants to make a disruptive exception in their nationwide or interstate supply chains.

If cities and counties can each adopt their own plastic bag reduction and elimination initiatives, the result will be economic and systemic chaos. Such a chaotic patchwork of local laws and regulations applied to nationwide and interstate chain restaurants, especially if local laws conflict with each other, would unreasonably and excessively impede and burden interstate commerce.

There are other more narrowly tailored means to prevent restaurant plastic bag litter, including education, more trash receptacles, and more effective cleaning of public areas.

Based on the foregoing allegations, the ban of restaurant plastic bags in the proposed ordinance is unconstitutional and invalid.

NOTICE OF INTENT TO LITIGATE

If San Francisco adopts the proposed ordinance or a substantially similar ordinance, STPB will file a petition for writ of mandate and a complaint for declaratory judgment in the San Francisco Superior Court and any and all additional objections. STPB will also request preliminary and permanent injunctive relief.

REQUEST FOR NOTICES

Pursuant to CEQA Guidelines §15072(b), I request that you send me by e-mail and regular mail to the above address any notices regarding the proposed ordinance.

CONCLUSION

All rights are reserved. No rights or duties are waived by any statement or omission herein. Strict compliance with all the applicable provisions of CEQA is hereby demanded, including but not limited to preparation and certification of an EIR.

SAVE THE PLASTIC BAG COALITION



By: STEPHEN L. JOSEPH, Counsel

To: BOS Constituent Mail Distribution,
Cc:
Bcc:
Subject: Nude Dining Ban

From: CandidaO@aol.com
To: Board.of.Supervisors@sfgov.org
Date: 11/08/2011 07:31 AM
Subject: Nude Dining Ban

November 8, 2011

To: San Francisco Board of Supervisors,

This is an open letter to all of the Supervisors. I want to applaud your recent ban on the nude dining issue. As a former resident of the bay area all of my life until recent, the child of parents born and raised in San Francisco, as well as their parents the fact that this was even an issue needing vote is beyond me.

What has happened to our beautiful San Francisco? This beloved city of mine is such a joke in most headlines the world over. I have always embraced the ethnic melting pot of major world cities. I feel it brings a much need diversity and character to a city. BUT, most people continually watch for the next crazy politically so far out of reality addendum to be squeezed into law that is it a waste of your time and if voted in becomes another looney statute that makes this wonderful city the material for late night comediennees.

I understand the need for voices to be heard but people....please lets put the brakes on before something like this makes headline news across the world.

Sincerely,

Candace Circle (Giomi)

To: BOS Constituent Mail Distribution,
Cc:
Bcc:
Subject: Issued: Department of Public Works: Public Works and Jacobs Project Management Have
Appropriate Internal Controls Over the San Francisco General Hospital Rebuild Project

From: Controller Reports/CON/SFGOV
To: Angela Calvillo/BOS/SFGOV@SFGOV, Peggy Nevin/BOS/SFGOV@SFGOV,
BOS-Supervisors/BOS/SFGOV, BOS-Legislative Aides/BOS/SFGOV, Steve
Kawa/MAYOR/SFGOV@SFGOV, Rick Wilson/MAYOR/SFGOV@SFGOV, Christine
Falvey/MAYOR/SFGOV@SFGOV, Jason Elliott/MAYOR/SFGOV@SFGOV, Severin
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Gary.Hoy@sfdpw.org, Edgar.Lopez@sfdpw.org, Ronald.Alameida@sfdpw.org,
Joe.Chin@sfdpw.org
Date: 11/10/2011 01:17 PM
Subject: Issued: Department of Public Works: Public Works and Jacobs Project Management Have
Appropriate Internal Controls Over the San Francisco General Hospital Rebuild Project
Sent by: Kristen McGuire

The Office of the Controller, City Services Auditor Division (CSA), has issued a report concerning the Department of Public Works' management controls over the rebuilding of San Francisco General Hospital & Trauma Center's Main Hospital building (Rebuild), and its contract with Jacobs Project Management Co. for executive construction management services on the Rebuild, covering the period September 10, 2008, through December 31, 2010.

The audit concludes that:

- Jacobs is complying with its contract.
- Public Works is appropriately managing the contract to ensure Jacobs' performance meets the contracted expectations.
- Public Works and Jacobs, as the executive management team, have implemented appropriate controls over construction to ensure that the Rebuild remains on budget and on time.

Because the audit yielded positive results for all its objectives, this report contains no recommendations.

To view the full report, please visit our website at: <http://co.sfgov.org/webreports/details.aspx?id=1354>

For questions regarding the memorandum, please contact Tonia Lediju at Tonia.Lediju@sfgov.org or 415-554-5393, or the Controller's Office, Audits unit, at 415-554-7469.

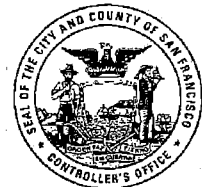
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City and County of San Francisco

Office of the Controller – City Services Auditor

DEPARTMENT OF PUBLIC WORKS:

Public Works and Jacobs Project Management Have Appropriate Internal Controls Over the San Francisco General Hospital Rebuild Project



November 10, 2011

**OFFICE OF THE CONTROLLER
CITY SERVICES AUDITOR**

The City Services Auditor (CSA) was created in the Office of the Controller through an amendment to the San Francisco Charter that was approved by voters in November 2003. Under charter Appendix F, CSA has broad authority to:

- Report on the level and effectiveness of San Francisco's public services and benchmark the City to other public agencies and jurisdictions.
- Conduct financial and performance audits of city departments, contractors, and functions to assess efficiency and effectiveness of processes and services.
- Operate a whistleblower hotline and website and investigate reports of waste, fraud, and abuse of city resources.
- Ensure the financial integrity and improve the overall performance and efficiency of city government.

CSA may conduct financial audits, attestation engagements, and performance audits. Financial audits address the financial integrity of both city departments and contractors and provide reasonable assurance about whether financial statements are presented fairly in all material aspects in conformity with generally accepted accounting principles. Attestation engagements examine, review, or perform procedures on a broad range of subjects such as internal controls; compliance with requirements of specified laws, regulations, rules, contracts, or grants; and the reliability of performance measures. Performance audits focus primarily on assessment of city services and processes, providing recommendations to improve department operations.

CSA conducts its audits in accordance with the Government Auditing Standards published by the U.S. Government Accountability Office. These standards require:

- Independence of audit staff and the audit organization.
- Objectivity of the auditors performing the work.
- Competent staff, including continuing professional education.
- Quality control procedures to provide reasonable assurance of compliance with the auditing standards.

Audit Team: Paige Alderete, Audit Manager
Nicholas Delgado, Associate Auditor
Edvida Moore, Associate Auditor



City and County of San Francisco

Office of the Controller - City Services Auditor

Department of Public Works:

Public Works and Jacobs Project Management Have Appropriate Internal Controls Over the San Francisco General Hospital Rebuild Project

November 10, 2011

Purpose of the Audit

The Office of the Controller, City Services Auditor Division (CSA), evaluated whether Jacobs Project Management Co. (Jacobs) is complying with its construction management contract for the rebuilding of the San Francisco General Hospital & Trauma Center's Main Hospital building (Rebuild), and whether the Department of Public Works (Public Works) is adequately managing the contract with Jacobs. The audit also determined whether Public Works and Jacobs, as the Rebuild's executive management team (executive management team), have implemented adequate controls over the Rebuild to ensure that it remains on budget and on time.

The Rebuild's Construction Manager/General Contractor (CM/GC) will be audited at the end of fiscal year 2011-12.

Highlights

The audit found that Jacobs is complying with its construction management contract and that Public Works is properly managing this contract to ensure that Jacobs' performance meets the contracted expectations. The audit also found that the executive management team has implemented appropriate controls over the Rebuild to ensure that it remains on budget and on time.

Jacobs:

- Submitted accurate and supported invoices, and is meeting its Local Business Enterprise requirements.
- Developed and maintains a construction management system that has extensive reporting capabilities, is user-friendly, and has adequate access restrictions for its over 250 users.

Public Works:

- Manages its contract with Jacobs by using tools which, according to the department's project delivery manual, enable Public Works to assess the professional adequacy of its contractors' performance.

The executive management team:

- Has sufficient controls to ensure that construction of the Rebuild is adequately monitored and that the Rebuild's progress is regularly reported to its stakeholders.
- Has appropriate controls to ensure that the Rebuild's CM/GC, complies with its contract, including that progress payments are proper and accurate, that work release letters and change orders are appropriate, required permits and inspections are obtained in a timely manner, and that the CM/GC complies with insurance requirements.

Recommendations

The findings of this audit are positive and reflect that there are proper controls over the Rebuild to ensure that it remains on budget and on time. As a result, the report has no recommendations.

Copies of the full report may be obtained at:

*Controller's Office • City Hall, Room 316 • 1 Dr. Carlton B. Goodlett Place • San Francisco, CA 94102 • 415.554.7500
or on the Internet at <http://www.sfgov.org/controller>*

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CITY AND COUNTY OF SAN FRANCISCO
OFFICE OF THE CONTROLLER

Ben Rosenfield
Controller

Monique Zmuda
Deputy Controller

November 10, 2011

Mohammed Nuru, Interim Director
Department of Public Works
30 Van Ness Avenue, 4th Floor
San Francisco, CA 94102

Dear Mr. Nuru:

The Controller's Office, City Services Auditor Division (CSA), presents its report on the Department of Public Works' (Public Works) contract with Jacobs Project Management Co. (Jacobs) for executive construction management services on the rebuilding of San Francisco General Hospital & Trauma Center's Main Hospital building (Rebuild). The audit objectives were to determine whether Jacobs is complying with its contract, whether Public Works is adequately managing the contract with Jacobs, and whether Public Works and Jacobs, as the Rebuild's executive management team, have implemented adequate controls over the Rebuild to ensure that it remains on budget and on time. This is CSA's first audit, out of several, of the Rebuild. The Rebuild's Construction Manager/General Contractor (CM/GC) will be audited at the end of fiscal year 2011-12.

The audit found that Jacobs is complying with its construction management contract and that Public Works is properly managing this contract to ensure that Jacobs' performance meets the contracted expectations. The audit also found that Public Works and Jacobs, the Rebuild's executive management team, have implemented appropriate controls over construction to ensure that the Rebuild remains on budget and on time. Because the findings of this audit are positive, there are no recommendations.

Public Works' response to the audit report is attached as an appendix. We appreciate the assistance and cooperation that Public Works and Jacobs staff provided to us during the audit.

Respectfully,

Tonia Lediju
Director of Audits

cc: Mayor
Board of Supervisors
Civil Grand Jury
Budget Analyst
Public Library

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LIST OF ABBREVIATIONS AND ACRONYMS

AIA	American Institute of Architects
CSA	City Services Auditor Division of Office of Controller
CM/GC	Construction Manager/General Contractor
IPD	Integrated Project Delivery
Jacobs	Jacobs Project Management Co.
LBE	Local Business Enterprise
OSHPD	Office of Statewide Health Planning and Development, State of California
PCO	Proposed Change Order
PMCS	Project Management Controls System
Public Health	Department of Public Health
Public Works	Department of Public Works
Rebuild	Rebuilding of Main Hospital building at SFGH
Saylor	Saylor Consulting Group
Seismic Safety Act	Alfred E. Alquist Hospital Seismic Safety Act (California law)
SFGH	San Francisco General Hospital & Trauma Center
WRL	Work Release Letter
Webcor	Webcor Construction, LP

INTRODUCTION

Audit Authority

This audit was conducted under the authority of the Charter of the City and County of San Francisco (City), Section 3.105 and Appendix F, which requires that the Office of the Controller's City Services Auditor (CSA) conduct periodic, comprehensive financial and performance audits of city departments, services, and activities.

This is CSA's first audit of the rebuilding of San Francisco General Hospital & Trauma Center's Main Hospital building (Rebuild). This audit evaluates compliance with the project management contract agreement between the City and Jacobs Project Management Co. (Jacobs) and determines whether appropriate controls exist to ensure that the Rebuild remains on budget and on time. The contract between the City and the Rebuild's general contractor will be audited at the end of fiscal year 2011-12.

Background

The Rebuild is the result of significant seismic deficiencies at SFGH.

In 2000 the Department of Public Health (Public Health) conducted a seismic evaluation of the Main Hospital building at the San Francisco General Hospital & Trauma Center (SFGH), finding that it had significant seismic deficiencies and that it may be incapable of providing services to the public after a major seismic event. The evaluation was conducted in response to a 1996 amendment to a state law, the Alfred E. Alquist Hospital Seismic Safety Act (Seismic Safety Act), requiring acute care hospitals to meet explicit seismic standards, with the goal that hospitals remain functional after a major seismic event. The Seismic Safety Act requires that hospitals that do not meet standards either retrofit their existing buildings to meet the standards or that a new hospital building is constructed in conformance with standards by 2013. Hospitals failing to comply with these requirements were required to close their facilities after 2008.

In 2001 the San Francisco Health Commission adopted a resolution to construct a new general acute care hospital, and in November 2008 San Francisco voters passed Proposition A, which allowed for funding of the Rebuild through general obligation bonds. A total of \$887.4 million in bonds are to be issued to finance the Rebuild, which is scheduled to be complete in 2015.

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The Rebuild has four construction phases:

Phase 1: Make-ready site work / utility relocations

Phase 2: Service building and generators

Phase 3: Excavation and shoring, mat foundation,
structural frame

Phase 4: New hospital construction

The Department of Public Works (Public Works) is responsible for executing and delivering the Rebuild on behalf of Public Health.

Rebuild contracts were awarded to Webcor Construction, LP, Fong & Chan Architects, Inc., and Jacobs Project Management Co.

Through bidding processes, the Board of Supervisors awarded the Construction Manager/General Contractor (CM/GC) contract to Webcor Construction, LP (Webcor) on October 7, 2008, and the architectural and engineering design contract to Fong & Chan Architects, Inc., on September 23, 2008. The Jacobs contract was ratified on August 5, 2008. The notice to proceed for the Jacobs contract is dated September 10, 2008.

Jacobs is tasked with oversight and audit of the CM/GC, Webcor, and its subcontractors, by providing quality assurance, contract compliance inspections and specialized construction expertise to Public Works. Jacobs is to perform each of these tasks collaboratively with Public Works staff. Public Works and Jacobs make up the executive management team of the Rebuild. The executive management team is organized into five core groups that are tasked with different areas of Rebuild management, including the following:

- Scheduling
- Cost
- Project Controls
- Document Control
- Inspection

Jacobs' contract allows for compensation not to exceed \$8 million for the term of the Rebuild, September 10, 2008, through December 31, 2016. In December 2010 the Board of Supervisors approved resolution 592-10, increasing Jacobs' agreement from \$8 million to \$16.4 million. As of July 1, 2011, Jacobs had invoiced \$7,973,076, or 49 percent of its total contract amount.

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The Integrated Project Delivery method is used on the Rebuild.

The executive management team of the Rebuild is using Integrated Project Delivery (IPD) as its construction project delivery method. Such methods assign responsibility for providing design and construction services. According to the Associated General Contractors of America, the predominant project delivery methods include the following:

- Design-bid-build
- Design-build
- Construction management at risk
- Integrated project delivery

The Rebuild project manager stated that IPD was chosen as the project delivery method to address concerns held by major stakeholders: Public Works, Public Health, and the Office of the City Attorney. These concerns related to the assumption that the traditional design-bid-build methodology would be inadequate because of weak integration among project owners and contractors, especially for a project with the scope, magnitude, and complexity of the Rebuild. Instead, Public Works and Public Health chose IPD.

According to the Rebuild project manager, the concept of IPD makes it possible to complete the Rebuild within the aggressive timeframe required by the Seismic Safety Act.

Success under IPD relies on collaboration between all construction participants.

In an integrated project, all participants, including the owners, designers, architects, contractors, subcontractors, and facility personnel, work as a team for the best interest of the project and to optimize project results. The IPD approach realigns participant roles and project progression by using each project participant's knowledge and abilities through the course of the development of the project. According to the Rebuild project manager, the IPD approach has allowed the project owners to engage the designers, architects, contractors, and subcontractors, as well as facility personnel, in extensive planning, in the early phases of goal definition, and in open communications regarding the progress and intricacies of the project.

The Rebuild project manager contends that this early engagement has led to a collaborative effort of decision making regarding the constructability, scope of services, and responsibilities for the Rebuild, including allowing the team to proactively manage and monitor scheduling,

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expected and incurred costs, project control systems, documentation, and inspections.

Further collaboration on the responsibilities for the Rebuild is achieved through the use of a Project Management Controls System (PMCS). The PMCS is a suite of three project management software applications used by the executive management team, the CM/GC, and core subcontractors. According to the Jacobs project manager, the system was created to provide a functional avenue for communication of Rebuild-related documents such as requests for information, submittals, inspection requests, and bulletins among project personnel.

Three-dimensional modeling is used to share planning information and identify early design and coordination issues.

As part of the integrated approach, the Rebuild team, including the architects, designers, owners and contractors, developed digital, three-dimensional models of the planned construction. Using Building Information Modeling, the Rebuild team constructed models of two of the construction phases of the Rebuild: the site utilities relocation and the construction of the main hospital building. The technology platforms used for modeling are a tool with which the Rebuild team can integrate, share, and review planned construction and also allow for the early identification of coordination and design issues. In contrast, with traditional delivery methods, coordination and design issues are typically identified during the construction phase of projects, which may delay project delivery and increase costs.

According to the executive management team, Building Information Modeling increases cost savings, has changed the minimal collaboration among subcontractors into teamwork, enhances productivity, and has allowed for collaborative constructability analysis over the course of the Rebuild.

Objectives

The audit's objectives were to determine whether:

1. Jacobs is complying with its professional services contract.
2. Public Works is appropriately managing its contract with Jacobs.
3. Public Works and Jacobs, the executive management team of the Rebuild, have appropriate construction management processes and controls over the Rebuild, including controls over progress payments, work

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release letters, change orders, permits and inspections,
insurance requirements, and reporting.

Scope and Methodology

The audit reviewed Jacobs' contract with the City, covering September 10, 2008, through December 31, 2010:

To conduct the audit, the audit team:

- Reviewed and obtained an understanding of key provisions of the contracts between the City and Jacobs and the CM/GC.
- Reviewed industry best practices and information on IPD.
- Interviewed key personnel from Public Works, Jacobs, and Webcor.
- Compared the scope and deliverables outlined in the Jacobs contract for consistency with actual work performed.
- Reviewed Jacobs' compliance with contract insurance requirements and requirements for use of Local Business Enterprises (LBEs).
- Tested all invoiced amounts submitted by Jacobs, including invoiced amounts for one of its subcontractors.
- Reviewed the adequacy of the executive management team's processes and procedures for monitoring and reporting on progress payments, work release letters, change orders, permits and inspections, and project progression.
- Performed a detailed inspection of Public Works and Jacobs' Project Management Control System.

**Statement of Auditing
Standards**

This performance audit was conducted in accordance with generally accepted government auditing standards. These standards require planning and performing the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for the findings and conclusions based on the audit objectives. We believe that the evidence obtained provides a reasonable basis for the findings and conclusions based on the audit objectives.

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CHAPTER 1 – Public Works Is Adequately Monitoring Its Contract With Jacobs, and Jacobs Is Complying With the Key Provisions of Its Contract

Summary

Public Works manages its professional services contract with Jacobs by using tools which, according to the department's project delivery manual, will enable Public Works to assess the professional adequacy of its contractors' performance. Public Works is adequately monitoring its contract with Jacobs, and Jacobs is complying with the key terms under its contract, including invoicing, use of Local Business Enterprises, and services provided.

Finding 1.1

Public Works is monitoring Jacobs' performance in accordance with the department's project delivery manual.

Public Works adequately monitors Jacobs.

Public Works ensures that Jacobs' performance is meeting contracted expectations by:

- Using a: 1) scope of work that is clearly defined, minimizing opportunities for misunderstandings and disagreements; 2) contract schedule that lists the major activities and deliverables with associated milestone payments; and, 3) project services cost estimate that lists the estimated costs per task in the contract, showing cash flow needs.
- Judging the professional adequacy of Jacobs' work, including assessing the consultant's responsiveness to the City's requests, thoroughness and completeness of work, ability to make sound and reasonable decisions, and appropriate weighing of alternatives.
- Knowing the current status of Jacobs' activities, including in relation to the contract schedule and project cost estimate.
- Monitoring Jacobs' performance for early detection of any deviation from the plan to facilitate early corrective action.

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It is important that Public Works ensures that the performance of all contractors meets contract terms and expectations because contractors hired to manage projects can have a key part in their success or failure.

The scope of work in the Jacobs contract is well-defined.

Appendix A of Public Works' contract with Jacobs adequately defines the scope of work that is expected of Jacobs for each phase of the Rebuild. The scope includes the following:

- Construction planning - document control tasks
- Construction administration - document control tasks
- Budget / cost estimating - cost control tasks
- Construction scheduling - schedule control tasks
- Record inspection - quality assurance / quality control inspections.

Public Works regularly uses contract schedules, which include cost estimates, to manage project delivery and costs by task.

As required, Public Works uses contract schedules to keep track of the Rebuild, and to manage project delivery and costs. Included among these schedules are:

- Master Contract Schedule. This schedule incorporates the architects' and CM/GC's schedules, and tracks budgets and timelines by task and construction phase. It includes the CM/GC construction tasks and the timing and responses to constructability reviews.¹ It also tracks due dates for permits and inspections, and is updated monthly.
- Jacobs' Staffing Plan. This is a schedule of Jacobs' projected staffing and related costs for the Rebuild. The schedule enables Public Works to estimate Jacobs' cash flow needs for the duration of the Rebuild.

Public Works uses schedules, weekly status meetings, and constant communication to regularly monitor Jacobs' progress and performance.

Public Works monitors and assesses Jacobs' progress and performance through its use and review of contract schedules, reports, weekly status meetings, and by working collaboratively and in close proximity with Jacobs' staff. Public Works also reviews and signs off Jacobs' validation of costs proposed in the CM/GC's work release letters (WRLs) and on Jacobs' invoices.

As part of the Integrated Project Delivery approach, Public

¹ According to Public Works, constructability reviews are a discussion among members of the Rebuild team about the feasibility of Webcor's construction tasks. These discussions are lead by Jacobs, with responses to Jacobs' inquiries provided by architects Fong & Chan Architects, Inc.

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Works and Jacobs hold weekly status meetings for the entire Rebuild team. Weekly status meetings enable Public Works and the Rebuild team to best coordinate project schedules, ensure that all tasks, including Jacobs' tasks, and costs are on target, identify and discuss issues, and make needed revisions.

Public Works and Jacobs collaboratively manage the Rebuild. Staff of both organizations work in close proximity on the construction site, which helps ensure that Public Works is aware of the activities and progress of Jacobs and the Rebuild. According to the Rebuild project manager, Jacobs is in constant communication with Public Works every day, including via a steady flow of cost estimate e-mails.

Public Works provides feedback on Jacobs' performance semi-annually.

Besides daily communication, the Rebuild project manager participates in a semi-annual review of Jacobs' performance that is conducted by Jacobs. During this process the Rebuild project manager provides feedback on Jacobs' performance in numerous categories, including safety, scope and project planning, communications and responsiveness, technical service and quality, staffing, schedule, cost estimating, field execution, supply management, and management and support services. Public Works has given Jacobs overall ratings ranging from 91 to 98 percent. The average rating of the four evaluations Jacobs has received to date is 96 percent.

Finding 1.2

Jacobs' invoices, including billing rates and hours, are accurate and supported.

Jacobs is complying with the key provisions of its contract.

Jacobs' invoices to the City are accurate, supported by payroll records, and adhere to its contract. According to the contract, Jacobs and its subcontractors are bound by compensation stipulations which include staff, hourly wage rates, and minimum compensation requirements.

The audit tested all billing rates, all hours, and the total amounts billed for both Jacobs and Saylor Consulting Group (Saylor), a subconsultant under the Jacobs contract.² For October 2008 through December 2010, all amounts paid to Jacobs and Saylor complied with the wage

² The amount billed by Jacobs and Saylor accounted for approximately \$4.2 million (67 percent) of the \$6.2 million total billed for the Rebuild through December 2010.

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rates and minimum compensation requirements in the contract. Based on a test of one month, August 2009, Jacobs' invoices agreed to its payroll records. The audit also tested the total payments made to LBEs.

Jacobs' use of LBEs meets contract requirements.

Jacobs appropriately reports summaries of LBE use in its invoices and has appropriately submitted all required Human Rights Commission documentation. Through December 2010 Jacobs used LBEs for 24 percent, \$1.5 million out of a total \$6.2 million, of the work billed under the contract. Jacobs' contract requires that Jacobs use LBEs for 14 percent of the work performed under the contract through 2016. Based on its current rate of LBE use, Jacobs will meet this participation requirement.

As required, Jacobs developed a system to facilitate communication among Rebuild team members.

As directed by its contract, Jacobs developed and maintains a Project Management Control System (PMCS) for the Rebuild. PMCS was implemented during the Rebuild's design phase and includes automated daily workflow processing and automated reporting. These features facilitate and document communication among the Rebuild's architect, engineering team, CM/GC, subcontractors, the executive management team, and other consultants.

CHAPTER 2 – Public Works and Jacobs Have Controls to Ensure That the CM/GC Complies With Its Contract and That the Rebuild Remains on Time and Within Budget

Summary

The executive management team has implemented effective controls over the Rebuild and the Construction Manager/General Contractor. These controls are consistent with Public Works' policies and procedures for city construction projects and help ensure that the executive management team adequately monitors construction progress, change orders, progress payments, and reports the status of the Rebuild to its stakeholders.

To help ensure that the CM/GC complies with its contract and that the Rebuild remains on time and within budget, the executive management team has implemented controls over:

- Monitoring and reporting
- Progress payments to the CM/GC
- Work release letters and change orders
- Insurance requirements
- Permits and inspections

Additionally, the Project Management Control System used in managing the Rebuild has extensive functionality and is easily operated, which facilitates project communication.

Finding 2.1

Reporting processes ensure that the Rebuild is monitored and transparent to stakeholders.

The executive management team adequately monitors construction and reports to the Rebuild's stakeholders.

The executive management team has established controls to ensure that the Rebuild's progress is adequately monitored and that there is regular status reporting to stakeholders.

To ensure appropriate monitoring of the Rebuild's progress, the executive management team has implemented processes to regularly review project scheduling and timelines, project progression by task and phase, inspections and permitting, and use of Local Business Enterprises. For example, the executive management team

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consistently monitors key project information by:

- Facilitating the consistent sharing of real-time construction information by providing the members of the Rebuild team with access to the PMCS, which has over 250 users.
- Preparing daily project reports that detail project activities including milestones that were reached, contractors on site, equipment used and delays noted.
- Using contract schedules which are updated monthly.
- Holding weekly progress meetings with the key members of the Rebuild team, including the executive management team, the architect, and the CM/GC, to discuss the status of key activities, milestones, and issues.
- Preparing monthly Rebuild summary reports that include schedule updates, scheduled inspections, construction status, and the status of milestones.

These monitoring processes help ensure that the executive management team has the most accurate and up-to-date information to share with the Rebuild's stakeholders, including Public Health, Public Works management, the Board of Supervisors, and the public. The executive management team has appropriate processes to ensure that these stakeholders receive regular and timely Rebuild updates. For example, the executive management team submits:

- Weekly reports to Public Works management that include detail on the week's project progression and significant events.
- Monthly reports to stakeholders, including the, Board of Supervisors, Department of Public Health and Public Works management, that show project photos, budget summaries, construction status and construction phase/increment status updates, projected activities, LBE summaries, and the overall project schedule. These reports are also made available to the public via Public Health's website.

The CM/GC also has a Rebuild website with links to cameras showing real-time video images of construction progress.

Finding 2.2

The executive management team ensures that progress payments made to the CM/GC are accurate and consistent with actual work performed.

The executive management team adequately controls progress payments to the CM/GC.

Appropriate controls over the progress payment cycle ensure that payments made to the CM/GC are accurate and for work performed. The executive management team has implemented a structured process for reviewing the CM/GC's invoices before payment.

The executive management team:

- Engages in a pencil draw/job walk³ to confirm the completion of all CM/GC work submitted for payment before issuance of payment.
- Reviews the preliminary schedule of values provided by the CM/GC to determine the accuracy of all costs submitted for payment and that all work was agreed upon during the pencil draw/job walk.
- Uses a checklist to ensure that all items required to be submitted with each invoice are included in the invoice package. Required items include, but are not limited to, completed Human Rights Commission forms, schedule of values, and timesheet summaries.
- Verifies the accuracy of contractor wages, hours, billing rates, certified payroll, and reimbursable expenses.
- Issues comments to the CM/GC regarding required changes or clarifications on the invoice.
- Inspects the CM/GC's insurance certificates to ensure that coverage is current.

A sample of five progress payments, totaling \$19.1 million, reviewed by the audit shows that the executive management team's controls are consistently applied and help ensure that progress payments are appropriate.

³ According to the executive management team, the pencil draw/job walk is a meeting between project owners and the CM/GC used to establish the total work completed by the contractor as of the invoice date.

Finding 2.3

The executive management team sufficiently controls work release letters and change orders.

The executive management team has controls over the CM/GC's work release letters and change orders adequate to ensure that the work performed, materials used, and costs are appropriate.

Change orders, which are periodic accumulations of approved WRLs, are impacted by the Integrated Project Delivery approach. IPD differs from the traditional design-bid-build approach because the scope and specifications, and thus the related costs of the work, are defined as the project progresses rather than before the project begins. This allows for all key members of the Rebuild team to provide input on the best way to construct each piece of work, which in turn reduces the need for change orders. On the other hand, because the work and costs are being defined during the project, the executive management team must have appropriate controls to ensure that the specifications and cost of each piece of work are negotiated and reasonable.

The executive management team uses WRLs as a contractual mechanism to authorize the CM/GC to proceed with certain scopes of work related to pre-construction services, general conditions/general requirements, fees, and reimbursable expenses, provided that they do not exceed the value of funds encumbered and certified by the City's Controller.

WRLs are used for two reasons: 1) pre-construction and construction phase services are incompletely defined at the time the CM/GC is asked to proceed with the work needed to maintain the project schedule and 2) WRLs are advantageous to the project's cash flow. For example, according to Public Works, the CM/GC may bid a trade package valued at \$15 million and seek to obtain approval from the executive management team to authorize the contractor to prepare shop drawings valued at \$1 million.⁴ In this case the Rebuild project manager could approve a WRL for the value of the shop drawings without the need to

⁴ A trade package represents a particular aspect of a construction project, such as site preparation, electrical, plumbing or painting.

encumber the full bid amount.

For WRLs to be binding between the City and the CM/GC, they are eventually included in a contract modification or change order, properly executed by the parties. A change order refers to the legal document that incorporates all previously approved WRLs into the CM/GC contract.

There is a strong process for reviewing and approving work release letters and change orders.

The executive management team's process for reviewing and approving WRLs and change orders ensures that the work and prices are reasonable. The process is as follows:

- The Rebuild architect provides an initial design for a particular aspect of the construction project to Public Works, which reviews the design and makes changes if necessary. Public Works then sends the design to the CM/GC via a proposed change order.
- The CM/GC prepares and submits the WRL, which includes the proposed cost of construction, to Jacobs.
- Jacobs' expert cost estimators determine the reasonableness of the WRL's proposed costs and recommends revisions as appropriate.
- Jacobs signs the WRL, thus acknowledging that it has been vetted, and submits it to Public Works.
- The Rebuild project manager determines whether or not to approve the WRL.
- Periodically (usually twice a month), the approved WRLs are captured in change orders.

Once a change order is approved, the work and price of the work are included in the CM/GC's contract and are tracked in the master contract schedule.

Finding 2.4

Public Works adequately monitors the CM/GC's compliance with insurance requirements.

The executive management team has controls to ensure that the CM/GC continues to comply with minimum insurance requirements throughout the duration of the Rebuild, as required by its contract. For example, Public Works:

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- Verifies that the CM/GC's insurance certificates are current every time a payment is being processed. If a lapse in coverage is found, Public Works holds the payment until it obtains verification that the appropriate insurance coverage is obtained.
- Retains and monitors its database of insurance certificates, which includes the expiration dates of each certificate. (The audit noted that Webcor maintains excess liability insurance coverage.)
- Ensures that the CM/GC's insurance is current anytime the CM/GC's contract is modified.

As of April 7, 2011, all the CM/GC's insurance certificates were current.

Finding 2.5

The executive management team ensures that all permit and inspection requirements are met.

According to Public Works, all key permits are tracked on the architect schedule, the CM/GC project schedule, and Jacobs' master program schedule. These schedules are reviewed during the weekly owner/architect/contractor meetings. Jacobs also prepares schedule updates that track and monitor key milestone activities, including permits and inspections, and ensure that they are addressed in a timely manner.

Finding 2.6

The Rebuild's Project Management Control System has extensive functionality, is easily operated, and has appropriate access levels for users.

PMCS improves the tracking and monitoring of the Rebuild.

The Project Management Control System, which was developed by Jacobs for the Rebuild, has extensive reporting and monitoring functionality, is user-friendly, and has appropriate user limitations and access privileges for its over 250 users. PMCS allows for the steady flow of real-time, project-related information to the appropriate users, and has created a centralized, web-based environment that increases collaboration and eases tracking and monitoring through the life cycle of the project.

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PMCS facilitates communication among Rebuild team members.

The PMCS facilitates management of the Rebuild by providing:

- A way to efficiently communicate information from the CM/GC to Public Works, Public Health, Jacobs, the architects and engineers, and relevant contractors and consultants.
- Mobile communication solutions to those in the field through tablets, laptop computers, and smart phones.
- A method for users to track and identify document revisions and organize the status of documents by whether they are open, closed, past due, or pending the user's action.
- Extensive reporting capabilities including those related to scheduling, purchasing, cost control, and document control, which identify trends such as the status of inspections (accepted or rejected, and failure rate) by company.
- A tool to track and retain all inspection requests, requests for information, meeting minutes, bulletins, drawing packages, daily construction reports, daily work reports, and punch lists.

A test of a sample of user access rights and privileges for the PMCS found that Jacobs adequately administered user security limitations based on individual user roles.

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Francisco General Hospital Rebuild Project**

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APPENDIX: DEPARTMENT RESPONSE

City and County of San Francisco



Edwin M. Lee, Mayor
Mohammed Nuru, Interim Director

San Francisco Department of Public Works

Office of the Director
1 Dr. Carlton B. Goodlett Place, City Hall, Room 348
San Francisco, CA 94102
(415) 554-6920 www.sfdpw.org



November 4, 2011

Tonia Lediju, Director of Audits
1 Dr. Carlton B. Goodlett Place
City Hall, Room 477
San Francisco, CA

Dear Ms. Lediju:

The Department of Public Works (DPW) is pleased to be in receipt of the favorable results of the audit findings from the Controller's Office, City Services Auditor Division (CSA report on the Department of Public Works' contract with Jacobs Construction Management Company (Jacobs) for executive construction management services on the rebuilding of San Francisco General Hospital & Trauma Center's Main Hospital building (Rebuild). Public Works' strives to manage the capital projects in strict compliance with established contractual objectives while advancing the work efficiently and effectively to successful completion. DPW has applied leading practices to deliver this significant, complex project on time and within budget. It is very rewarding that the CSA's findings are positive without recommendations for improvement.

We believe that the audit process was beneficial to the SFGH Rebuild team and has validated their commitment to the use of thorough project controls to manage scope, budget and schedule.

We look forward to future collaborative efforts in auditing various aspects of SFGH Rebuild Program.

Sincerely,

A handwritten signature in black ink, appearing to read "Mohammed Nuru".

Mohammed Nuru,
Interim Director



San Francisco Department of Public Works
Making San Francisco a beautiful, livable, vibrant, and sustainable city.

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

California Highway Patrol
San Francisco Area
455 8th Street
San Francisco, CA 94103
415-557-1094
(800) 735-2929 (TT/TDD)
(800) 735-2922 (Voice)



October 21, 2011

File No.: 335.13154

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

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2011 NOV -8 AM 8:12
RC

Dear Sir or Madam:

The enclosed report is submitted pursuant to Health and Safety Code Section 25108.7
(Proposition 65). The report documents information regarding the accidental discharge of
hazardous waste, which could cause substantial injury to the public health or safety. The report
is submitted on behalf of all designated employees of the Department of California Highway
Patrol.

Sincerely,

D. F. LOBB, Lieutenant
Acting Commander
San Francisco Area

Enclosure



HAZARDOUS MATERIALS INCIDENT REPORT

CHP 407E (Rev 6-04) OPI 062 Refer to HPM 84.2, Chapter 2

HAZARDOUS MATERIALS CONFIRMED

☒ Original ☐ Change ☐ Delete☒ Yes ☐ No

A	AGENCY NAME California Highway Patrol	AGENCY I.D. NUMBER 66	AGENCY INCIDENT NUMBER (H.Q. USE)	AGENCY PHONE NUMBER (916) 445-1865	OES CONTROL NUMBER 11-6240																								
B	INCIDENT DATE (MONTH, DAY, YEAR) 10/19/2011	TIME NOTIFIED 05:03	TIME COMPLETED 12:01	DATE COMPLETED (IF DIFFERENT) 10/24/2011																									
C	INCIDENT ADDRESS/LOCATION US 101 s/b, south of I-80	CITY/COMMUNITY San Francisco	COUNTY San Francisco	ZIP CODE 94103																									
	WEATHER (CHECK BEST DESCRIPTION) <input type="checkbox"/> 5 Hail <input type="checkbox"/> 6 Electrical storm <input type="checkbox"/> 7 Fog <input checked="" type="checkbox"/> 1 Clear <input type="checkbox"/> 3 Rain <input type="checkbox"/> 4 Snow <input type="checkbox"/> 8 High wind <input type="checkbox"/> 9 Other <input type="checkbox"/> 40 Unknown		EST. TEMPERATURE 57																										
	PROPERTY USE (SEE CODES BELOW) 961	SURROUNDING AREA (SEE CODES BELOW) 500	PROPERTY MANAGEMENT <input type="checkbox"/> Federal <input checked="" type="checkbox"/> State <input type="checkbox"/> County <input type="checkbox"/> City <input type="checkbox"/> Private <input type="checkbox"/> Unknown																										
D	PROPERTY USE AND SURROUNDING AREA TYPE CODES <table border="0"> <tr> <td>100 Public Assembly</td> <td>650 Agricultural</td> <td>936 Vacant lot</td> <td>962 County/City road</td> </tr> <tr> <td>200 Educational</td> <td>700 Manufacturing</td> <td>941 Open sea</td> <td>963 Private road</td> </tr> <tr> <td>300 Health care</td> <td>762 Hazmat chem mfg</td> <td>942 Harbor/Port</td> <td>965 Rest stop/vista point</td> </tr> <tr> <td>400 Residential</td> <td>767 Petroleum refinery</td> <td>946 Lake/Pond/River</td> <td>966 Scale/inspection facility</td> </tr> <tr> <td>500 Mercantile, Business</td> <td>800 Storage</td> <td>950 Railroad</td> <td>099 Other (explain in Comments)</td> </tr> <tr> <td>600 Industrial, Utility</td> <td>931 Open land</td> <td>961 Freeway</td> <td></td> </tr> </table>					100 Public Assembly	650 Agricultural	936 Vacant lot	962 County/City road	200 Educational	700 Manufacturing	941 Open sea	963 Private road	300 Health care	762 Hazmat chem mfg	942 Harbor/Port	965 Rest stop/vista point	400 Residential	767 Petroleum refinery	946 Lake/Pond/River	966 Scale/inspection facility	500 Mercantile, Business	800 Storage	950 Railroad	099 Other (explain in Comments)	600 Industrial, Utility	931 Open land	961 Freeway	
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500 Mercantile, Business	800 Storage	950 Railroad	099 Other (explain in Comments)																										
600 Industrial, Utility	931 Open land	961 Freeway																											
E	RELEASE FACTORS (CHECK BEST DESCRIPTION(S)) <input type="checkbox"/> 11 Intentional act <input type="checkbox"/> 70 Operational deficiency <input type="checkbox"/> 12 Suspicious act <input checked="" type="checkbox"/> 71 Collision/overturn <input type="checkbox"/> 30 Failure to control hazmat <input type="checkbox"/> 80 Natural condition <input type="checkbox"/> 31 Abandoned <input type="checkbox"/> 94 Fire/explosion <input type="checkbox"/> 40 Misuse of hazmat <input type="checkbox"/> 98 No release <input type="checkbox"/> 50 Mechanical failure <input type="checkbox"/> 99 Other _____ <input type="checkbox"/> 60 Design, construction installation deficiency <input type="checkbox"/> 00 Undetermined		TYPE OF EQUIPMENT INVOLVED <input type="checkbox"/> 10 Heating systems <input type="checkbox"/> 30 Air condition/refrig <input type="checkbox"/> 77 Chem processing equipment <input type="checkbox"/> 78 Waste recovery equipment <input type="checkbox"/> 96 Hazmat transfer equipment <input checked="" type="checkbox"/> 97 Vehicle fuel system <input type="checkbox"/> 98 No equipment involved <input type="checkbox"/> 99 Other _____ <input type="checkbox"/> 00 Undetermined		MOBILE PROPERTY TYPE <input type="checkbox"/> 10 Passenger vehicle/road <input checked="" type="checkbox"/> 20 Freight vehicle/road <input type="checkbox"/> 30 Rail transport vehicle <input type="checkbox"/> 40 Water transport vessel <input type="checkbox"/> 50 Air transport vessel <input type="checkbox"/> 60 Heavy equip. indust./agri <input type="checkbox"/> 98 No mobile property involved <input type="checkbox"/> 99 Other _____ <input type="checkbox"/> 00 Undetermined																								
F	ACTION TAKEN (CHECK ONE OR MORE) <input checked="" type="checkbox"/> 31 Rescue, remove from harm <input type="checkbox"/> 42 ID/analysis of hazmat <input type="checkbox"/> 61 Crowd control <input type="checkbox"/> 92 Refer to proper authority <input type="checkbox"/> 32 Extrication, disentanglement <input type="checkbox"/> 43 Evacuation <input checked="" type="checkbox"/> 62 Traffic control <input type="checkbox"/> 97 Hazmat response, material determined to be non-hazardous <input checked="" type="checkbox"/> 33 Emergency medical services <input type="checkbox"/> 44 Establish safe area <input checked="" type="checkbox"/> 63 Notify other agency <input type="checkbox"/> 98 No action taken <input type="checkbox"/> 35 Search <input type="checkbox"/> 45 Monitor <input checked="" type="checkbox"/> 64 Provide public information <input type="checkbox"/> 99 Other _____ <input type="checkbox"/> 36 Transport <input checked="" type="checkbox"/> 46 Decon-person/equip. <input checked="" type="checkbox"/> 71 Investigate <input type="checkbox"/> 99 Other _____ <input type="checkbox"/> 41 Remove hazard (neutralized) <input checked="" type="checkbox"/> 47 Decon-area (clean up) <input type="checkbox"/> 73 Shut down system <input type="checkbox"/> 99 Other _____ <input type="checkbox"/> 48 Contain/control hazmat <input type="checkbox"/> 82 Secure property																												
G	CHEMICAL NAME OR TRADE NAME (PRINT OR TYPE) Diesel fuel																												
	PHYSICAL STATE STORED <input type="checkbox"/> 1 Solid <input checked="" type="checkbox"/> 2 Liquid <input type="checkbox"/> 3 Gas	PHYSICAL STATE RELEASED <input type="checkbox"/> 1 Solid <input checked="" type="checkbox"/> 2 Liquid <input type="checkbox"/> 3 Gas	QUANTITY RELEASED (LBS., GAL., ETC.) 100	ENVIRONMENTAL CONTAMINATION <input type="checkbox"/> 1 Air <input checked="" type="checkbox"/> 3 Ground <input type="checkbox"/> 2 Water <input type="checkbox"/> 9 Other	EXTENT OF RELEASE (SEE CODES [1] BELOW) 7																								
	CONTAINER DESCRIPTION <input type="checkbox"/> 1 Fixed <input type="checkbox"/> 2 Portable <input type="checkbox"/> 3 Mobile	CONTAINER TYPE (SEE CODES [2] BELOW) 41	LEVEL OF CONTAINER (SEE CODES [3] BELOW) 30	CONTAINER MATERIAL (SEE CODES [4] BELOW) 2	CONTAINER CAPACITY (LBS., GAL., ETC.) 100																								
	CHEMICAL NAME OR TRADE NAME (PRINT OR TYPE) Diesel fuel																												
	PHYSICAL STATE STORED <input type="checkbox"/> 1 Solid <input type="checkbox"/> 2 Liquid <input type="checkbox"/> 3 Gas	PHYSICAL STATE RELEASED <input type="checkbox"/> 1 Solid <input type="checkbox"/> 2 Liquid <input type="checkbox"/> 3 Gas	QUANTITY RELEASED (LBS., GAL., ETC.)	ENVIRONMENTAL CONTAMINATION <input type="checkbox"/> 1 Air <input type="checkbox"/> 3 Ground <input type="checkbox"/> 2 Water <input type="checkbox"/> 9 Other	EXTENT OF RELEASE (SEE CODES [1] BELOW)																								
	CONTAINER DESCRIPTION <input type="checkbox"/> 1 Fixed <input type="checkbox"/> 2 Portable <input type="checkbox"/> 3 Mobile	CONTAINER TYPE (SEE CODES [2] BELOW)	LEVEL OF CONTAINER (SEE CODES [3] BELOW)	CONTAINER MATERIAL (SEE CODES [4] BELOW)	CONTAINER CAPACITY (LBS., GAL., ETC.)																								
	EXTENT OF RELEASE CODES (1) 1 Confined to vehicle/equipment 2 Confined to room of origin 3 Confined to floor of origin 4 Confined to structure of origin 5 Confined to property use of origin 6 Release beyond property use of origin 7 NO RELEASE 8 Other (explain in Comments) 9 Undetermined																												
	CONTAINER TYPE CODES (2) 11 Drum 12 Cylinder 13 Can or bottle 14 Carboy 15 Box or carton 16 Bag 21 Tank or silo (including vehicle cargo tanks) 22 Pipe 24 Machinery or process equipment 31 Sump/Pit 32 Pond or surface impoundment																												
	LEVEL OF CONTAINER CODES (3) 11 Ground level 30 Above ground 40 Below ground 33 Well 41 Vehicular fuel tank 98 NO CONTAINER 99 Other (explain in Comments) 00 Undetermined																												
	CONTAINER MATERIAL CODES (4) 1 Iron and iron alloys 2 Aluminum and aluminum alloys 3 Copper and copper alloys 4 Plastic (includes fiberglass), rigid 5 Plastic, flexible 6 Wood, paper, and cellulose products 7 Glass 9 Other (explain in Comments) 0 Undetermined																												
	REPORTING OFFICER NAME/RANK/I.D. NO. (PRINT OR TYPE) A. Gregorian / Sergeant / 15929																												
	DATE 10/24/2011																												
	COMMENTS ON ATTACHMENT <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No																												

MORE THAN TWO SUBSTANCES INVOLVED (LIST ADDITIONAL INFORMATION ON CHP 556)																		
H	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No																	
I	SPECIAL STUDIES - LOCAL USE										SPECIAL STUDIES - STATE USE							
	1. A B C D		2. A B C D		3. A B C D		4. A B C D		5. A B C D		6. A B C D							
J	HAZMAT IDENTIFICATION SOURCES (CHECK BEST DESCRIPTION(S))										HAZMAT CASUALTIES		NO. OF DECON./ EXPOSED		NO. OF INJURIES		NO. FATALITIES	
	<input checked="" type="checkbox"/> 19 On-site fire services										58 Tox center		78 Shipping papers					
	<input type="checkbox"/> 25 Private info source										59 Chemtrec		87 Computer software					
	<input type="checkbox"/> 29 Off-site fire services										71 DOT manual		98 No reference material used					
	<input type="checkbox"/> 40 On-site non-fire services										73 MSDS							
	<input type="checkbox"/> 60 Off-site non-fire services										75 Placards/signs		99 Other					
	<input type="checkbox"/> 54 Chemist																	
K	VEHICLE MAKE/YEAR				VEHICLE LICENSE NO.				STATE		VEHICLE I.D. NO. (VIN)				CA/DOT/PUC/ICC NO.		COMPANY NAME	
	2007 Mack				8F96618				CA		1M1AK02X87N004433				CA 12375		Royal Trucking	
	JUDICIAL DISTRICT				BEAT				NCIC NUMBER		PLACARDS REQUIRED		PHOTOGRAPHS					
	San Francisco				14				9335		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No					
M	MILEPOST INFORMATION				TIME O.E.S. NOTIFIED				TIME CALTRANS/COUNTY ROADS NOTIFIED									
	<input checked="" type="checkbox"/> 500 feet Feet south of milepost 101 SF 4.31				07:08				05:41									
	<input type="checkbox"/> At intersection with																	
	<input checked="" type="checkbox"/> Or:500 feet Feet/miles south of I-80																	
N	CARRIER'S NAME										PHONE NUMBER (INCLUDE AREA CODE)							
	Royal Trucking										(925) 689-6441							
	ADDRESS (INCLUDE CITY, STATE AND ZIP CODE)																	
	1420 Royal Industrial Way, Concord CA 94520																	
O	DRIVER'S NAME										LICENSE NUMBER AND STATE		PHONE NUMBER (INCLUDE AREA CODE)					
	Michael Patrick Finerty										N5186460 CA		(925) 676-2272					
	ADDRESS (INCLUDE CITY, STATE AND ZIP CODE)																	
	2742 Broadmoor Avenue, Concord CA 94520																	
P	Enter at least one of either the CHP, DOT, PUC, or ICC number.																	
	CHP NUMBER																	
	CA 1 2 3 7 5																	
	DOT NUMBER																	
	US																	
	PUC NUMBER																	
	T																	
	ICC NUMBER																	
	MC																	
Q	If applicable, enter cargo tank specification number and/or at least one of the following:																	
	CARGO TANK SPECIFICATION NUMBER																	
	1. CHP cargo tank registration number (CT. . .)																	
	2. DHS Waste Hauler Compliance Sticker number																	
R	CITATION ISSUED OR COMPLAINT TO BE FILED																	
	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Not determined																	
	OTHER HAZARDOUS MATERIALS VIOLATIONS (NON-CAUSATIVE)																	
	<input type="checkbox"/> Yes* <input checked="" type="checkbox"/> No																	
	PRIMARY CAUSE OF INCIDENT																	
	<input type="checkbox"/> Violation 34506(b) VC/C.C.R. Section																	
	DID WEATHER CONTRIBUTE TO EITHER CAUSE AND/OR SEVERITY OF INCIDENT?																	
	<input type="checkbox"/> Yes* <input checked="" type="checkbox"/> No																	
	AFTER ACTION REPORT REQUIRED? (REFER TO G.O. 100.79)																	
	<input type="checkbox"/> Yes* <input checked="" type="checkbox"/> No																	
	COLLISION REPORT MADE?																	
	<input checked="" type="checkbox"/> Yes* <input type="checkbox"/> No																	
	NUMBER																	
	2011100140																	
S	DATE AND TIME SCENE DECLARED SAFE																	
	10/19/2011 12:01																	
	BY WHOM (NAME, TITLE AND AGENCY)																	
	Francisco Chavez, Maintenance Supervisor, Caltrans																	
	ROAD CLOSURE																	
	<input type="checkbox"/> None <input checked="" type="checkbox"/> Full--Hours: 7 <input type="checkbox"/> Partial--Hours:																	
	Alternative route--Hours:																	
T	Complete narrative on CHP 556																	
	ELEMENTS (AS APPLICABLE): (IF MORE THAN ONE CARRIER OR MORE THAN THREE COMMODITIES ARE INVOLVED, INCLUDE ADDITIONAL INFORMATION IN NARRATIVE.)																	
	1. Sequence of events 3. Evacuation details 5. Cleanup actions 7. CHP personnel data--name, rank, I.D. no., function, exposure, hours																	
	2. Road closures 4. Environmental impact 6. Actions of other agencies																	
	PREPARER'S NAME, RANK, AND I.D. NUMBER																	
	A. Gregorian / Sergeant / 15929																	
	DATE																	
	10/24/2011																	
	REVIEWER'S NAME, RANK, AND I.D. NUMBER																	
	D. F. LOB, LIEUTENANT 13151																	
	DATE																	
	11/4/11																	

DATE OF INCIDENT/OCCURRENCE 10/19/11	TIME (2400) 0500	NCIC NUMBER 9335	OFFICER I.D. NUMBER 15929	NUMBER
<input checked="" type="checkbox"/> Narrative <input type="checkbox"/> Supplemental		<input type="checkbox"/> Collision Report <input checked="" type="checkbox"/> Other: 407e		<input type="checkbox"/> BA Update <input checked="" type="checkbox"/> Hazardous Materials
<input type="checkbox"/> Fatal <input type="checkbox"/> School Bus		<input type="checkbox"/> Hit and Run Update <input type="checkbox"/> Other:		
CITY/COUNTY/JUDICIAL DISTRICT San Francisco/San Francisco				REPORTING DISTRICT/BEAT 14
LOCATION/SUBJECT US 101 southbound, south of I-80				CITATION NUMBER
STATE HIGHWAY RELATED <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No				

1. **SEQUENCE OF EVENTS:**

2. On October 19, 2011, at approximately 0500 hours, a 2007 Mack truck pulling two trailers full of dry cement was
3. traveling on US 101 southbound, just south of I-80. The weather was clear and cool, and the roadway was dry.
4. The driver of the truck lost control as he became involved in a collision with several other vehicles. The tractor
5. trailer combination overturned, blocking the entire roadway.
- 6.
7. The resulting impact caused the tractor's fuel tanks to rupture and spill most of their content, consisting of
8. approximately 100 gallons of diesel fuel. The fuel caught fire as it spilled out and spread across the roadway. The
9. diesel spill was confined to the roadway of the freeway. The diesel spill was eventually cleaned up.
- 10.

11. **ROAD CLOSURES:**

12. All lanes of US 101 southbound were closed to facilitate the removal of the vehicles involved, and to allow for
13. scene containment and clean-up. The closure remained in place for approximately 7 hours..
- 14.

15. **EVACUATION DETAILS:**

16. Due to the location and commodity involved, no evacuation was required.
- 17.

18. **ENVIRONMENTAL IMPACT:**

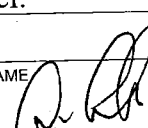
19. No soil or water contamination resulted from this incident. The spilled diesel fuel was covered with absorbent to
20. be swept up and removed from the scene.
- 21.

22. **CLEAN-UP ACTIONS:**

23. The San Francisco Fire Department quickly arrived on scene and put out the fire from the resulting diesel fuel spill,
24. and began containment of the fuel run-off. Notification was made to Caltrans, and to the Office of Emergency
25. Services. Caltrans Maintenance Supervisor Francisco Chavez arrived on scene, and requested Environmental
26. Logistics to respond and remove the remaining fuel from the roadway.
- 27.

28. **ACTIONS BY OTHER AGENCIES:**

29. The San Francisco Fire Department responded to the initial call of the collision and fire. Caltrans arrived and
30. called out Environmental Logistics to remove the spilled diesel fuel.
- 31.

PREPARER'S NAME and I.D. NUMBER A. GREGORIAN 15929	DATE 10/24/11	REVIEWER'S NAME 	DATE 10/24/11
---	------------------	---	------------------

DATE OF INCIDENT/OCCURRENCE 10/19/11	TIME (2400) 0500	NCIC NUMBER 9335	OFFICER I.D. NUMBER 15929	NUMBER
"X" ONE <input checked="" type="checkbox"/> Narrative <input type="checkbox"/> Supplemental		"X" ONE <input type="checkbox"/> Collision Report <input checked="" type="checkbox"/> Other: 407e		
TYPE SUPPLEMENTAL ("X" APPLICABLE) <input type="checkbox"/> BA Update <input checked="" type="checkbox"/> Hazardous Materials		<input type="checkbox"/> Fatal <input type="checkbox"/> School Bus <input type="checkbox"/> Hit and Run Update <input type="checkbox"/> Other:		
CITY/COUNTY/JUDICIAL DISTRICT San Francisco/San Francisco				REPORTING DISTRICT/BEAT 14
LOCATION/SUBJECT US 101 southbound, south of I-80				CITATION NUMBER
STATE HIGHWAY RELATED <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No				

1. **CHP PERSONNEL:**

2. NAME	ID#	RANK	INJURIES	FUNCTION	TOTAL HOURS
3. D. Lobb	13154	Lieutenant	None	Incident Commander	6.0
4. A. Gregorian	15929	Sergeant	None	Incident Supervisor	7.0
5. K. Kepler	19489	Officer	None	Investigating Officer	7.0
6. D. Marchewka	19521	Officer	None	Traffic Control	7.0
7. J. Kuhn	19847	Officer	None	Traffic Control	7.0
8. B. Boroja	20108	Officer	None	Traffic Control	7.0
9. H. Castro	16173	Officer	None	Traffic Control	7.0
10. T. McCollister	19906	Officer	None	Traffic Control	7.0
11. M. Pineda	10983	Officer	None	Traffic Control	7.0

12. **ADDITIONAL INFORMATION:**

13. Officer Kepler is completing the collision investigation of the incident. The Site Safety Plan is attached.

14. _____

15. _____

16. _____

17. _____

18. _____

19. _____

20. _____

21. _____

22. _____

23. _____

24. _____

25. _____

26. _____

27. _____

28. _____

29. _____

30. _____

31. _____

PREPARER'S NAME and I.D. NUMBER
A. GREGORIAN 15929

DATE
10/24/11

REVIEWER'S NAME

A. L. H.

DATE
11/11/11

SAN FRANCISCO AREA HAZARDOUS MATERIALS SITE SAFETY PLAN

DATE: 10/19/2009 **TIME:** 0500

LOCATION: US 101 s/b, south of I-80

SAFETY OFFICER: Jim Vannucchi, San Francisco Fire Dept.

AREA DESCRIPTION: Incorporated / Freeway

HAZARDOUS MATERIAL: Diesel Fuel, ID 1202

PHYSICAL STATE OF SUBSTANCE: Liquid

PRIMARY HAZARDS: Flammability

EXPOSURES: No

EVACUATION: No

SHELTER IN PLACE: No

WEATHER **TEMP:** 57 degrees, Dry, Clear.

WORK ZONES: N/A

LEVEL PROTECTION: N/A

**MITIGATION
OBJECTIVES:** Reduce hazards of spilled fuel by closing s/b lanes.
Remove spilled fuel from scene.

COMMISSIONERS
Jim Kellogg, President
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 *cpagel*
electronic **Sonke Mastrup**
EXECUTIVE DIRECTOR
1416 Ninth Street
Box 944209
Sacramento, CA 94244-2090
(916) 653-4899
(916) 653-5040 Fax
fgc@fgc.ca.gov

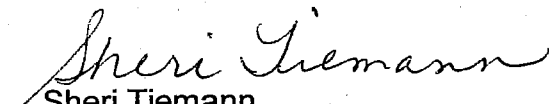
STATE OF CALIFORNIA
Fish and Game Commission

November 8, 2011

TO ALL AFFECTED AND INTERESTED PARTIES:

This is to provide you with a Notice of Findings regarding American pika (*Ochotona princeps*) which will be published in the California Regulatory Notice Register on November 11, 2011.

Sincerely,


Sheri Tiemann
Staff Services Analyst

Attachment

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2011 NOV -9 PM 3:13
PC

(20)

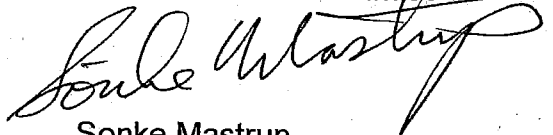
**CALIFORNIA FISH AND GAME COMMISSION
NOTICE OF FINDINGS**

American pika
(*Ochotona princeps*)

NOTICE IS HEREBY GIVEN that, pursuant to the provisions of Section 2074.2 of the Fish and Game Code, the California Fish and Game Commission, at its October 19, 2011, meeting in Monterey, California, accepted for consideration the petition submitted to list the American pika (*Ochotona princeps*) as a threatened species. Pursuant to subdivision (a)(2) of Section 2074.2 of the Fish and Game Code, the aforementioned species is hereby declared a candidate species as defined by Section 2068 of the Fish and Game Code.

Within one year of the date of publication of this notice of findings, the Department of Fish and Game shall submit a written report, pursuant to Section 2074.6 of the Fish and Game Code, indicating whether the petitioned action is warranted. Copies of the petition, as well as minutes of the October 19, 2011, Commission meeting, are on file and available for public review from Sonke Mastrup, Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Written comments or data related to the petitioned action should be directed to the Commission at the aforementioned address.

Fish and Game Commission

A handwritten signature in black ink, appearing to read 'Sonke Mastrup', written over the printed name.

Sonke Mastrup
Executive Director

October 26, 2011

COMMISSIONERS
Jim Kellogg, President
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

STATE OF CALIFORNIA
Fish and Game Commission

1505-11 page
electronic
Sonke Mastrup
EXECUTIVE DIRECTOR
1416 Ninth Street
Box 944209
Sacramento, CA 94244-2090
(916) 653-4899
(916) 653-5040 Fax
fgc@fgc.ca.gov

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BOARD OF SUPERVISORS
SAN FRANCISCO
NOV -9 PM 3:13
Kc

November 8, 2011

TO ALL AFFECTED AND INTERESTED PARTIES:

This is to provide you with a Notice of Findings regarding The Cedars buckwheat (*Eriogonum cedrorum*) which will be published in the California Regulatory Notice Register on November 11, 2011.

Sincerely,

Sheri Tiemann
Sheri Tiemann
Staff Services Analyst

Attachment

21

CALIFORNIA FISH AND GAME COMMISSION

NOTICE OF FINDINGS

NOTICE IS HEREBY GIVEN that the California Fish and Game Commission (Commission), at its May 4, 2011 meeting in Ontario, California, found pursuant to Fish and Game Code Section 2074.2, that the petition to add The Cedars buckwheat (*Eriogonum cedrorum*) to the list of endangered species under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.) does not provide sufficient information to indicate that the petitioned action may be warranted. On September 15, 2011, the Commission at its meeting in Redding, California, adopted the following findings outlining the reasons for and ratifying its rejection of the petition on May 4, 2011. On October 19, 2011, the Commission, at its meeting in Monterey, California, adopted the following amended findings, more clearly outlining the reasons for and ratifying its rejection of the petition on May 4, 2011.

I.

BACKGROUND AND PROCEDURAL HISTORY

December 28, 2010. The Commission office received a petition from the California Native Plant Society, Milo Baker Chapter, to list The Cedars buckwheat as endangered under CESA (Petition). The Petition as submitted to the Commission is dated December 21, 2010.

January 7, 2011. The Commission office determined the Petition was complete, referred the Petition to the Department of Fish and Game (Department) for review and analysis pursuant to Fish and Game Code Section 2073.5, and notified the petitioner of these facts.

January 21, 2011. The Commission published in the California Regulatory Notice Register notification of receipt of the Petition pursuant to Fish and Game Code Section 2073.3. (Cal. Reg. Notice Register 2011, No. 3-Z, p. 87.)

March 18, 2011. The Department submitted its Petition Evaluation Report (also dated March 18, 2011) (Evaluation Report) to the Commission pursuant to Fish and Game Code Section 2073.5.

April 7, 2011. The Commission accepted and acknowledged receipt of the Department's Evaluation Report at its notice meeting in Folsom, California, indicating it would consider the Petition, the Evaluation Report, other information, and related public comments at the Commission meeting scheduled for May 4-5, 2011.

May 4, 2011. The Commission considered the Petition, the Department's Evaluation Report, and other information at its noticed public meeting in Ontario, California. The Department provided an overview of its Evaluation Report and the Petition generally as part of the related public hearing. No other member of the public provided related testimony to the Commission during the public hearing. After hearing the Department presentation and considering the Petition, the Department's Evaluation Report, and all other information presented to the Commission during the related administrative proceedings, the Commission rejected the Petition, finding it did not contain sufficient information to indicate the petitioned action may be warranted.

II. STATUTORY AND LEGAL FRAMEWORK

In general, Commission "Listing of Endangered Species" under CESA is governed by Division 3, Chapter 1.5, Article 2, of the Fish and Game Code, commencing with section 2070. A related regulation is found in Title 14, section 670.1, of the California Code of Regulations. The CESA listing process is also described in published appellate California case law, including *Center for Biological Diversity v. California Fish and Game Commission* (2008) 166 Cal.App.4th 597, 600 (hereafter *CBD*); *California Forestry Association v. California Fish and Game Commission* (2007) 156 Cal.App.4th 1535, 1541-1542; and *Natural Resources Defense Council v. California Fish and Game Commission* (1994) 28 Cal.App.4th 1104, 1111-1116 (hereafter *NRDC*). Case law describes "listing" under CESA as a two-step process:

"In the first step the Commission determines whether a species is a candidate for listing by determining whether the petition – when considered with the Department's written report and the comments received – provides sufficient information to indicate that the endangered or threatened listing 'may be warranted.' If this hurdle is cleared, the petition is 'accepted for consideration' and the second step begins: the Department conducts a (roughly) year-long scientific based review of the subject species, reports to the Commission, and then the Commission determines whether listing of the candidate as an endangered or threatened species 'is [or] is not warranted.'"

(*NRDC*, 28 Cal.App.4th at pp. 1114-1115.)

The Commission, in the present case, is at the first step of the CESA listing process for the Petition. Specifically, determining whether the Petition, when considered with the Evaluation Report and other related information before the Commission, provides sufficient information to indicate the petitioned action may be warranted. (See generally Fish & G. Code, §2074.2; Cal. Code Regs., tit. 14, §670.1, subd. (e).) This first step is sometimes referred to as the "for consideration" stage in the Commission listing process and the standard governing the Commission's related determination at this first stage is sometimes referred to as the candidacy evaluation test. (See, e.g., *CBD*, *supra*, 166 Cal.App.4th at p. 610.)

The candidacy evaluation test governing the Commission's determination at this first step in the CESA listing process is discussed in both the *NRDC* and *CBD* decisions from California's Third District Court of Appeal. In *NRDC*, the Court of Appeal interpreted the statutory language regarding Commission determinations as to whether a petition contains "sufficient information to indicate that the petitioned action may be warranted." (Fish & G. Code, § 2074.2, subd. (a); see also Cal. Code Regs., tit. 14, § 670.1, subd. (e).) In so doing, the court interpreted the standard to mean "that amount of information – when considered in light of the [Department's] written report and comments received – that would lead a reasonable person to conclude there is a 'substantial possibility' the requested listing 'could' occur[.]" (*NRDC*, *supra*, 28 Cal.App.4th at pp. 1108-1109 (internal citations omitted).) In other words, the court concluded that, if a reasonable person reviewing the petition would conclude that listing could occur, the Commission must accept the petition and designate the species as a candidate for listing under CESA. Based on other "guideposts" offered by the court, while the Commission must find more than a reasonable possibility of listing to designate a species as a candidate, it need not find a reasonable probability of such a future listing at this first step in the CESA listing process. (See *Id.* at pp. 1119-1125.)

The *CBD* decision adds important detail regarding the candidacy evaluation test governing the Commission's first step in the CESA listing process. The Court of Appeal affirmed its earlier, related decision in *NRDC*, emphasizing the term "sufficient information" in Fish and Game Code section 2074.2 means that amount of information that would lead a reasonable person to conclude the petitioned action may be warranted; that the phrase "may be warranted" is appropriately characterized as a "substantial possibility that listing could occur"; and that "substantial possibility" means something more than a reasonable possibility, but that it does not require that listing is more likely than not. (*CBD*, *supra*, 166 Cal.App.4th at pp. 609-610.) In so doing, the court also acknowledged that the "Commission is the finder of fact in the first instance in evaluating the information in the record." (*Id.* at p. 611, citing *NRDC*, *supra*, 28 Cal.App.4th at p.1125.) The court also clarified:

"[T]he standard, at this threshold in the listing process, requires only that a substantial possibility of listing could be found by an objective, reasonable person. The Commission is not free to choose between conflicting inferences on subordinate issues and thereafter rely upon those choices in assessing how a reasonable person would view the listing decision. Its decision turns not on rationally based doubt about listing, but on the absence of any substantial possibility that the species could be listed after the requisite review of the status of the species by the Department under [Fish and Game Code] section 2074.6." (*Ibid.*)

Another component to the standard discussed by the Court of Appeal in *CBD* is whether the information in the petition or as otherwise presented to the Commission clearly does, or does not, lead to a certain conclusion. According to the decision, if information clearly would lead a reasonable person to conclude there is a substantial possibility that listing could occur, unless counter information is sufficient to compellingly undercut the petition's showing (e.g. persuasively, wholly undercuts some important component of a *prima facie* showing that there is a substantial possibility that listing could occur), the Commission must accept the petition. (*CBD*, *supra*, 166 Cal.App.4th at pp. 610-612.) In contrast, the Court of Appeal indicated, if all the information before the Commission clearly indicates the absence of a substantial possibility that listing could occur, a Commission decision to reject a petition should be upheld. (*Ibid.*) Finally, the court indicated, if the information on balance is unclear, ultimate discretion rests with the Commission to either reject or accept the petition. (*Ibid.*)

The definitions of endangered and threatened species under CESA also inform the Commission's decision at the *first step* of the CESA listing process. The Fish and Game Code defines "endangered species," in pertinent part, to mean:

"[A] native species or subspecies of a bird, mammal, fish amphibian, reptile, or plant which is in serious danger of becoming extinct throughout all, or a significant portion, of its range due to one or more causes, including loss of habitat, change in habitat, over exploitation, predation, competition, or disease." (Fish & G. Code, § 2062; see also *California Forestry Association*, *supra*, 156 Cal.App 4th at p. 1540, 1549-1551 ("range" for purposes of CESA means the range of the species in California).) Likewise in pertinent part, the Fish and Game Code defines "threatened species" to mean:

"[A] native species or subspecies of a bird, mammal, fish amphibian, reptile, or plant that, although not presently threatened with extinction, is likely to become an endangered species in the foreseeable future in the absence of the special protection and management efforts required by [CESA]." (Fish & G. Code, § 2067.)

In short, both *NRDC* and *CBD* cast the Commission's "may be warranted" determination under Fish and Game Code section 2074.2 in terms of whether a reasonable person would conclude that there is a substantial possibility listing could occur. (*NRDC, supra*, 28 Cal.App.4th at p. 1125; *CBD, supra*, 166 Cal.App.4th at pp. 609-610.) That standard, as emphasized by the Court of Appeal, is an objective standard that does not allow the Commission as the decision making body to substitute its own subjective view for the objective, reasonable person. (*Id.* at p. 610, fn. 13.) The Commission applied this standard, along with related legal principles, in determining in the present case that the Petition does not provide sufficient information to indicate that the petitioned action may be warranted. (Fish & G. Code, § 2074.2, subd. (a)(1).)

III.

FACTUAL AND SCIENTIFIC BASES FOR THE COMMISSION'S FINDING

The factual and scientific bases for the Commission's finding to reject the Petition to list The Cedars buckwheat as endangered are set forth in detail in the Commission's administrative record of proceedings. Substantial evidence in the administrative record in support of the Commission's determination includes, but is not limited to, the Evaluation Report, and other information specifically presented to the Commission and otherwise included in the Commission's administrative record as it exists up to and including the Commission meeting in Ontario, California, on May 4, 2011.

The Commission finds that the evidence highlighted in the preceding paragraph, along with other evidence in its administrative record of proceedings generally, supports the Commission's determination that the Petition does not contain sufficient information in relation to the following factors to indicate that the petitioned action may be warranted:

1. Population trend;
2. Range;
3. Distribution;
4. Abundance;
5. Life history;
6. Kind of habitat necessary for survival;
7. Factors affecting the ability to survive and reproduce;
8. Degree and immediacy of threat;
9. Impact of existing management efforts;
10. Suggestions for future management;
11. Availability and sources of information; and
12. A detailed distribution map.

The following discussion highlights in more detail some of the scientific and factual information and other evidence in the administrative record of proceedings that support the Commission's determination that the petition does not provide sufficient information to indicate that listing The Cedars buckwheat as endangered may be warranted. Part A below describes each factor individually; and Part B below describes the information considered as a whole in determining if the Petition meets the standard for being accepted by the Commission.

A. Factors considered individually.

1. Population trend:

The Petition states that populations of The Cedars buckwheat have been stable for over 30

years. The 2009 type description of The Cedars buckwheat states, "A recent survey of the Central Canyon sites shows the population to be extremely stable. While there were few young plants, not a single dead mat was noted. A few plants had their crowns elevated >1.5 dm above the current rock surface, showing they had undergone that much erosion and survived. The lack of any significant disturbance at any site, the lack of senescence or death, and the persistence of plants in extremely harsh sites suggests this taxon is capable of great age." A population that is currently and has been stable over 30 years, without senescent or dead plants, some of which have survived > 6 inches (1.5 dm) of erosion in extremely harsh sites, demonstrates a stable, long-term population trend. This information clearly indicates that the population trend is not declining. As a result, there is insufficient evidence regarding this factor for an objective, reasonable person to conclude that there is a substantial possibility that listing could occur.

2. Range

The Cedars buckwheat is restricted to an area called The Cedars in Sonoma County, California. The Petition states that The Cedars buckwheat occurs on "less than 500 acres." The actual area of land that The Cedars buckwheat occupies is not clear from the information provided in the Petition and from other information available to the Department. Regardless of the acreage of habitat occupied by The Cedars buckwheat, this species is rare and is endemic to The Cedars. An endemic species is a species that is native to a specific place and occurs nowhere else.

An endangered species is defined as "a native species or subspecies of a bird, mammal, fish, amphibian, reptile, or plant which is in serious danger of becoming extinct throughout all, or a significant portion, of its range due to one or more causes, including loss of habitat, change in habitat, over exploitation, predation, competition, or disease." (Fish & G. Code § 2062). A threatened species is defined as "a native species or subspecies of a bird, mammal, fish, amphibian, reptile, or plant that, although not presently threatened with extinction, is likely to become an endangered species in the foreseeable future in the absence of the special protection and management efforts required by this chapter." (Fish and G. Code § 2067). A species, although rare and endemic, may not necessarily be in serious danger of becoming extinct, especially if there are no threats to the species; or loss of habitat, change in habitat, over exploitation, predation, competition, or disease. There is no information indicating any change to The Cedars buckwheat's range. As a result, there is insufficient evidence regarding this factor for an objective, reasonable person to conclude that there is a substantial possibility that listing could occur.

3. Abundance

The Petition states that there are about 3000 – 4000 plants in existence restricted to three limited areas in The Cedars, Sonoma County while the attached reference to the Petition states that "there are \pm 1500 to 2000 plants in existence." Although there is a discrepancy in the numbers provided in the Petition, the Petition states that populations of The Cedars buckwheat are stable and have been for over 30 years. This statement is supported by the references attached to the Petition as appendices. As a result, there is insufficient evidence regarding this factor for an objective, reasonable person to conclude that there is a substantial possibility that listing could occur.

4. Life History

Little is known about The Cedars buckwheat life history. Populations of The Cedars buckwheat were previously misidentified as a different buckwheat species, Snow Mountain buckwheat (*Eriogonum nervulosum*), which is another rare species that occurs on serpentine soils in Colusa, Lake, and Glenn Counties. The Cedars buckwheat was differentiated from Snow Mountain buckwheat during field work in 2009, and was formally described as a separate species later that year. A lack of information on life history of The Cedars buckwheat is expected since the species was only recently formally described. Therefore, there is insufficient evidence regarding this factor for an objective, reasonable person to conclude that there is a substantial possibility that listing could occur.

5. Kind of habitat necessary for survival

The Petition accurately states that The Cedars buckwheat is endemic to The Cedars, which is a unique and rare geological feature and contains a distinctive associated botanical community. The Cedars buckwheat grows on steep serpentine canyon slopes that consist of mostly open rock and talus (small, loose rock fragments) and that form extensive serpentine barrens. The habitat that this species grows in is remote and difficult to access, and the species is therefore less likely to be impacted by human disturbance. The Petition does not provide any information regarding any loss or change to buckwheat habitat. As a result, there is insufficient evidence regarding this factor for an objective, reasonable person to conclude that there is a substantial possibility that listing could occur.

6. Factors affecting the ability to survive and reproduce

The Petition states that there are no known factors affecting the ability of the buckwheat to survive and reproduce and that there is little plant competition in its habitat. The Petition lacks any information regarding overexploitation, predation, competition, or disease of the species. In contrast, the Petition contains information indicating The Cedars buckwheat has a long-term stable population, is reproducing, persists in extremely harsh sites, can survive substantial erosion, and is capable of great age. Thus, the Petition does not provide any information that The Cedars buckwheat's ability to survive and reproduce is being adversely affected. As a result, there is insufficient evidence regarding this factor for an objective, reasonable person to conclude that there is a substantial possibility that listing could occur.

7. Degree and immediacy of threat

The Petition lists several hypothetical threats to The Cedars buckwheat populations, but does not present information to substantiate the threats. As a result, there is insufficient evidence regarding this factor for an objective, reasonable person to conclude that there is a substantial possibility that listing could occur. As discussed more fully below, the Petition lists the following factors as potential threats to The Cedars buckwheat: a) mining; b) lack of federal listing under the Federal Endangered Species Act; c) grading; d) feral pigs; e) illegal marijuana growing; and f) wind turbine or solar energy projects.

a. Mining

The Petition does not present information to substantiate a realistic, non-speculative threat of

mining at The Cedars. Mining has not occurred within The Cedars for over 50 years and there are no current applications to mine within or near The Cedars. The Petition states that about 75% of The Cedars buckwheat occurrences are on Bureau of Land Management (BLM) property, and that BLM permits mining. The Petition ignores that BLM is aware of the ecological significance of The Cedars and, since 2006, has designated The Cedars an Area of Critical Environmental Concern (ACEC) in order to provide protection for this area and its unique resources. ACEC designation provides the strongest protection that BLM can provide on its lands.

As discussed in the Evaluation Report, The Cedars is not currently zoned as a mineral resource in the Sonoma County General Plan which creates an additional hurdle to mining on private property within The Cedars. Moreover, access to the BLM property is potentially still limited because it may still be landlocked – it may still be surrounded by private land. The Evaluation Report indicated that BLM expected to acquire private property within The Cedars by March 2011, thereby acquiring access to other BLM property. However, the Commission is not aware if BLM's purchase occurred. Regardless of BLM having purchased the land or not, motorized access is not allowed in the ACEC, so development of infrastructure required for mining remains unlikely.

In light of the aforementioned facts regarding mining, the Petition does not present any information to indicate that mining is a credible threat to The Cedars buckwheat.

b. Lack of listing under the Federal Endangered Species Act

The Petition inaccurately states that, because The Cedars buckwheat is not listed under the Federal Endangered Species Act, it receives little protection on BLM land. In fact, The Cedars buckwheat is considered a BLM Special Status Plant and, accordingly, is given the same level of protection by BLM as if it were state-listed. (See Evaluation Report p. 8.) The Petition also states that a State-listing may bring the species to the attention of BLM and improve management of the species by BLM, but, as noted, BLM has already recognized the species and has provided it the sort of protection the species would receive if state-listed. Listing The Cedars buckwheat under CESA would not provide any additional protection for the species on BLM land.

c. Grading

The Petition states that 25% of The Cedars buckwheat occurrences are on private property. Of the four relevant property owners, one landowner conducted grading during 2010. As noted in the Evaluation Report, the Petition lacks any information regarding the location and extent (acreage) of grading, and does not present any information to indicate whether grading affected or was in proximity to habitat occupied by The Cedars buckwheat.

In addition, the habitat of The Cedars buckwheat is steep serpentine talus slopes, an unstable and challenging landform, that would be expensive to grade and would require regular maintenance. Based on the information provided in the Petition, there is no evidence of a threat to The Cedars buckwheat due to grading.

d. Feral Pigs

The Petition states that feral pigs have become more abundant at The Cedars over the past 10 years, have become residents in canyons, and have caused serious ecological damage.

As discussed in the Evaluation Report, the Petition does not state whether or not pig rooting occurred around buckwheat plants in The Cedars and, if so, if there were any adverse effects. Nor does the Petition indicate whether or not wild pigs consistently use buckwheat habitat. Although wild pigs can inhabit steep slopes in many habitats, the steep, open, barren talus slope habitat of The Cedars buckwheat is a very low productivity habitat type that supports few mammals and should provide very little food and attraction for wild pigs. Wild pigs are most abundant in a black oak woodland grassland mosaic. They are also found in chaparral, riparian, marsh, and grassland habitats. The Cedars buckwheat habitat lacks primary habitat constituents for feral pigs: a water source and cover. Thus, wild pigs would rarely be in buckwheat habitat. In light of the aforementioned facts regarding wild pigs, the Petition does not present any information indicating that feral pigs present a credible threat to The Cedars buckwheat.

e. Illegal Marijuana Growing

The Petition states that there is a previous history of growing and harvesting marijuana in the area, but as discussed in the Evaluation Report, the Petition lacks information regarding where marijuana was grown, if it was grown in proximity to The Cedars, and if growing marijuana had an effect on The Cedars buckwheat. Serpentine habitat in The Cedars is arid and exposed. It is not habitat to which marijuana is adapted to because of its chemical nature and drought conditions within The Cedars. With limited access and sources of water for irrigation, and open exposed, serpentine areas, The Cedars, let alone buckwheat habitat, is not the type of area conducive to growing marijuana. Therefore, the Petition does not present any information indicating that marijuana growing is a credible threat to the Cedars buckwheat.

Of note, large scale marijuana growing has been and continues to be illegal in Sonoma County. Given that illegal activities operate outside governmental regulation, listing The Cedars buckwheat is unlikely to bring the plant any additional protection from possible future illegal marijuana growing or harvesting.

f. Wind Turbine or Solar Energy Projects

The Petition lacks any specific information regarding the actual or potential threat to The Cedars buckwheat from implementation of wind turbine and solar projects on BLM lands in Sonoma County. The Petition also lacks any information explaining how such projects would adversely affect The Cedars buckwheat.

As discussed in the Evaluation Report, there are no pending or authorized wind or solar energy projects in proximity to The Cedars or in Sonoma County. In addition, The Cedars is well outside BLM's Identified Areas of Wind Power Potential. According to the U.S. Department of Energy (DOE) and Bureau of Land Management Draft Programmatic Environmental Impact Statement (PEIS) for Solar Energy Development in Six Southwestern States, all lands within the jurisdiction of the BLM's Ukiah Field Office, which includes The Cedars, are proposed for exclusion from solar development at this time. (See Evaluation Report, p. 12.)

Furthermore, development of wind or solar energy projects at The Cedars would encounter obstacles similar to those for mining. As noted in part III.A.7.a. above, the BLM property at The Cedars is possibly still landlocked such that BLM does not have access to its property at The Cedars. Also, BLM does not allow motorized vehicle use in The Cedars ACEC.

Therefore, development of the infrastructure required for wind turbine or solar projects is unlikely. Also, the steep serpentine talus slopes inhabited by buckwheat, as compared to other types of landforms, make siting solar or wind energy production facilities especially challenging. In light of the aforementioned facts regarding wind or solar energy projects, the Petition does not present any information indicating such projects are a credible threat to The Cedars buckwheat populations.

8. Impact of existing management efforts

The Petition states that BLM is not managing The Cedars buckwheat and that listing under CESA would inform BLM that California has intent to conserve the species. The Petition refers to a nationwide BLM policy that classifies plants listed under CESA as "Special Status Plants." The Petition misstates that buckwheat is not designated as a "Special Status Plant" by BLM because it is not listed under CESA, and therefore it receives no special management consideration. The Cedars buckwheat is a California Rare Plant Rank List 1B.3 species. Due to this designation, The Cedars buckwheat is, contrary to the Petition's statement, automatically designated as a BLM Special Status Plant Species in California and has the same level of protection on BLM land as a state-listed species. (See Evaluation Report, p. 13.)

Also, BLM is aware of the ecological significance of The Cedars and designated The Cedars ACEC in 2006 in order to provide protection to this area. (Evaluation Report, p. 7.) Management of ACECs is focused on the resource values for which the ACEC is designated. In the case of The Cedars, management is required to protect important natural systems or processes, which includes endangered, sensitive, or threatened plant species.

9. Suggestions for future management

The Petition suggests that future management of The Cedars buckwheat should include conducting genetic studies, autoecological studies, and surveys for more plant populations. Future studies and surveys could prove useful in gaining a better understanding of this species. However, conducting future studies and surveys for The Cedars buckwheat is not contingent on listing and the Petition does not indicate how a state listing would increase the potential for these studies.

The Petition also states that listing The Cedars buckwheat as endangered under CESA should bring attention to putting The Cedars and its associated rare plant community into some land conservation effort. As noted in the Evaluation Report, the Petition does not explain how listing The Cedars buckwheat would facilitate a land conservation effort for The Cedars. Nor does the Petition explain what is meant by a land conservation effort. In fact, it is unclear how listing The Cedars buckwheat would bring additional focus to the geological features of The Cedars or to the suite of plants endemic to the area. The California Coastal Conservancy and the Sonoma Land Trust have already expressed interest in studying The Cedars. (Evaluation Report, p. 13.) And although a state listing could alert BLM to the fact that The Cedars buckwheat is considered an Endangered or Threatened species under CESA, a state listing would not change how BLM manages The Cedars buckwheat because this species is already considered a BLM Special Status Plant.

The Petition further states that BLM and the Department should coordinate activities to assess and implement wild pig depredation at The Cedars. As an overall resource management goal, successful management of wild pigs could provide a benefit to sensitive

species at The Cedars or in proximity to it. However, the Petition lacks any information as to how listing the Cedars buckwheat would increase coordination between the Department and BLM.

The Petition states that with CESA listing, the Department could coordinate with BLM on wind or solar energy projects to avoid or minimize impacts to The Cedars buckwheat. BLM and the Department currently coordinate on the siting of wind and solar projects in California, such as projects in the California desert. Moreover, the Department routinely reviews projects whether or not listed species are present. BLM would coordinate with the Department if a project could impact a Threatened, Endangered, or sensitive species such as The Cedars buckwheat. As discussed above, a state listing under CESA would not change how BLM manages The Cedars buckwheat.

10. Availability and sources of information

The Petition cites two references which were both attached as appendices to the Petition. The two references serve as the most comprehensive published information to date on The Cedars buckwheat and its habitat. The references are from well-published researchers who are knowledgeable about The Cedars buckwheat, related plants, and The Cedars area in general. The Department consulted other available resources during its evaluation of the Petition. A list of these sources is included in the Department's Evaluation Report.

11. A detailed distribution map

The Petition provides a photocopy of a map which is reproduced in black and white, has poor scale, does not show the BLM property lines, and map details are difficult to see. The map does not provide geographic names for all features shown on the map. The Petition states that approximately 75% of The Cedars buckwheat occurrences are on BLM lands although the map does not delineate The Cedars, BLM land, or private property. Since the Petition focuses on activities, such as marijuana growing and grading, that occur on or in proximity to The Cedars, the map should have provided a level of detail adequate for the Department to identify pertinent features and evaluate potential impacts identified in the Petition.

B. Petition information, Department's evaluation report, and comments received: all considered as a whole.

An analysis of the Petition's information, as well as all other related information, reveals that the totality of information, is insufficient for an objective, reasonable person to conclude that there is a substantial possibility that listing could occur. Foremost, the Petition acknowledges that The Cedars buckwheat population has been stable over the past 30 years. So despite the species being endemic to The Cedars, the buckwheat's population has not declined over the decades. The lack of any information indicating any change or loss to Cedars buckwheat habitat underscores the population's stability. Moreover, there are no known factors affecting the buckwheat's ability to survive or reproduce. There is no indication of over exploitation, predation, competition, or disease related to the buckwheat. Therefore, a reasonable person would conclude that the buckwheat's limited range is a result of the unique habitat present only in The Cedars, not some other factor manmade or otherwise. The mere fact that The Cedars buckwheat is limited in range does not meet CESA's definition of endangered.

Additionally, the Petition lacks sufficient information to indicate that buckwheat habitat within The

QUARTERLY HIV/AIDS SURVEILLANCE REPORT

San Francisco Department of Public Health

HIV/AIDS Cases Reported Through September 2011

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HIV/AIDS Surveillance Summary

San Francisco (as of 09/30/2011)

Cumulative cases ¹ :	
AIDS	29,007
HIV non-AIDS ²	6,003
Cumulative AIDS deaths:	19,518
Living HIV/AIDS cases ³	15,411

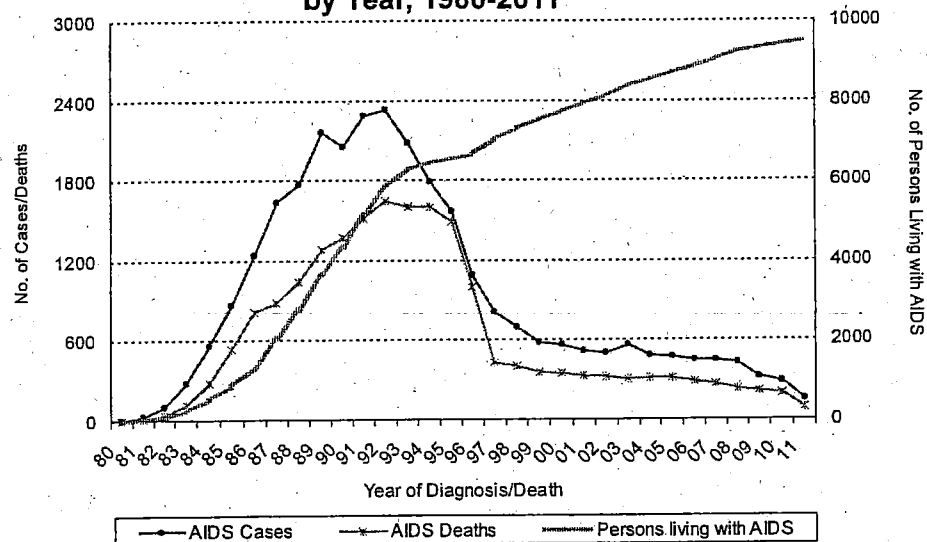
California⁴ (as of 12/31/2010)

Cumulative cases:	
AIDS	159,329
HIV non-AIDS	41,892
Cumulative AIDS deaths:	88,842
Living HIV/AIDS cases:	110,994

United States⁵

Cumulative AIDS cases (as of 12/31/2009):	1,113,971
Cumulative AIDS deaths (as of 12/31/2008):	601,415
Living HIV/AIDS cases (as of 12/31/2008):	670,903

San Francisco AIDS Incidence, Mortality, and Prevalence by Year, 1980-2011⁶



1. Includes SF residents diagnosed in SF and SF residents diagnosed in other jurisdictions.
2. Includes HIV non-AIDS cases reported by name. HIV non-AIDS cases reported by a non-name code between July 2002 and April 2006 whose names have not been ascertained are not included.
3. The number of living AIDS cases includes persons who were San Francisco residents at the time of HIV diagnosis and progressed to AIDS while residing in another jurisdiction.
4. CA data source: www.cdph.ca.gov/data/statistics/Pages/OAHIVAIDSSStatistics.aspx.
5. US data source: CDC HIV Surveillance Report, 2009, vol. 21. www.cdc.gov/hiv/topics/surveillance/resources/reports/.
6. Reporting for recent year is incomplete. See Table 12 for actual numbers per year.

HIV/AIDS Quarterly Surveillance Report
Summary of San Francisco Residents with HIV/AIDS*
Reported as of 09/30/2011

Table 1. Adult/Adolescent HIV/AIDS Cases (>12 years) by Transmission Category, San Francisco, 1980-2011

Transmission Category	AIDS		HIV non-AIDS#	
	No.	(%)	No.	(%)
Gay or bisexual male	21175	(73.1)	4328	(72.3)
Heterosexual male injection drug user	1403	(4.8)	216	(3.6)
Heterosexual female injection drug user	719	(2.5)	159	(2.7)
Gay or bisexual male injection drug user	4301	(14.8)	720	(12.0)
Lesbian or bisexual injection drug user	61	(0.2)	15	(0.3)
Transgender (1)	426	(1.5)	146	(2.4)
Hemophiliac	16	(0.1)	2	(0.0)
Heterosexual contact male (2)	161	(0.6)	50	(0.8)
Heterosexual contact female (2)	321	(1.1)	131	(2.2)
Transfusion recipient	143	(0.5)	1	(0.0)
Risk not reported/Other (3)	243	(0.8)	221	(3.7)
Total	28969	(100)	5989	(100)

* Residents of San Francisco at time of HIV/AIDS diagnosis.

Includes HIV non-AIDS cases reported by name. Excludes HIV non-AIDS cases reported by a non-name code between July 2002 and April 2006 whose names have not been ascertained.

- (1) Transgender information was collected since September 1996. Data prior to this are incomplete.
- (2) Includes persons who have had heterosexual contact with a person with HIV/AIDS or with a person who is at risk for HIV.
- (3) Includes persons for whom risk information is incomplete (due to death, refusal to be interviewed or loss to follow-up), cases still under investigation, or interviewed patients who offered no plausible risk for HIV.

HIV/AIDS Quarterly Surveillance Report **Summary of San Francisco Residents with HIV/AIDS*** **Reported as of 09/30/2011**

Table 2. AIDS Cases by Gender and Year of AIDS Diagnosis, San Francisco, 1980-2011

Gender	Year of AIDS Diagnosis					
	< 2001 No. (%)	2001 No. (%)	2002 No. (%)	2003 No. (%)	2004 No. (%)	2005 No. (%)
Male	23255 (95.3)	453 (88.3)	443 (89.1)	498 (88.5)	424 (88.3)	422 (89.0)
Female	875 (3.6)	45 (8.8)	36 (7.2)	40 (7.1)	39 (8.1)	37 (7.8)
Transgender (1)	274 (1.1)	15 (2.9)	18 (3.6)	25 (4.4)	17 (3.5)	15 (3.2)
Total	24404 (100)	513 (100)	497 (100)	563 (100)	480 (100)	474 (100)

Gender	Year of AIDS Diagnosis					
	2006 No. (%)	2007 No. (%)	2008 No. (%)	2009 No. (%)	2010 No. (%)	2011 No. (%)
Male	400 (90.1)	403 (90.2)	371 (87.5)	290 (89.8)	256 (90.1)	137 (89.0)
Female	30 (6.8)	32 (7.2)	41 (9.7)	24 (7.4)	15 (5.3)	15 (9.7)
Transgender (1)	14 (3.2)	12 (2.7)	12 (2.8)	9 (2.8)	13 (4.6)	2 (1.3)
Total	444 (100)	447 (100)	424 (100)	323 (100)	284 (100)	154 (100)

Table 3. HIV/AIDS Cases by Gender and Year of Initial HIV Diagnosis#, San Francisco, 2006-2011

Gender	Year of Initial HIV Diagnosis					
	2006 No. (%)	2007 No. (%)	2008 No. (%)	2009 No. (%)	2010 No. (%)	2011 No. (%)
Male	470 (91.4)	466 (87.8)	444 (89.3)	414 (90.4)	385 (90.2)	226 (89.0)
Female	34 (6.6)	43 (8.1)	40 (8.0)	26 (5.7)	31 (7.3)	25 (9.8)
Transgender (1)	10 (1.9)	22 (4.1)	13 (2.6)	18 (3.9)	11 (2.6)	3 (1.2)
Total	514 (100)	531 (100)	497 (100)	458 (100)	427 (100)	254 (100)

* Residents of San Francisco at time of HIV/AIDS diagnosis.

Includes persons with a diagnosis of HIV (not AIDS), an initial diagnosis of HIV (not AIDS) and later diagnosed with AIDS, and concurrent diagnosis of HIV and AIDS. The initial year of HIV diagnosis was determined based on the earliest date of HIV antibody test, viral load or CD4 test, initiation of antiretroviral therapy, or patient self-report of a positive HIV test.

(1) Transgender information was collected since September 1996. Data prior to this are incomplete.

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Table 4. AIDS Cases by Transmission Category and Race/Ethnicity, San Francisco San Francisco, 1980-2011

Transmission Category (1)	White No. (%)	African American No. (%)	Latino No. (%)	Asian/ Pacific Islander No. (%)	Native American No. (%)
Adult/Adolescent					
Gay or bisexual male	16233 (79.6)	1567 (42.6)	2626 (73.1)	710 (76.8)	54 (43.5)
Injection drug user (IDU)	734 (3.6)	1049 (28.5)	251 (7.0)	39 (4.2)	18 (14.5)
Gay or bisexual male IDU	3125 (15.3)	731 (19.9)	491 (13.7)	78 (8.4)	45 (36.3)
Lesbian or bisexual IDU	26 (0.1)	23 (0.6)	7 (0.2)	2 (0.2)	2 (1.6)
Hemophiliac	8 (0.0)	2 (0.1)	5 (0.1)	1 (0.1)	0 (0.0)
Heterosexual (2)	120 (0.6)	197 (5.4)	117 (3.3)	46 (5.0)	4 (3.2)
Transfusion recipient	68 (0.3)	23 (0.6)	27 (0.8)	19 (2.1)	0 (0.0)
Risk not reported/Other (3)	82 (0.4)	76 (2.1)	56 (1.6)	25 (2.7)	1 (0.8)
Pediatric (0-12 years) (4)	8 (0.0)	13 (0.4)	10 (0.3)	5 (0.5)	0 (0.0)
Total	20404 (100)	3681 (100)	3590 (100)	925 (100)	124 (100)

Table 5. HIV Non-AIDS Cases# by Transmission Category and Race/Ethnicity, San Francisco

Transmission Category (1)	White No. (%)	African American No. (%)	Latino No. (%)	Asian/ Pacific Islander No. (%)	Native American No. (%)
Adult/Adolescent					
Gay or bisexual male	2933 (78.3)	377 (47.1)	728 (75.8)	259 (80.2)	19 (55.9)
Injection drug user (IDU)	153 (4.1)	169 (21.1)	39 (4.1)	4 (1.2)	5 (14.7)
Gay or bisexual male IDU	515 (13.8)	105 (13.1)	100 (10.4)	28 (8.7)	9 (26.5)
Lesbian or bisexual IDU	5 (0.1)	5 (0.6)	4 (0.4)	0 (0.0)	0 (0.0)
Hemophiliac	2 (0.1)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)
Heterosexual (2)	35 (0.9)	86 (10.8)	41 (4.3)	17 (5.3)	0 (0.0)
Transfusion recipient	0 (0.0)	1 (0.1)	0 (0.0)	0 (0.0)	0 (0.0)
Risk not reported/Other (3)	99 (2.6)	54 (6.8)	43 (4.5)	14 (4.3)	1 (2.9)
Pediatric (0-12 years) (4)	2 (0.1)	3 (0.4)	6 (0.6)	1 (0.3)	0 (0.0)
Total	3744 (100)	800 (100)	961 (100)	323 (100)	34 (100)

* Residents of San Francisco at time of HIV/AIDS diagnosis.

Includes HIV non-AIDS cases reported by name. Excludes HIV non-AIDS cases reported by a non-name code between July 2002 and April 2006 whose names have not been ascertained.

- (1) Persons with more than one risk factor (other than the combinations listed in the tables) are tabulated only in the most likely transmission category.
- (2) Includes persons who have had heterosexual contact with a person with HIV/AIDS or with a person who is at risk for HIV.
- (3) Includes persons for whom risk information is incomplete (due to death, refusal to be interviewed or loss to follow-up), cases still under investigation, or interviewed patients who offered no plausible risk for HIV.
- (4) Includes children who have hemophilia or other coagulation disorder, have received a blood transfusion, or who have acquired their infection from an infected mother during the perinatal period.

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Table 6. AIDS Cases by Transmission Category and Year of AIDS Diagnosis, San Francisco, 1980-2011

Transmission Category (1)	Year of AIDS Diagnosis					
	< 2001 No. (%)	2001 No. (%)	2002 No. (%)	2003 No. (%)	2004 No. (%)	2005 No. (%)
Adult/Adolescent						
Gay or bisexual male	18478 (75.7)	310 (60.4)	303 (61.0)	360 (63.9)	316 (65.8)	291 (61.4)
Injection drug user (IDU)	1631 (6.7)	65 (12.7)	63 (12.7)	74 (13.1)	51 (10.6)	51 (10.8)
Gay or bisexual male IDU	3661 (15.0)	95 (18.5)	104 (20.9)	96 (17.1)	87 (18.1)	98 (20.7)
Lesbian or bisexual IDU	41 (0.2)	4 (0.8)	2 (0.4)	3 (0.5)	1 (0.2)	3 (0.6)
Hemophiliac	15 (0.1)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)
Heterosexual (2)	275 (1.1)	20 (3.9)	16 (3.2)	21 (3.7)	14 (2.9)	19 (4.0)
Transfusion recipient	141 (0.6)	1 (0.2)	1 (0.2)	0 (0.0)	0 (0.0)	0 (0.0)
Risk not reported/Other (3)	126 (0.5)	18 (3.5)	7 (1.4)	8 (1.4)	11 (2.3)	12 (2.5)
Pediatric (0-12 years) (4)	36 (0.1)	0 (0.0)	1 (0.2)	1 (0.2)	0 (0.0)	0 (0.0)
Total	24404 (100)	513 (100)	497 (100)	563 (100)	480 (100)	474 (100)

Transmission Category (1)	Year of AIDS Diagnosis					
	2006 No. (%)	2007 No. (%)	2008 No. (%)	2009 No. (%)	2010 No. (%)	2011 No. (%)
Adult/Adolescent						
Gay or bisexual male	288 (64.9)	288 (64.4)	263 (62.0)	211 (65.3)	162 (57.0)	90 (58.4)
Injection drug user (IDU)	38 (8.6)	41 (9.2)	31 (7.3)	35 (10.8)	24 (8.5)	22 (14.3)
Gay or bisexual male IDU	87 (19.6)	78 (17.4)	83 (19.6)	46 (14.2)	71 (25.0)	27 (17.5)
Lesbian or bisexual IDU	2 (0.5)	0 (0.0)	3 (0.7)	2 (0.6)	0 (0.0)	0 (0.0)
Hemophiliac	0 (0.0)	0 (0.0)	0 (0.0)	1 (0.3)	0 (0.0)	0 (0.0)
Heterosexual (2)	20 (4.5)	32 (7.2)	28 (6.6)	17 (5.3)	15 (5.3)	9 (5.8)
Transfusion recipient	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)
Risk not reported/Other (3)	9 (2.0)	8 (1.8)	16 (3.8)	11 (3.4)	12 (4.2)	6 (3.9)
Pediatric (0-12 years) (4)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)
Total	444 (100)	447 (100)	424 (100)	323 (100)	284 (100)	154 (100)

* Residents of San Francisco at time of HIV/AIDS diagnosis.

- (1) Persons with more than one risk factor (other than the combinations listed in the tables) are tabulated only in the most likely transmission category.
- (2) Includes persons who have had heterosexual contact with a person with HIV/AIDS or with a person who is at risk for HIV.
- (3) Includes persons for whom risk information is incomplete (due to death, refusal to be interviewed or loss to follow-up), cases still under investigation, or interviewed patients who offered no plausible risk for HIV.
- (4) Includes children who have hemophilia or other coagulation disorder, have received a blood transfusion, or who have acquired their infection from an infected mother during the perinatal period.

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Table 7. HIV/AIDS Cases by Transmission Category and Year of Initial HIV Diagnosis#, San Francisco, 2006-2011

Transmission Category (1)	Year of Initial HIV Diagnosis					
	2006 No. (%)	2007 No. (%)	2008 No. (%)	2009 No. (%)	2010 No. (%)	2011 No. (%)
Adult/Adolescent						
Gay or bisexual male	366 (71.2)	347 (65.3)	359 (72.2)	332 (72.5)	273 (63.9)	177 (69.7)
Injection drug user (IDU)	38 (7.4)	37 (7.0)	26 (5.2)	22 (4.8)	32 (7.5)	15 (5.9)
Gay or bisexual male IDU	69 (13.4)	80 (15.1)	51 (10.3)	60 (13.1)	57 (13.3)	30 (11.8)
Lesbian or bisexual IDU	1 (0.2)	1 (0.2)	3 (0.6)	3 (0.7)	0 (0.0)	0 (0.0)
Hemophiliac	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)
Heterosexual (2)	23 (4.5)	41 (7.7)	32 (6.4)	16 (3.5)	32 (7.5)	15 (5.9)
Transfusion recipient	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)
Risk not reported/Other (3)	17 (3.3)	25 (4.7)	26 (5.2)	25 (5.5)	33 (7.7)	17 (6.7)
Pediatric (0-12 years) (4)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)
Total	514 (100)	531 (100)	497 (100)	458 (100)	427 (100)	254 (100)

* Residents of San Francisco at time of HIV/AIDS diagnosis.

Includes persons with a diagnosis of HIV (not AIDS), an initial diagnosis of HIV (not AIDS) and later diagnosed with AIDS, and concurrent diagnosis of HIV and AIDS. The initial year of HIV diagnosis was determined based on the earliest date of HIV antibody test, viral load or CD4 test, initiation of antiretroviral therapy, or patient self-report of a positive HIV test.

- (1) Persons with more than one risk factor (other than the combinations listed in the tables) are tabulated only in the most likely transmission category.
- (2) Includes persons who have had heterosexual contact with a person with HIV/AIDS or with a person who is at risk for HIV.
- (3) Includes persons for whom risk information is incomplete (due to death, refusal to be interviewed or loss to follow-up), cases still under investigation, or interviewed patients who offered no plausible risk for HIV.
- (4) Includes children who have hemophilia or other coagulation disorder, have received a blood transfusion, or who have acquired their infection from an infected mother during the perinatal period.

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Table 8. AIDS Cases by Gender, Age Group and Race/Ethnicity, San Francisco, 1980-2011

Male Age at AIDS Diagnosis (Years)	White No. (%)	African American No. (%)	Latino No. (%)	Asian/ Pacific Islander No. (%)	Native American No. (%)	Total (1) No. (%)
0 - 12	4 (0.0)	4 (0.1)	5 (0.2)	4 (0.5)	0 (0.0)	19 (0.1)
13 - 19	12 (0.1)	1 (0.0)	14 (0.4)	1 (0.1)	2 (1.9)	30 (0.1)
20 - 24	309 (1.6)	70 (2.3)	127 (3.9)	26 (3.2)	5 (4.7)	542 (2.0)
25 - 29	1666 (8.4)	251 (8.4)	464 (14.1)	89 (10.8)	21 (19.6)	2521 (9.2)
30 - 39	8844 (44.5)	1168 (39.0)	1541 (46.9)	364 (44.3)	50 (46.7)	12081 (44.2)
40 - 49	6551 (32.9)	1003 (33.5)	826 (25.1)	251 (30.6)	24 (22.4)	8722 (31.9)
50 - 59	2012 (10.1)	385 (12.9)	248 (7.5)	64 (7.8)	4 (3.7)	2740 (10.0)
60 +	497 (2.5)	110 (3.7)	61 (1.9)	22 (2.7)	1 (0.9)	697 (2.5)
Male subtotal	19895 (100)	2992 (100)	3286 (100)	821 (100)	107 (100)	27352 (100)

Female Age at AIDS Diagnosis (Years)	White No. (%)	African American No. (%)	Latino No. (%)	Asian/ Pacific Islander No. (%)	Native American No. (%)	Total (1) No. (%)
0 - 12	4 (1.0)	9 (1.6)	5 (2.8)	1 (1.5)	0 (0.0)	19 (1.5)
13 - 19	1 (0.3)	2 (0.4)	2 (1.1)	0 (0.0)	0 (0.0)	5 (0.4)
20 - 24	15 (3.8)	10 (1.8)	10 (5.6)	4 (6.2)	1 (7.1)	41 (3.3)
25 - 29	40 (10.1)	46 (8.3)	26 (14.5)	11 (16.9)	1 (7.1)	126 (10.3)
30 - 39	155 (39.2)	204 (36.8)	61 (34.1)	25 (38.5)	8 (57.1)	460 (37.4)
40 - 49	107 (27.1)	189 (34.1)	45 (25.1)	17 (26.2)	4 (28.6)	367 (29.9)
50 - 59	42 (10.6)	70 (12.6)	17 (9.5)	4 (6.2)	0 (0.0)	137 (11.1)
60 +	31 (7.8)	24 (4.3)	13 (7.3)	3 (4.6)	0 (0.0)	74 (6.0)
Female subtotal	395 (100)	554 (100)	179 (100)	65 (100)	14 (100)	1229 (100)

Transgender (2) Age at AIDS Diagnosis (Years)	White No. (%)	African American No. (%)	Latino No. (%)	Asian/ Pacific Islander Native American No. (%)	Total (1) No. (%)
13 - 29	23 (20.2)	29 (21.5)	32 (25.6)	13 (31.0)	99 (23.2)
30 - 39	55 (48.2)	49 (36.3)	59 (47.2)	19 (45.2)	187 (43.9)
40 +	36 (31.6)	57 (42.2)	34 (27.2)	10 (23.8)	140 (32.9)
Transgender subtotal	114 (100)	135 (100)	125 (100)	42 (100)	426 (100)

* Residents of San Francisco at time of HIV/AIDS diagnosis.

(1) Total includes persons with multiple or unknown race.

(2) Transgender information was collected since September 1996. Certain age or race/ethnic groups are combined for transgender cases because of small number.

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Table 9. HIV Non-AIDS Cases# by Gender, Age Group and Race/Ethnicity, San Francisco

Male				Asian/ Pacific Islander	Native American	Total (1)
Age at Initial HIV Diagnosis (Years)	White No. (%)	African American No. (%)	Latino No. (%)	No. (%)	No. (%)	No. (%)
0 - 12	1 (0.0)	2 (0.3)	1 (0.1)	1 (0.3)	0 (0.0)	5 (0.1)
13 - 19	28 (0.8)	22 (3.7)	21 (2.5)	8 (2.8)	0 (0.0)	81 (1.5)
20 - 24	308 (8.5)	56 (9.4)	104 (12.4)	33 (11.5)	5 (17.2)	522 (9.5)
25 - 29	558 (15.5)	85 (14.3)	188 (22.3)	66 (22.9)	5 (17.2)	929 (17.0)
30 - 39	1578 (43.8)	203 (34.1)	361 (42.9)	132 (45.8)	14 (48.3)	2335 (42.6)
40 - 49	836 (23.2)	159 (26.7)	142 (16.9)	41 (14.2)	5 (17.2)	1209 (22.1)
50 - 59	241 (6.7)	53 (8.9)	21 (2.5)	7 (2.4)	0 (0.0)	324 (5.9)
60 +	54 (1.5)	16 (2.7)	4 (0.5)	0 (0.0)	0 (0.0)	75 (1.4)
Male subtotal	3604 (100)	596 (100)	842 (100)	288 (100)	29 (100)	5480 (100)
Female				Asian/ Pacific Islander	Native American	Total (1)
Age at Initial HIV Diagnosis (Years)	White No. (%)	African American No. (%)	Latino No. (%)	No. (%)	No. (%)	No. (%)
0 - 12	1 (0.9)	1 (0.7)	5 (6.9)	0 (0.0)	0 (0.0)	9 (2.4)
13 - 19	2 (1.8)	5 (3.3)	2 (2.8)	0 (0.0)	0 (0.0)	9 (2.4)
20 - 24	12 (10.9)	13 (8.5)	13 (18.1)	0 (0.0)	0 (0.0)	40 (10.6)
25 - 29	22 (20.0)	14 (9.2)	12 (16.7)	6 (25.0)	0 (0.0)	55 (14.6)
30 - 39	32 (29.1)	49 (32.0)	24 (33.3)	7 (29.2)	3 (75.0)	120 (31.8)
40 - 49	25 (22.7)	53 (34.6)	12 (16.7)	7 (29.2)	0 (0.0)	99 (26.3)
50 - 59	16 (14.5)	15 (9.8)	4 (5.6)	2 (8.3)	1 (25.0)	40 (10.6)
60 +	0 (0.0)	3 (2.0)	0 (0.0)	2 (8.3)	0 (0.0)	5 (1.3)
Female subtotal	110 (100)	153 (100)	72 (100)	24 (100)	4 (100)	377 (100)
Transgender (2)				Asian/ Pacific Islander		Total (1)
Age at Initial HIV Diagnosis (Years)	White No. (%)	African American No. (%)	Latino No. (%)	Native American No. (%)		No. (%)
13 - 29	13 (43.3)	25 (49.0)	23 (48.9)	4 (33.3)		68 (46.6)
30 +	17 (56.7)	26 (51.0)	24 (51.1)	8 (66.7)		78 (53.4)
Transgender subtotal	30 (100)	51 (100)	47 (100)	12 (100)		146 (100)

* Residents of San Francisco at time of HIV/AIDS diagnosis.

Includes HIV non-AIDS cases reported by name. Excludes HIV non-AIDS cases reported by a non-name code between July 2002 and April 2006 whose names have not been ascertained.

(1) Total includes persons with multiple or unknown race.

(2) Transgender information was collected since September 1996. Certain age or race/ethnic groups are combined for transgender cases because of small number.

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Table 10. AIDS Cases by Race/Ethnicity and Year of AIDS Diagnosis, San Francisco, 1980-2011

Race/Ethnicity	Year of AIDS Diagnosis					
	< 2001 No. (%)	2001 No. (%)	2002 No. (%)	2003 No. (%)	2004 No. (%)	2005 No. (%)
White	17877 (73.3)	294 (57.3)	293 (59.0)	285 (50.6)	261 (54.4)	272 (57.4)
African American	2847 (11.7)	98 (19.1)	89 (17.9)	106 (18.8)	78 (16.3)	84 (17.7)
Latino	2746 (11.3)	74 (14.4)	77 (15.5)	126 (22.4)	110 (22.9)	86 (18.1)
Asian/Pacific Islander	641 (2.6)	34 (6.6)	29 (5.8)	34 (6.0)	20 (4.2)	24 (5.1)
Native American	91 (0.4)	5 (1.0)	2 (0.4)	5 (0.9)	4 (0.8)	3 (0.6)
Total (1)	24404 (100)	513 (100)	497 (100)	563 (100)	480 (100)	474 (100)

Race/Ethnicity	Year of AIDS Diagnosis					
	2006 No. (%)	2007 No. (%)	2008 No. (%)	2009 No. (%)	2010 No. (%)	2011 No. (%)
White	247 (55.6)	259 (57.9)	221 (52.1)	168 (52.0)	141 (49.6)	86 (55.8)
African American	81 (18.2)	78 (17.4)	80 (18.9)	61 (18.9)	55 (19.4)	24 (15.6)
Latino	81 (18.2)	74 (16.6)	71 (16.7)	64 (19.8)	54 (19.0)	27 (17.5)
Asian/Pacific Islander	22 (5.0)	28 (6.3)	41 (9.7)	15 (4.6)	25 (8.8)	12 (7.8)
Native American	6 (1.4)	0 (0.0)	3 (0.7)	3 (0.9)	2 (0.7)	0 (0.0)
Total (1)	444 (100)	447 (100)	424 (100)	323 (100)	284 (100)	154 (100)

Table 11. HIV/AIDS Cases by Race/Ethnicity and Year of Initial HIV Diagnosis#, San Francisco, 2006-2011

Race/Ethnicity	Year of Initial HIV Diagnosis					
	2006 No. (%)	2007 No. (%)	2008 No. (%)	2009 No. (%)	2010 No. (%)	2011 No. (%)
White	291 (56.6)	278 (52.4)	250 (50.3)	236 (51.5)	214 (50.1)	129 (50.8)
African American	75 (14.6)	81 (15.3)	79 (15.9)	71 (15.5)	61 (14.3)	40 (15.7)
Latino	104 (20.2)	104 (19.6)	112 (22.5)	94 (20.5)	92 (21.5)	51 (20.1)
Asian/Pacific Islander	32 (6.2)	48 (9.0)	43 (8.7)	40 (8.7)	43 (10.1)	29 (11.4)
Native American	4 (0.8)	1 (0.2)	4 (0.8)	1 (0.2)	3 (0.7)	1 (0.4)
Total (1)	514 (100)	531 (100)	497 (100)	458 (100)	427 (100)	254 (100)

* Residents of San Francisco at time of HIV/AIDS diagnosis.

Includes persons with a diagnosis of HIV (not AIDS), an initial diagnosis of HIV (not AIDS) and later diagnosed with AIDS, and concurrent diagnosis of HIV and AIDS. The initial year of HIV diagnosis was determined based on the earliest date of HIV antibody test, viral load or CD4 test, initiation of antiretroviral therapy, or patient self-report of a positive HIV test.

(1) Total includes persons with multiple or unknown race.

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Table 12. AIDS Incidence, Mortality, and Prevalence by Year, San Francisco, 1980-2011

Year	Number of AIDS Cases Reported per Year	Number of AIDS Cases Diagnosed per Year (1)	Number of AIDS Deaths Occurred per Year (1)	Number of Persons Living with AIDS (1)
1980	0	3	0	3
1981	21	26	8	21
1982	75	99	32	88
1983	197	274	111	251
1984	451	557	273	535
1985	673	859	534	860
1986	981	1236	807	1289
1987	1287	1629	878	2040
1988	1408	1763	1039	2764
1989	1584	2161	1276	3649
1990	1686	2046	1366	4329
1991	1685	2285	1508	5106
1992	1638	2329	1641	5794
1993	4271	2073	1600	6267
1994	1915	1788	1595	6460
1995	1633	1564	1483	6541
1996	1241	1081	992	6630
1997	1060	804	422	7012
1998	793	695	402	7305
1999	723	576	354	7527
2000	624	556	349	7734
2001	496	513	324	7923
2002	440	497	321	8099
2003	532	563	303	8359
2004	557	480	307	8532
2005	499	474	313	8693
2006	423	444	288	8849
2007	537	447	269	9027
2008	557	424	231	9220
2009	354	323	212	9331
2010	406	284	194	9421
2011	260	154	86	9489
Total	29007	29007	19518	

* Residents of San Francisco at time of HIV/AIDS diagnosis.

(1) Data in recent years is incomplete due to delay in cases/deaths reporting.

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Table 13. AIDS Cases by Initial AIDS-Defining Condition and Year of AIDS Diagnosis, San Francisco, 1980-2011

Initial AIDS-Defining Condition	Year of AIDS Diagnosis		
	1980-1989 No. (%)	1990-1995 No. (%)	1996-2011 No. (%)
Bacterial infections, recurrent, <13 years [HIV+(1)]	1 (0.0)	4 (0.0)	3 (0.0)
Candidiasis of bronchi, trachea, or lungs	15 (0.2)	6 (0.0)	4 (0.0)
Candidiasis of esophagus	221 (2.6)	217 (1.8)	100 (1.2)
Cervical cancer, invasive [HIV+]	1 (0.0)	1 (0.0)	4 (0.0)
Coccidioidomycosis, disseminated or extrapulmonary [HIV+]	4 (0.0)	2 (0.0)	1 (0.0)
Cryptococcosis, extrapulmonary	197 (2.3)	130 (1.1)	54 (0.6)
Cryptosporidiosis, intestinal (>1 mo. duration)	105 (1.2)	176 (1.5)	54 (0.6)
Cytomegalovirus (except liver, spleen, lymph nodes), >1 month of age	101 (1.2)	93 (0.8)	11 (0.1)
CMV retinitis with loss of vision [HIV+]	34 (0.4)	67 (0.6)	12 (0.1)
HIV encephalopathy [HIV+]	181 (2.1)	163 (1.3)	52 (0.6)
Herpes simplex: chronic (>1 mo.), bronchitis, pneumonitis, esophagitis	49 (0.6)	39 (0.3)	13 (0.2)
Histoplasmosis, disseminated or extrapulmonary [HIV+]	10 (0.1)	8 (0.1)	8 (0.1)
Isosporiasis, intestinal (>1 mo. duration) [HIV+]	8 (0.1)	8 (0.1)	5 (0.1)
Kaposi's sarcoma (2)	1852 (21.5)	767 (6.3)	242 (2.9)
Lymphoid interstitial pneumonia/pulmonary lymphoid hyperplasia, <13 years	3 (0.0)	1 (0.0)	0 (0.0)
Lymphoma, Burkitt's (non-Hodgkin's) [HIV+]	55 (0.6)	27 (0.2)	32 (0.4)
Lymphoma, immunoblastic (non-Hodgkin's) [HIV+]	200 (2.3)	153 (1.3)	68 (0.8)
Lymphoma, primary in brain (2)	19 (0.2)	12 (0.1)	10 (0.1)
Mycobacterium avium complex or M. kansasii, disseminated or extrapulmonary	139 (1.6)	103 (0.9)	18 (0.2)
Mycobacterium tuberculosis, pulmonary [HIV+]	43 (0.5)	117 (1.0)	61 (0.7)
Mycobacterium tuberculosis, disseminated or extrapulmonary [HIV+]	62 (0.7)	62 (0.5)	26 (0.3)
Mycobacterium other species, disseminated or extrapulmonary [HIV+]	12 (0.1)	14 (0.1)	1 (0.0)
Pneumocystis carinii pneumonia	3611 (42.0)	1587 (13.1)	514 (6.2)
Pneumonia, recurrent [HIV+]	33 (0.4)	123 (1.0)	98 (1.2)
Progressive multifocal leukoencephalopathy	37 (0.4)	8 (0.1)	5 (0.1)
Salmonella sepsis, recurrent [HIV+]	6 (0.1)	1 (0.0)	1 (0.0)
Toxoplasmosis of brain, >1 month of age	147 (1.7)	74 (0.6)	22 (0.3)
Wasting syndrome [HIV+]	223 (2.6)	333 (2.8)	131 (1.6)
CD4 T lymphocyte count <200 or percent <14 [HIV+]	1235 (14.3)	7788 (64.4)	6765 (81.4)
Any AIDS indicator condition, HIV-negative and CD4 count <400 (3)	3 (0.0)	1 (0.0)	0 (0.0)
Total	8607 (100)	12085 (100)	8315 (100)

* Residents of San Francisco at time of HIV/AIDS diagnosis.

(1) [HIV+]: Indicator conditions that require laboratory evidence of HIV infection.

(2) Laboratory evidence of HIV infection in persons > 60 years of age.

(3) In the absence of other causes of immunocompromise.

**HIV/AIDS Quarterly Surveillance Report
Summary of San Francisco Residents with HIV/AIDS*
Reported as of 09/30/2011**

Table 14. Cumulative AIDS Indicator Conditions among Persons with AIDS, San Francisco, 1980-2011

AIDS Indicator Condition (1)	Total No. (%)
Bacterial infections, recurrent, <13 years [HIV+(2)]	11 (0.0)
Candidiasis of bronchi, trachea, or lungs	146 (0.5)
Candidiasis of esophagus	2648 (9.1)
Cervical cancer, invasive [HIV+]	13 (0.0)
Coccidioidomycosis, disseminated or extrapulmonary [HIV+]	63 (0.2)
Cryptococcosis, extrapulmonary	1877 (6.5)
Cryptosporidiosis, intestinal (>1 mo. duration)	1381 (4.8)
Cytomegalovirus (except liver, spleen, lymph nodes), >1 month of age	2476 (8.5)
CMV retinitis with loss of vision [HIV+]	2500 (8.6)
HIV encephalopathy [HIV+]	2502 (8.6)
Herpes simplex: chronic (>1 mo.), bronchitis, pneumonitis, esophagitis	444 (1.5)
Histoplasmosis, disseminated or extrapulmonary [HIV+]	159 (0.5)
Isosporiasis, intestinal (>1 mo. duration) [HIV+]	68 (0.2)
Kaposi's sarcoma (3)	6759 (23.3)
Lymphoid interstitial pneumonia/pulmonary lymphoid hyperplasia, <13 years	6 (0.0)
Lymphoma, Burkitt's (non-Hodgkin's) [HIV+]	558 (1.9)
Lymphoma, immunoblastic (non-Hodgkin's) [HIV+]	1139 (3.9)
Lymphoma, primary in brain (3)	392 (1.4)
Mycobacterium avium complex or M. kansasii, disseminated or extrapulmonary	5101 (17.6)
Mycobacterium tuberculosis, pulmonary [HIV+]	663 (2.3)
Mycobacterium tuberculosis, disseminated or extrapulmonary [HIV+]	482 (1.7)
Mycobacterium other species, disseminated or extrapulmonary [HIV+]	337 (1.2)
Pneumocystis carinii pneumonia	11072 (38.2)
Pneumonia, recurrent [HIV+]	1032 (3.6)
Progressive multifocal leukoencephalopathy	311 (1.1)
Salmonella sepsis, recurrent [HIV+]	59 (0.2)
Toxoplasmosis of brain, >1 month of age	1167 (4.0)
Wasting syndrome [HIV+]	4358 (15.0)

* Residents of San Francisco at time of HIV/AIDS diagnosis.

(1) Cases may have more than one condition.

(2) [HIV+]: Indicator conditions that require laboratory evidence of HIV infection.

(3) Laboratory evidence of HIV infection in persons > 60 years of age.

HIV/AIDS Quarterly Surveillance Report **Summary of San Francisco Residents with HIV/AIDS*** **Reported as of 09/30/2011**

Table 15. Living Adult/Adolescent HIV/AIDS Cases (>12 years) by Transmission Category, San Francisco

Transmission Category	No.	(%)
Gay or bisexual male	11095	(72.2)
Heterosexual male injection drug user	585	(3.8)
Heterosexual female injection drug user	419	(2.7)
Gay or bisexual male injection drug user	2093	(13.6)
Lesbian or bisexual injection drug user	40	(0.3)
Transgender (1)	338	(2.2)
Hemophiliac	4	(0.0)
Heterosexual contact male (2)	150	(1.0)
Heterosexual contact female (2)	312	(2.0)
Transfusion recipient	17	(0.1)
Risk not reported/Other (3)	320	(2.1)
Total	15373	(100)

Table 16. Living HIV/AIDS Cases by Transmission Category and Race/Ethnicity, San Francisco

Transmission Category	White No. (%)	African American No. (%)	Latino No. (%)	Asian/ Pacific Islander No. (%)	Native American No. (%)
Adult/Adolescent					
Gay or bisexual male	7615 (78.6)	913 (44.5)	1917 (75.2)	632 (77.7)	43 (50.0)
Injection drug user (IDU)	372 (3.8)	466 (22.7)	117 (4.6)	22 (2.7)	15 (17.4)
Gay or bisexual male IDU	1441 (14.9)	369 (18.0)	300 (11.8)	76 (9.3)	22 (25.6)
Lesbian or bisexual IDU	16 (0.2)	16 (0.8)	5 (0.2)	1 (0.1)	2 (2.3)
Hemophiliac	3 (0.0)	1 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)
Heterosexual (2)	93 (1.0)	193 (9.4)	125 (4.9)	47 (5.8)	3 (3.5)
Transfusion recipient	6 (0.1)	3 (0.1)	5 (0.2)	3 (0.4)	0 (0.0)
Risk not reported/Other (3)	135 (1.4)	80 (3.9)	67 (2.6)	26 (3.2)	1 (1.2)
Pediatric (0-12 years) (4)	5 (0.1)	10 (0.5)	13 (0.5)	6 (0.7)	0 (0.0)
Total	9686 (100)	2051 (100)	2549 (100)	813 (100)	86 (100)

* Residents of San Francisco at time of HIV/AIDS diagnosis.

- (1) Transgender information was collected since September 1996. Data prior to this are incomplete.
- (2) Includes persons who have had heterosexual contact with a person with HIV/AIDS or with a person who is at risk for HIV.
- (3) Includes persons for whom risk information is incomplete (due to death, refusal to be interviewed or loss to follow-up), cases still under investigation, or interviewed patients who offered no plausible risk for HIV.
- (4) Includes children who have hemophilia or other coagulation disorder, have received a blood transfusion, or who have acquired their infection from an infected mother during the perinatal period.

HIV/AIDS Quarterly Surveillance Report
Summary of San Francisco Residents with HIV/AIDS*
Reported as of 09/30/2011

Table 17. Living HIV/AIDS Cases by Gender, Age Group and Race/Ethnicity, San Francisco

Male Current Age (Years)	White No. (%)	African American No. (%)	Latino No. (%)	Asian/ Pacific Islander No. (%)	Native American No. (%)	Total (1) No. (%)
0 - 12	0 (0.0)	0 (0.0)	1 (0.0)	0 (0.0)	0 (0.0)	2 (0.0)
13 - 19	1 (0.0)	5 (0.3)	2 (0.1)	2 (0.3)	0 (0.0)	10 (0.1)
20 - 24	41 (0.4)	25 (1.6)	33 (1.4)	11 (1.5)	0 (0.0)	114 (0.8)
25 - 29	157 (1.7)	49 (3.1)	97 (4.3)	34 (4.7)	2 (2.8)	348 (2.5)
30 - 39	902 (9.6)	161 (10.3)	462 (20.3)	165 (22.9)	14 (19.4)	1762 (12.4)
40 - 49	3285 (35.1)	505 (32.2)	919 (40.3)	294 (40.9)	38 (52.8)	5121 (36.1)
50 - 59	3300 (35.3)	573 (36.6)	569 (25.0)	146 (20.3)	18 (25.0)	4642 (32.7)
60 +	1665 (17.8)	248 (15.8)	196 (8.6)	67 (9.3)	0 (0.0)	2190 (15.4)
Male subtotal	9351 (100)	1566 (100)	2279 (100)	719 (100)	72 (100)	14189 (100)
Female Current Age (Years)	White No. (%)	African American No. (%)	Latino No. (%)	Asian/ Pacific Islander No. (%)	Native American No. (%)	Total (1) No. (%)
0 - 12	0 (0.0)	1 (0.3)	1 (0.6)	0 (0.0)	0 (0.0)	2 (0.2)
13 - 19	1 (0.4)	1 (0.3)	6 (3.6)	1 (1.7)	0 (0.0)	11 (1.2)
20 - 24	3 (1.1)	6 (1.6)	4 (2.4)	0 (0.0)	0 (0.0)	13 (1.5)
25 - 29	7 (2.7)	12 (3.3)	14 (8.5)	3 (5.1)	0 (0.0)	37 (4.2)
30 - 39	39 (14.8)	43 (11.7)	26 (15.8)	13 (22.0)	2 (16.7)	129 (14.6)
40 - 49	110 (41.8)	106 (28.9)	53 (32.1)	21 (35.6)	4 (33.3)	299 (33.8)
50 - 59	78 (29.7)	152 (41.4)	40 (24.2)	16 (27.1)	6 (50.0)	296 (33.5)
60 +	25 (9.5)	46 (12.5)	21 (12.7)	5 (8.5)	0 (0.0)	97 (11.0)
Female subtotal	263 (100)	367 (100)	165 (100)	59 (100)	12 (100)	884 (100)
Transgender (2) Current Age (Years)	White No. (%)	African American No. (%)	Latino No. (%)	Asian/ Pacific Islander Native American No. (%)	Total (1) No. (%)	
13 - 39	19 (26.4)	36 (30.5)	47 (44.8)	12 (32.4)	119 (35.2)	
40 +	53 (73.6)	82 (69.5)	58 (55.2)	25 (67.6)	219 (64.8)	
Transgender subtotal	72 (100)	118 (100)	105 (100)	37 (100)	338 (100)	

* Residents of San Francisco at time of HIV/AIDS diagnosis.

(1) Total includes persons with multiple or unknown race.

(2) Transgender information was collected since September 1996. Certain age or race/ethnic groups are combined for transgender cases because of small number.

**SAN FRANCISCO DEPARTMENT OF PUBLIC HEALTH
SEROEPIDEMIOLOGY AND SURVEILLANCE BRANCH
AIDS OFFICE**

**25 VAN NESS AVENUE, SUITE 500
SAN FRANCISCO, CALIFORNIA 94102**

CLERK
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City Hall
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2011 NOV - 9 AM 9:35

101055



November 14, 2011

Board of Supervisors
City Operations and Neighborhood Services
San Francisco City and County
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

Re: **Ordinance to extend restrictions on checkout bags to all retail establishments and food establishments and Adding sections 1703.5 to add a checkout bag charge of 10 cents, rising to 25 cents— Oppose unless Restaurants are Exempt**

Dear City Operations and Neighborhood Services Committee:

The California Restaurant Association is the definitive voice of the food service industry in California and is the oldest restaurant trade association in the nation. On behalf of our restaurant members in San Francisco City and County, we submit this letter of opposition regarding the county's proposed ordinance relating to plastic and paper carryout bags. The City Operations and Neighborhood Services Committee should consider exempting restaurants and other food service establishments for the reasons set out below.

Restaurants are generally exempted from bag ordinances due to food safety concerns with using reusable bags for prepared food to-go. Most recently, the City of San Jose and Santa Clara County have exempted restaurants. San Jose even cited "public health concerns" as the reason for the restaurant exemption. If plastic bags are **banned the bag options left for restaurants are reusable bags or paper bags. Both pose serious public health and safety risk as well as operational challenges.** One of the goals of banning plastic bags and charging a fee on paper bags is to incentivize people to use reusable bags; this is a major concern for restaurants for the following reasons:

- Restaurants must follow strict food safety standards in food handling under Cal Code, the California retail food code. Restaurants are regularly inspected by their county environmental health department under these guidelines.
- Food safety and food borne illness prevention is a top priority for restaurants, but no matter what precautions are taken by the restaurant to prevent cross contamination, it can all be in vain if people use contaminated reusable bags to transport restaurant food.

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- Restaurants take any potential risk of cross contamination very seriously. This risk exists with reusable bags.
- People use reusable bags to hold any number of things, not just food. They use it to carry dirty clothes, shoes, pet products and any number of personal items. Most people do not wash their reusable bags and many people keep their bags in their car trunks for convenience, a combination that can be a breeding ground for bacteria.
- The use of reusable bags by restaurant patrons increases the owner's/operator's liability because there is a potential for cross-contamination.
- Unlike food purchased at the grocery store, restaurant food is typically not prepackaged or sealed. There can be spills and not all food is completely wrapped up or enclosed in a container (e.g. fries at quick service restaurants).
- Using a new, clean bag is the best way to ensure food is safely transported from the restaurant.

Other concerns include:

- Reusable bags could also lead to restaurants using more individual packaging to protect the food from coming into contact with the bag (e.g. extra wrapping).
- Paper bags are not necessarily the best choice for restaurants. Plastic bags help prevent accidental leaks and spills whereas a paper bag would just seep through.
- Restaurants should have the freedom of choice to use food service packaging that best meets their operational needs.

For all these reasons and more, we urge the City Operations and Neighborhood Services Committee to exempt restaurants in the ordinance or at the very least defer the public hearing. Should you have any questions, please contact me at 916.431.2720 or Jdowns@calrest.org

Sincerely,

Johnnise Foster Downs
Director, Local Government Affairs
California Restaurant Association

File 101055

To: Gail Johnson/BOS/SFGOV,
Cc:
Bcc:
Subject: File 101055: Single Use Bag Ordinance - SUPPORT

From: Carmen Chu/BOS/SFGOV
To: Peggy Nevin/BOS/SFGOV@SFGOV
Date: 11/14/2011 03:00 PM
Subject: Fw: Single Use Bag Ordinance - SUPPORT

Pls retain in public records pertaining to an item that will be coming before the Board.

Thanks,

Carmen Chu
SF Board of Supervisors
District 4
1 Dr. Carlton B. Goodlett Pl.
SF, CA 94102
(415) 554-7460
www.sfgov.org/chu

----- Forwarded by Carmen Chu/BOS/SFGOV on 11/14/2011 03:01 PM -----

From: andrea valverde <dreavalverde@yahoo.com>
To: carmen.chu@sfgov.org
Date: 11/14/2011 12:51 PM
Subject: Single Use Bag Ordinance - SUPPORT

Dear Board of Supervisors,

San Francisco led the nation when it passed the first bag ban in 2007. It's time to strengthen this ban and include more stores and restrict more bag waste. Let's stop plastic bag pollution and refuse to be bullied by the plastic industry.

Plastic bags are a costly, environmentally damaging, and easily preventable source of litter and pollution. Light and aerodynamic, plastic bags are uniquely litter-prone even when properly disposed of, and pose a serious threat to our marine environment and wildlife. When they are no longer visible to the naked eye, plastic bags are still not fully gone but instead have photo-degraded into tiny particles that adsorb toxins and contaminate our food chain and water and soil quality.

In these tough economic times, it's also worth noting that shifting from single-use bags to reusables could result in lower grocery costs for consumers. We as shoppers can choose to not pay for a paper bag by bringing in our own bags or hand carrying our small purchases. Any paper bags that we do buy from retailers will help offset their distribution costs, resulting in savings that can be passed on to us in lower grocery prices.

It's a win for the environment as well as the economy. Please take a stand and support an ordinance on single-use bags.

24

andrea valverde
2446 N Buenva Vista St
Burbank, CA 91502

To: BOS Constituent Mail Distribution, *G. Johnson* *File 101055*
Cc:
Bcc:
Subject: SUPPORT- Amending SF Environment Code section 1702 and adding section 1703.5

From: Emily Utter <emilyutter@gmail.com>
To: Eric.L.Mar@sfgov.org, Sean.Elsbernd@sfgov.org, John.Avalos@sfgov.org
Cc: Raquel.Redondiez@sfgov.org, Frances.Hsieh@sfgov.org, Olivia.Scanlon@sfgov.org,
Alexander.Volberding@sfgov.org, Nickolas.Pagoulatos@sfgov.org, Les.Hilger@sfgov.org,
Board.of.Supervisors@sfgov.org
Date: 11/10/2011 05:15 PM
Subject: SUPPORT- Amending SF Environment Code section 1702 and adding section 1703.5

Dear Supervisors,

Thank you for your consideration of an amendment to San Francisco's existing Plastic Bag Reduction Ordinance- SF Environment Code Section 1702, and the addition of section 1703.5. Please see attached a letter of support from Bay Area organizations and businesses.

Sincerely,

--

Emily Utter
Green Consulting
emilyutter@gmail.com
415.948.5095

advocacy, zero waste solutions
sustainable business strategies
green event promotion



SUPPORT_amending section 1702 of SF Environment Code (Expanding plastic bag reduction ordinance).pdf

Supervisors John Avalos, Eric Mar and Sean Elsbernd
1 Carlton B. Goodlett Place.
San Francisco, CA 94102

November 9, 2011

RE: SUPPORT – Expansion of San Francisco Plastic Bag Reduction Ordinance by amending section 1702 of the San Francisco Environment Code and adding section 1703.5

Dear Supervisors:

The undersigned groups are in strong support of the expansion of San Francisco's existing ban on single-use plastic bags at large supermarkets and pharmacies. The proposed expansion of the current ordinance would ban single-use plastic bags at all retailers and restaurants in San Francisco, and place a 10-cent charge on recycled paper bags distributed at checkout. Similar legislation implemented a year ago in Washington, DC resulted in a swift decline of 80% fewer plastic and paper bags being distributed. San Francisco's ground-breaking plastic bag ban implemented in 2007 should be expanded to further encourage the use of reusable bags by San Francisco residents.

Local and national organizations and businesses are extremely concerned with the environmental and economic impacts of single-use plastic bag pollution throughout San Francisco and the world's oceans. Californians use an estimated 12 billion single-use plastic bags every year and we can no longer recycle our way out of this problem. Despite efforts to expand recycling programs, less than 5% of single-use plastic bags are currently being recycled. The rest of these bags end up in landfills or as litter, clogging storm drain systems, contaminating San Francisco's recycling and composting programs, and making their way into San Francisco Bay and the ocean. Plastic bags last for hundreds of years in our environment and may never biodegrade in the ocean. As a result, it poses a persistent threat to wildlife. Over 267 species worldwide have been impacted by plastic litter, including plastic bags.

On January 1st, 2012, our neighbors in San Jose and Santa Clara County will implement ordinances that will ban plastic bags and place a charge on recycled paper bags at all retailers. San Francisco should join our sister cities in leading the Bay Area and nation with cutting-edge policies to reduce waste. Other Bay Area Cities and Counties are expected to do the same in the coming year.

The City of San Francisco has a critical role by demonstrating our leadership in eliminating single-use plastic and paper bag waste and preventing the proliferation of plastic pollution in our communities. Thus we strongly support amending section 1702 of the SF Environment Code and adding section 1703.5, and urge your committee, as well as the entire Board of Supervisors and Mayor to move forward to expand the existing legislation expeditiously.

Sincerely,

Darby Hoover, Senior Resource Specialist
Natural Resources Defense Council

Steven Aceti, JD Executive Director
California Coastal Coalition

Laura Kasa, Executive Director
Save Our Shores

Andy Keller, President
ChicoBag Company & BagMonster.com

Beth Terry, author
MyPlasticfreeLife.com

Emily Utter, BagIt Town Coordinator
BagItmovie.com

Christopher Chin, Executive Director
Center for Oceanic Research and Education (COARE)

Doug Woodring, Executive Director
Ocean Recovery Alliance and the Plastic Disclosure Project

Marcus Eriksen, PhD, Executive Director
5 Gyres Institute

Sarah Abramson Sikich, Coastal Resources Director
Heal the Bay

Renee Sharp, Director, California Office & Senior Scientist
Environmental Working Group

To: BOS Constituent Mail Distribution,
Cc:
Bcc:
Subject: File 101055: SUPPORT - Expansion of San Francisco Plastic Bag Reduction Ordinance

From: Julia Ritchie <julia@environmentcalifornia.org>
To: undisclosed-recipients;;
Date: 11/11/2011 01:15 PM
Subject: RE: SUPPORT - Expansion of San Francisco Plastic Bag Reduction Ordinance

Supervisors John Avalos, Eric Mar and Sean Elsbernd

1 Carlton B. Goodlett Place.

San Francisco, CA 94102

November 9, 2011

RE: SUPPORT – Expansion of San Francisco Plastic Bag Reduction Ordinance by amending section 1702 of the San Francisco Environment Code and adding section 1703.5

Dear Supervisors:

The undersigned groups are in strong support of the expansion of San Francisco's existing ban on single-use plastic bags at large supermarkets and pharmacies. The proposed expansion of the current ordinance would ban single-use plastic bags at all retailers and restaurants in San Francisco, and place a 10-cent charge on recycled paper bags distributed at checkout. Similar legislation implemented a year ago in Washington, DC resulted in a swift decline of 80% fewer plastic and paper bags being distributed. San Francisco's ground-breaking plastic bag ban implemented in 2007 should be expanded to further encourage the use of reusable bags by San Francisco residents.

Local and national organizations and businesses are extremely concerned with the environmental and economic impacts of single-use plastic bag pollution throughout San Francisco and the world's oceans. Californians use an estimated 12 billion single-use plastic bags every year and we can no longer recycle our way out of this problem. Despite efforts to expand recycling programs, less than 5% of single-use plastic bags are currently being recycled. The rest of these bags end up in landfills or as litter, clogging storm drain systems, contaminating San Francisco's recycling and composting programs, and making their way into San Francisco Bay and the ocean. Plastic bags last for hundreds of years in our environment and may never biodegrade in the ocean. As a result, it poses a persistent threat to wildlife. Over 267 species worldwide have been impacted by plastic litter, including plastic bags.

On January 1st, 2012, our neighbors in San Jose and Santa Clara County will implement ordinances that will ban plastic bags and place a charge on recycled paper bags at all retailers. San Francisco should join our sister cities in leading the Bay Area and nation with cutting-edge policies to reduce waste. Other Bay Area Cities and Counties are expected to do the same in the coming year.

The City of San Francisco has a critical role by demonstrating our leadership in eliminating single-use plastic and paper bag waste and preventing the proliferation of plastic pollution in our communities. Thus we strongly support amending section 1702 of the SF Environment Code and adding section 1703.5, and urge your committee, as well as the entire Board of Supervisors and Mayor to move forward to expand the existing legislation expeditiously.

Sincerely,

Julia Ritchie

Ocean Associate

Environment California

Julia Ritchie
Ocean Associate
Environment California
1107 9th Street, Suite 601
Sacramento, CA. 95814
(p) 916.446.8062 ext. 102
(f) 916.448.4560
julia@environmentcalifornia.org
www.EnvironmentCalifornia.org
Follow us on [Facebook!](#)



November 11, 2011

Supervisor John Avalos
Supervisor Eric Mar
Supervisor Sean Elsbernd
1 Carlton B. Goodlett Place.
San Francisco, CA 94102

Dear Supervisors,

The San Francisco Chapter of the Surfrider Foundation supports an expansion of the existing San Francisco Plastic Bag Reduction Ordinance that banned single-use plastic bags in large grocery stores and pharmacies that the Board of Supervisors' City Operations and Neighborhood Services committee will consider at the Committee meeting on November 14, 2011. The proposed expansion would ban single-use plastic bags in all retailers and restaurants in the City of San Francisco and place a 10-cent charge on paper bags. San Francisco led the nation by being the first city to ban plastic bags in 2007, but the original ordinance should be expanded to further encourage the use of reusable bags by San Francisco residents and help San Francisco reach goals to reduce waste to zero by 2020.

The Surfrider Foundation is a non-profit grassroots organization dedicated to the protection and enjoyment of our world's oceans, waves and beaches. Surfrider Foundation was founded in 1984 and now maintains over 250,000 supporters, activists and members and 80 local chapters worldwide. San Francisco's Surfrider Chapter has over 1,000 members and many are actively involved in tri-monthly beach cleanups, and efforts to protect Ocean Beach and expand awareness about plastic pollution in the ocean.

Local and national organizations are extremely concerned with the environmental impacts of single-use plastic bag pollution throughout San Francisco and our oceans. Californians use an estimated 12 billion single-use plastic bags every year and we can no longer recycle our way out of this problem. Despite efforts to expand recycling programs, the 2009 plastic carryout bag recycling rate in California was about 3%.¹ The rest of these bags end up in landfills or as litter that clog our storm drains, cover our beaches, and fill our oceans. Plastic bags last for hundreds of years in our environment and may never biodegrade in the ocean. As a result, it poses a persistent threat to wildlife that ingest plastic bags mistaking them as food.

¹ See <http://www.calrecycle.ca.gov/Plastics/AtStore/AnnualRate/2009Rate.htm>.



The City of San Jose and Santa Clara County have already passed ordinances that ban single-use plastic bags at retailers that will go into effect on January 1st, 2012. Marin County has also passed a bag ban. Let's join forces in leading the Bay Area and the Nation with cutting-edge policies that raise awareness and reduce waste. The City of San Francisco has a critical role in becoming a true leader in eliminating single-use plastic and paper bag waste and preventing the proliferation of plastic pollution in our communities. Thus, we strongly support this ordinance and urge your committee, as well as the entire Board of Supervisors and Mayor to move forward to expand the existing legislation.

We urge the members of the City Operations and Neighborhood Services committee to vote in favor of adding section 1702 of the SF Environment Code and adding section 1703.5 that will expand the current San Francisco Bag Ban Ordinance.

Please feel free to contact Surfrider activist Carolynn Box at cbox@sfsurfrider.org if we may be of assistance in this matter.

For the oceans, waves, and beaches,

Scott Coleman
Chapter Chair
Surfrider Foundation
San Francisco Chapter