

FILE NO: 170846

Petitions and Communications received from July 10, 2017, through July 17, 2017, for reference by the President to Committee considering related matters, or to be ordered filed by the Clerk on July 25, 2017.

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

From the Office of the Clerk of the Board, reporting that the following departments submitted their Sole Source Contract for FY2016-2017. (1)

- Asian Art Commission
- Board of Appeals
- California Academy of Sciences
- The Department of Elections
- Mayor's Office of Housing Community Development
- Office of Contract Administration
- Planning Department
- Public Defender's Office
- Public Library
- Sheriff's Department
- War Memorial and Performing Arts Center

From the Office of the Clerk of the Board, submitting notice that pursuant to Charter, Section 4.136, the Police Commission appointed Paul Henderson as Interim Executive Director of the Department of Police Accountability, effective July 1, 2017. Copy: Each Supervisor. (2)

From Angie Manetti, Director of Government Affairs, of the California Retailers Association, regarding the flavored tobacco ordinance. Copy: Each Supervisor. (3)

From the Office of the City Administrator, pursuant to Administrative Code, Chapter 12x, submitting an updated Covered State List for city contracts and travel to states with anti-LGBT laws. Copy: Each Supervisor. (4)

From West Area CPUC, pursuant to Section IV.C.2 of the General Order No 159A of the Public Utilities Commission of the State of California, submitting a Notification Letter for South Castro SC1. Copy: Each Supervisor. (5)

From Michelle Zdeba, Project Developer of Mercy Housing California, regarding the proposed legislation for street encroachment permits. File No. 170761. Copy: Each Supervisor. (6)

From concerned citizens, regarding The Apothecarium's MCD application at 2505 Noriega Street. 1,515 letters. (7)

From Franco Cirelli, regarding the proposed Planning Code - Child Care Facilities legislation. File No. 170693. Copy: Each Supervisor. (8)

From Ginny Siller, Director of Government Affairs at the Animal Health Institute, regarding the use of antibiotics. File No. 170763. Copy: Each Supervisor. (9)

From Allen Jones of the Good Neighbor Coalition, regarding the Golden State Warriors arena project. Copy: Each Supervisor. (10)

From concerned citizens, regarding the proposed bicycle chop shop legislation. File No. 170209. 9 letters. Copy: Each supervisor. (11)

From concerned citizens, expressing various expressing thoughts regarding San Francisco as a Sanctuary City. Copy: Each Supervisor. (12)

From Peter Warfield, regarding privacy-threatening RFID technology at the library. Copy: Each Supervisor. (13)

From Christopher Gallo of San Francisco Provident Loan Association, regarding homelessness on Mission Street. (14)

From Tom Borden, regarding the proposed legislation to amend the Park Code to authorize penalties for littering or dumping waste in Dolores Park. Copy: Each Supervisor. (15)

From California Fish and Game, submitting a Notice of Findings regarding the northern spotted owl and the foothill-yellow-legged frog. Copy: Each Supervisor. (16)

BOARD of SUPERVISORS



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

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MEMORANDUM

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Date: July 18, 2017  
To: Members, Board of Supervisors  
From: Angela Calvillo, Clerk of the Board  
Subject: Sole Source Contracts FY 2016-2017

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This is to inform you that the following departments have submitted their Sole Source Contracts Report for FY 2016-2017:

Asian Art Commission  
Board of Appeals  
California Academy of Sciences  
The Department of Elections  
Mayor's Office of Housing Community Development  
Office of Contract Administration  
Planning Department  
Public Defender's Office  
Public Library  
Sheriff's Department  
War Memorial and Performing Arts Center

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**From:** Board of Supervisors, (BOS)  
**Subject:** FW: Asian Art Museum FW: 2016- 2017 Sole Source Contracts Memo - Response Required  
**Attachments:** C17-023 sole source contracts.pdf

**From:** Laura Furney Hathhorn [mailto:lhathhorn@asianart.org]  
**Sent:** Wednesday, July 12, 2017 11:42 AM  
**To:** Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>  
**Cc:** Xu, Jay (MYR) <jxu@asianart.org>; Chou, Joanne (AAM) <jchou@asianart.org>; Tooke, Daphne (MYR) <dtooke@asianart.org>; Christian, Jody (AAM) <jchristian@asianart.org>  
**Subject:** Asian Art Museum FW: 2016- 2017 Sole Source Contracts Memo - Response Required

Dear Ms. McHugh,

Thank you for the email sent to AAM Director Jay Xu. Attached is the resolution regarding Sole Source Contracts that was passed by the Asian Art Commission on June 20, 2017.

Kindest regards,  
Laura

**Laura Hathhorn**  
Commission & Foundation Office

Asian Art Museum  
Chong-Moon Lee Center for Asian Art & Culture  
200 Larkin Street  
San Francisco, CA 94102  
[www.asianart.org](http://www.asianart.org)

T: 415.581.3753  
F: 415-581-4701  
[lhathhorn@asianart.org](mailto:lhathhorn@asianart.org)

 Asian

**ASIAN ART COMMISSION**

**RESOLUTION C17-023**

**In Compliance with Sections 67.24(e) and 67.29-2 of the Sunshine Ordinance as Amended by Proposition G on November 2, 1999, the Asian Art Commission Hereby Acknowledges that No Sole Source Contracts were entered into During the Period of July 1, 2016 through June 30, 2017, and by Adoption of this Resolution, Hereby Posts Said Information on the Asian Art Museum's Website at [www.asianart.org](http://www.asianart.org)**

**WHEREAS**, Section 67.24(e) of the Sunshine Ordinance requires that each City department provide the Board of Supervisors with a list of all sole source contracts entered into during the past fiscal year; and

**WHEREAS**, Section 67.29-2 of the Sunshine Ordinance encourages posting of the information on the web; now, therefore, be it

**RESOLVED**, That the Asian Art Commission hereby acknowledges that no sole source contracts were entered into during the period of July 1, 2016 through June 30, 2017, and by adoption of this resolution, said information shall be forwarded to the Board of Supervisors and posted on the Asian Art Museum's website at [www.asianart.org](http://www.asianart.org).

June 20, 2017

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**From:** Goldstein, Cynthia (BOA)  
**Sent:** Wednesday, July 12, 2017 8:27 AM  
**To:** Board of Supervisors, (BOS)  
**Subject:** Sunshine Ordinance Section 67.24(e) Reporting Requirement

The Board of Appeals did not enter into any sole source contracts during fiscal year 2016-2017.

Cynthia G. Goldstein  
Executive Director  
San Francisco Board of Appeals  
1650 Mission Street, Suite 304  
San Francisco, CA 94103  
Phone: 415-575-6881  
Fax: 415-575-6885  
Email: [cynthia.goldstein@sfgov.org](mailto:cynthia.goldstein@sfgov.org)

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**From:** Michael Costanzo <mcostanzo@calacademy.org>  
**Sent:** Thursday, July 13, 2017 4:16 PM  
**To:** Board of Supervisors, (BOS)  
**Cc:** Barbara Andrews; McGee, Mike (SCI); LaCarrubba, Lynne (MYR)  
**Subject:** 2016- 2017 Sole Source Contracts Memo - Response Required  
**Attachments:** Sole Source Contracts.pdf

Dear Ms. Calvillo:

In response to your memorandum dated July 11, 2017, with respect to Sole Source Contracts, please be advised that the California Academy of Sciences has not entered into any contracts on behalf of the City for Fiscal Year 2016-2017, sole source or otherwise.

If you should have any questions, please feel free to contact me.

Sincerely,

**Michael Costanzo**

General Counsel & Director of Security  
California Academy of Sciences  
T [415.379.5472](tel:415.379.5472)  
F [415.379.5728](tel:415.379.5728)  
[mcostanzo@calacademy.org](mailto:mcostanzo@calacademy.org)  
[www.calacademy.org](http://www.calacademy.org)

55 Music Concourse Drive  
Golden Gate Park  
San Francisco, CA 94118

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When dinosaurs walked the Earth, flying reptiles ruled the skies. Discover real fossils, a flight simulator, and more in *Pterosaurs: Flight in the Age of Dinosaurs*. Now through January 7, 2018.

This transmittal is intended solely for use by its addressee, and may contain confidential or legally privileged information. If you have received this transmittal in error, please email a reply to the sender and delete the transmittal and any attachments.

----- Forwarded message -----

**From:** Board of Supervisors, (BOS) <[board.of.supervisors@sfgov.org](mailto:board.of.supervisors@sfgov.org)>  
**Date:** Tue, Jul 11, 2017 at 6:20 PM  
**Subject:** 2016- 2017 Sole Source Contracts Memo - Response Required  
**To:** MYR-ALL Department Heads <[MYR-All.DepartmentHeads@sfgov.org](mailto:MYR-All.DepartmentHeads@sfgov.org)>  
**Cc:** MYR-All Department Head Assistant <[MYR-All.DepartmentHeadAssistant@sfgov.org](mailto:MYR-All.DepartmentHeadAssistant@sfgov.org)>

Dear Department Heads:

Please see the attached memo regarding Sunshine Ordinance Section 67.24(e) reporting requirement of Sole Source Contracts.

Regards,

Board of Supervisors  
1 Dr. Carlton B. Goodlett Place, City Hall, Room 244  
San Francisco, CA 94102-4689  
Phone: (415) 554-7703 | Fax: (415) 554-5163

[Board.of.supervisors@sfgov.org](mailto:Board.of.supervisors@sfgov.org) | 415-554-5184



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**From:** Arntz, John (REG)  
**Sent:** Wednesday, July 12, 2017 8:03 AM  
**To:** Board of Supervisors, (BOS)  
**Subject:** Elections - Sole Source Contracts

Hello. The Department of Elections did not enter into any sole source contracts during Fiscal Year 2016-2017. The Department has one existing sole source contract with Runbeck Election Services, BPRG 14000003, which was executed in FY 2014-2015,

Thanks,  
-John.

John Arntz, Director  
San Francisco Department of Elections  
1 Dr. Carlton B. Goodlett Place  
City Hall, Room 48  
San Francisco, CA 94102  
(415) 554-4375  
sfelections.org



Follow the San Francisco Department of Elections on [Facebook](#) and [Twitter](#)!

Your feedback is important to us! Please take our [customer service survey](#).

**Mchugh, Eileen (BOS)**

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**From:** Catapang, Rally (MYR)  
**Sent:** Wednesday, July 12, 2017 1:30 PM  
**To:** Board of Supervisors, (BOS)  
**Cc:** McCloskey, Benjamin (MYR)  
**Subject:** MOHCD Sole Source Contracts FY 16-17 Reporting

Hello,

We did not enter into any sole source contracts in FY 16-17. Thanks

Rally

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Rally Catapang  
Finance Manager  
Mayor's Office of Housing and Community Development  
1 South Van Ness, 5th Floor  
San Francisco, CA 94103  
tel: 415.701.5562 fax: 415.701.5502  
[rally.catapang@sfgov.org](mailto:rally.catapang@sfgov.org)

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**From:** Randall, Jovelin (ADM)  
**Sent:** Friday, July 14, 2017 8:44 AM  
**To:** Board of Supervisors, (BOS)  
**Subject:** Sole Source Contracts for Fiscal Year 2016-2017  
**Attachments:** Sole Source FY2016-2017.pdf

Good morning,

The attached document is being sent on behalf of Jaci Fong.

Thank you,  
Jovelin Randall  
Office of Contract Administration  
City Hall, Room 430  
(415) 554-6743  
[Jovelin.randall@sfgov.org](mailto:Jovelin.randall@sfgov.org)

City and County of San Francisco

Office of Contract Administration



Edwin M. Lee  
Mayor

Jaci Fong  
Director and Purchaser  
Purchasing

Date: July 12, 2017

To: Angela Calvillo, Clerk of the Board

From: Jaci Fong, City Purchaser *JF*

Subject: Sole source contracts for Fiscal Year 2016-2017

In accordance with Sunshine Ordinance Section 67.24(e), the Office of Contract Administration is disclosing the sole source contracts it directly entered into during Fiscal Year 2016-2017.

Vendor Name	Amount	Term	Details
Oil Price Information Service LLC	\$36,117	9/1/2016 – 8/31/2019	Vendor provides customized daily fuel rates to the City via email and FTP download.

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**From:** DiSanto, Thomas (CPC)  
**Sent:** Wednesday, July 12, 2017 10:21 AM  
**To:** Board of Supervisors, (BOS)  
**Cc:** Rahaim, John (CPC)  
**Subject:** RE: 2016- 2017 Sole Source Contracts Memo - Response Required

The Planning Department did not enter into any sole source contracts in FY 16-17.

Please contact me if you have any additional questions.

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**Thomas DiSanto**  
**Director, Administration**

Planning Department, City and County of San Francisco  
1650 Mission Street, Suite 400, San Francisco, CA 94103  
**Direct:** 415-575-9113 **Fax:** 415-575-9005  
**Email:** [thomas.disanto@sfgov.org](mailto:thomas.disanto@sfgov.org)  
**Web:** [www.sfplanning.org](http://www.sfplanning.org)

**From:** "Board of Supervisors, (BOS)" <[board.of.supervisors@sfgov.org](mailto:board.of.supervisors@sfgov.org)>  
**Date:** July 11, 2017 at 6:20:27 PM PDT  
**To:** MYR-ALL Department Heads <[MYR-All.DepartmentHeads@sfgov.org](mailto:MYR-All.DepartmentHeads@sfgov.org)>  
**Cc:** MYR-All Department Head Assistant <[MYR-All.DepartmentHeadAssistant@sfgov.org](mailto:MYR-All.DepartmentHeadAssistant@sfgov.org)>  
**Subject:** 2016- 2017 Sole Source Contracts Memo - Response Required

Dear Department Heads:

Please see the attached memo regarding Sunshine Ordinance Section 67.24(e) reporting requirement of Sole Source Contracts.

Regards,

Board of Supervisors  
1 Dr. Carlton B. Goodlett Place, City Hall, Room 244  
San Francisco, CA 94102-4689  
Phone: (415) 554-7703 | Fax: (415) 554-5163  
[Board.of.supervisors@sfgov.org](mailto:Board.of.supervisors@sfgov.org) | 415-554-5184

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**From:** Auyong, Angela (PDR)  
**Sent:** Wednesday, July 12, 2017 8:55 AM  
**To:** Board of Supervisors, (BOS)  
**Subject:** 2016-2017 Sole Source Contract  
**Attachments:** PDR Sole Source Contract List 16-17.pdf

Good morning,

Attached please find the 2016-17 sole source contract from the Public Defender's Office.

Thank you!  
Angela

**Angela Auyong | Office Manager**  
Office of the Public Defender | City & County of San Francisco  
555 7<sup>th</sup> Street | San Francisco, CA 94103  
Phone: (415) 553-1677 | Fax: (415) 553-1607 | Email: [Angela.Auyong@sfgov.org](mailto:Angela.Auyong@sfgov.org)

# SAN FRANCISCO PUBLIC DEFENDER

JEFF ADACHI – PUBLIC DEFENDER  
MATT GONZALEZ – CHIEF ATTORNEY



July 12, 2017

Board of Supervisors  
C/o Clerk of the Board  
City Hall, Room 244

RE: Sole Source Contract for FY 2016-2017

Dear Madam Clerk:

The Public Defender's office had following sole source contract for the fiscal year 2016/2017.

<u>Term</u>	<u>Vendor</u>	<u>Amount</u>	<u>Reason</u>
7/1/2016-6/30/2017	Chevron	6,000	No potential contractors comply
7/1/2016-6/30/2017	Xtech	125,000	Licensed and parented good

Please feel free to contact me at 553-1677 if you have any questions. Thank you.

Very truly yours,

A handwritten signature in black ink, appearing to read "Angela Auyong".

Angela Auyong  
Executive Assistant

**Adult Division - HOJ**  
555 Seventh Street  
San Francisco, CA 94103  
P: 415.553.1671  
F: 415.553.9810  
[www.spublicdefender.org](http://www.spublicdefender.org)

**Juvenile Division - YGC**  
375 Woodside Avenue, Rm. 118  
San Francisco, CA 94127  
P: 415.753.7601  
F: 415.566.3030

**Juvenile Division - JJC**  
258A Laguna Honda Blvd.  
San Francisco, CA 94116  
P: 415.753.8174  
F: 415.753.8175

**Clean Slate**  
P: 415.553.9337  
[www.spublicdefender.org/services](http://www.spublicdefender.org/services)

**Reentry Council**  
P: 415.553.1593  
[www.sfreentry.com](http://www.sfreentry.com)

**Bayview Magic**  
P: 415.558.2428  
[www.bayviewmagic.org](http://www.bayviewmagic.org)

**MoMagic**  
P: 415.563.5207  
[www.momagic.org](http://www.momagic.org)



**San Francisco Public Library**  
100 Larkin Street (Civic Center)  
San Francisco, CA 94102

Date: July 13, 2017  
To: Clerk of the Board of Supervisors  
From: San Francisco Public Library-Finance Department  
Subject: Annual Report on Gifts Received up to \$10,000.00

### MEMORANDUM

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In accordance with Administrative Code Section 10.100-305, this memo serves to provide the Board of Supervisors with a report on gifts up to \$10,000.00 received by the Department during FY 2016-2017.

Please find attached report for your reference.

Sincerely,

Maureen Singleton  
Chief Financial Officer

cc: File, SFPL-Finance Department

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2017 JUL 14 PM 4:37  
BY



SAN FRANCISCO PUBLIC LIBRARY DEPARTMENT  
 GIFTS TO THE CITY AND COUNTY OF SAN FRANCISCO  
 REPORT TO THE BOARD OF SUPERVISORS  
 FISCAL YEAR 2016-2017

Date Received by the City	Source	Value	Gift Description	Disposition
07/01/16	Michael Kurihara	\$ 250.00	CHECK	Books & Other Materials/Richmond Branch
07/23/16	Consulate General of Spain in SF	\$ 500.00	CHECK	Library Services & Program Support
08/23/16	Sunny St. Pierre	\$ 250.00	CHECK	Library Services & Program Support
09/06/16	Anonymous	\$ 40.00	cash	Library Services & Program Support
07/01/16	Michael Kurihara	\$ 200.00	CHECK	Books & Other Materials/either Br. or Main
09/06/16	Anonymous	\$ 500.00	CHECK	Library Services & Program Support
10/26/16	Aida Seballos	\$ 50.00	CHECK	Library Services & Program Support
10/27/16	Will & Evan Jones	\$ 30.00	CASH	Books & Other Materials/Children-Youth material
11/22/16	Heritage Residents' Council	\$ 200.00	CHECK	Library Services & Program Support/Library on Wheels
11/30/16	Sunny St. Pierre	\$ 250.00	CHECK	Library Services & Program Support
01/11/17	Sunny St. Pierre	\$ 500.00	CHECK	Library Services & Program Support
02/22/17	Jay Martin	\$ 150.00	CHECK	Books & Other Materials/Either Adult or Children-Youth
03/17/17	Michael Kurihara	\$ 250.00	CHECK	Books & Other Materials/Either Adult or Children-Youth
03/17/17	Michael Kurihara	\$ 250.00	CHECK	Books & Other Materials/Either Adult or Children-Youth
03/24/17	Aida Seballos	\$ 25.00	CHECK	Library Services & Program Support
04/20/17	Zhixuan (Alina) Liu	\$ 20.00	CASH	Library Services & Program Support

Friend of San Francisco Public Library Table:

Date	Donor Name	Value	Gift Description	Disposition
Jul. 2016	Friend of SFPL Form 801	\$ 440.00	Cash/In-kind	Library Services & Program Support
Aug. 2016	Friend of SFPL Form 801	\$ 374.00	Cash/In-kind	Library Services & Program Support
Oct. 2016	Friend of SFPL Form 801	\$ 243.00	Cash/In-kind	Library Services & Program Support
Nov. 2016	Friend of SFPL Form 801	\$ 728.00	Cash/In-kind	Library Services & Program Support
Jan. 2017	Friend of SFPL Form 801	\$ 36.00	Cash/In-kind	Library Services & Program Support
Feb. 2017	Friend of SFPL Form 801	\$ 465.00	Cash/In-kind	Library Services & Program Support
Apr. 2017	Friend of SFPL Form 801	\$ 896.00	Cash/In-kind	Library Services & Program Support
May 2017	Friend of SFPL Form 801	\$ 56.00	Cash/In-kind	Library Services & Program Support
Jun. 2017	Friend of SFPL Form 801	\$ 512.00	Cash/In-kind	Library Services & Program Support
Jun. 2017	Friend of SFPL Form 801	\$ 398.00	Cash/In-kind	Library Services & Program Support

\* Year-end Reconciliation Report of Friend of San Francisco Public Library for FY 2016-17 to be completed by no later than 12/31/17.

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**From:** Hollings, Crispin (SHF)  
**Sent:** Thursday, July 13, 2017 8:43 AM  
**To:** Board of Supervisors, (BOS)  
**Cc:** Luong, Mylan (SHF)  
**Subject:** FW: Sole Source Contracts for Fiscal Year 2016-2017  
**Attachments:** FY16-17 Sole Source List - BOS.DOC; Sole Source Contracts.pdf

Good morning,

A list of sole source contracts for FY 16-17, for the Sheriff's Department is attached.

Crispin

Crispin Hollings  
Chief Financial Officer  
San Francisco Sheriff's Department  
415-554-4316 (W)  
415-999-0015 (C)

---

**From:** Gong, Henry (SHF)  
**Sent:** Wednesday, July 12, 2017 1:54 PM  
**To:** Hollings, Crispin (SHF) <crispin.hollings@sfgov.org>  
**Cc:** Toet, Theodore (SHF) <theodore.toet@sfgov.org>; Luong, Mylan (SHF) <mylan.luong@sfgov.org>  
**Subject:** Sole Source Contracts for Fiscal Year 2016-2017

Please find attached, per Sunshine Ordinance Section 67.24(e), the list of all sole source contracts entered into during Fiscal Year 2016-2017 for the Sheriff's Department.

Henry

\*\*\*\*\*

Henry Gong  
SFSD Finance  
1 Dr. Carlton B. Goodlett Place  
Room 456, City Hall  
San Francisco, CA 94102

Tel: (415) 554-7241

**San Francisco Sheriff's Department  
List of Sole Source Contracts in Fiscal Year 2016-17**

<b>Term</b>	<b>Vendor</b>	<b>Amount</b>	<b>Reason</b>
7/1/17 – 6/30/18	Citrix	\$27,216.00	Citrix s/w and maintenance functions as the host for the SFSD's servers which houses the Jail Management System (JMS). The JMS is critical to the daily safety and operation of the County Jails as it controls the booking, classification, housing, tracking and release of inmates.
3/22/17	Crown Industrial	\$50,577.00	Emergency repair on the property conveyor belt at County Jail #1. The SFSD has one central property storage system for the entire jail system. The conveyor has a capacity to hold 2,400 bags for centralized collection, storage, and the return of property. Crown industrial was the original designer and installer of this system and is the only known company in the region that can perform this work. Any downtime of the conveyor has the potential to delay the release of persons under SFSD Custody.
12/1/15-11/30/18	Global Tel*Link (GTL)	\$0.00 (Revenue Contract)	Under the proposed contract, GTL will provide an inmate telephone system including proprietary monitoring and recording software, visitation scheduling software, commissary ordering feature, paperless debit calling and video visitation system pilot in compliance with the requirements of the SFSD. GTL continues to work with Tamra Winchester of CMD to meet Administrative Code Chapters 12B.
7/1/16 - 6/30/17	Rapid Notify, Inc.	\$12,075.00	Rapid Notify, Inc. provides access for proprietary telecommunication systems for as needed automated telephone alerts to communities in San Mateo County regarding any emergencies arising from San Francisco County Jails located in San Bruno. This is annual fee.
7/1/16 - 6/30/17	Recology Peninsula Services/San Bruno Garbage Co. Inc.	\$105,635.00	San Bruno Garbage Co., Inc. is the sole source garbage collector for all San Bruno addresses under the terms of the San Bruno Municipal Code 10.20.050. The San Francisco County Jails located in San Bruno fall under this requirement.
7/1/16 - 6/30/17	Sirron Software Corporation	\$20,127.00	Sirron Software Corporation supports and maintains the Civil Administration System Software. This is annual fee.

3/1/16 – 2/28/17	Schneider Electric Buildings Americas	\$15,175.00	12-month Service Plan to allow Schneider Electric to service the proprietary HVAC system installed at San Bruno County Jail. Schneider Electric is the only qualified vendor to maintain the integrity, performance and sustainability of the I/A series, Network 8000 series, and DMS series systems.
1/1/17 – 12/31/20	Thomson Reuters CLEAR	\$114,624.52	Thomson Reuters CLEAR is a proprietary online investigative research service. CLEAR enables the Investigation Unit to quickly access a vast collection of public and proprietary records. CLEAR is currently used by the DA Investigators and Public Defender's Office. Given the frequent interactions between the Sheriff's Department and the Agencies currently utilizing CLEAR; the efficiencies and advantages to have all Agencies working with the equivalent data source will expedite location of subjects and finding resolutions to investigations.

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**From:** Murray, Elizabeth (WAR)  
**Sent:** Thursday, July 13, 2017 9:40 AM  
**To:** Board of Supervisors, (BOS)  
**Subject:** Sole Source Contracts FY 2016-17 War Memorial  
**Attachments:** Sole Source 16-17 WAR.pdf

**Elizabeth Murray, Managing Director**  
San Francisco War Memorial and Performing Arts Center  
401 Van Ness Avenue, Suite 110  
San Francisco, CA 94102  
(415) 554-6306  
[Elizabeth.murray@sfgov.org](mailto:Elizabeth.murray@sfgov.org)

# San Francisco War Memorial and Performing Arts Center

Owned and Operated by the  
City and County of San Francisco

War Memorial Veterans Building  
Herbst Theatre / Green Room  
War Memorial Opera House  
Louise M. Davies Symphony Hall  
Harold L. Zellerbach Rehearsal Hall

401 Van Ness Avenue, Suite 110  
San Francisco, California 94102  
Telephone (415) 621-6600  
FAX (415) 621-5091  
<http://www.sfwpac.org/>

## MEMORANDUM

July 13, 2017

TO: Clerk of the Board  
Board of Supervisors

FROM: Elizabeth Murray, Managing Director  
War Memorial and Performing Arts Center



SUBJECT: **Sole Source Contracts for Fiscal Year 2016-2017**

In accordance with the Sunshine Ordinance requirement that each City department provide the Board of Supervisors with a list of all sole source contracts entered into during the past fiscal year, listed below are sole source contracts entered into by the War Memorial department during FY 2016-2017.

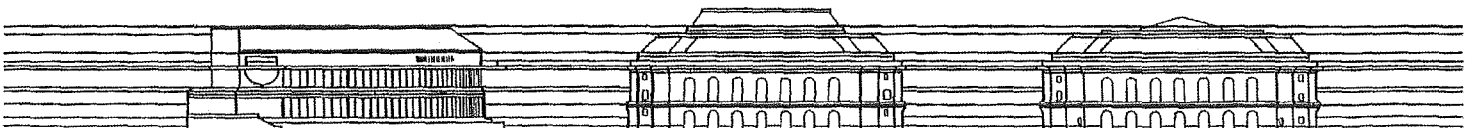
### Existing Sole Source Contracts:

TERM	VENDOR	AMOUNT	REASON
None			

### Sole Source Contracts entered into during FY 2016-17:

TERM	VENDOR	AMOUNT	REASON
8/1/16-7/31/17	Jacobson Consulting Applications, Inc.	\$20,901.00	The exclusive and only authorized provider of support, training, customization & software maintenance for <i>Artifax</i> Software (booking & scheduling software).

If you have any questions, please contact me at 554-6306.



BOARD of SUPERVISORS



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

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MEMORANDUM

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Date: July 11, 2017  
To: Members, Board of Supervisors  
From: *WCC* Angela Calvillo, Clerk of the Board  
Subject: **Interim Executive Director of the  
Department of Police Accountability, effective July 1, 2017.**

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Pursuant to Charter Section 4.136, the Police Commission, adopted Resolution No. 17-38 at the June 21, 2017 meeting, appointing Paul Henderson as Interim Executive Director of the Department of Police Accountability, effective July 1, 2017 (memo attached, and received July 11, 2017).

As you know Mr. Henderson will serve at the pleasure of the Police Commission until Mayor Lee submits his permanent nominee for the Executive Director of the Department of Police Accountability, and that nomination will be subject to confirmation by the Board of Supervisors (Board).

Upon receipt of such notice from the Office of the Mayor, the Clerk shall open a file and refer the appointment to the Rules Committee so that the Board may consider and act within 30 days of the Mayor's nomination. If the Board fails to act on the appointment within 30 days, the appointment shall be deemed approved.

- c. Mawuli Tugbenyoh, Mayors Liaison to the Board of Supervisors  
Sgt. Rachael Kilshaw, Police Commission Secretary  
Alisa Somera, Legislative Deputy

---

**From:** Board of Supervisors, (BOS)  
**Sent:** Thursday, June 08, 2017 4:26 PM  
**To:** BOS-Supervisors; Major, Erica (BOS)  
**Subject:** FW: Proposed Tobacco Ordinance File No. 170441  
**Attachments:** CRA Letter SF June 2017.pdf

**From:** Angie Manetti [<mailto:amanetti@calretailers.com>]  
**Sent:** Thursday, June 08, 2017 3:50 PM  
**To:** Board of Supervisors, (BOS) <[board.of.supervisors@sfgov.org](mailto:board.of.supervisors@sfgov.org)>  
**Subject:** Proposed Tobacco Ordinance

Good afternoon,

On behalf of the California Retailers Association, please accept our comments for the proposed tobacco ordinance for the record.

Sincerely,

--

Angie Manetti  
Director of Government Affairs  
California Retailers Association  
980 Ninth Street, Suite 2100  
Sacramento, CA 95814  
P: [\(916\) 443-1975](tel:9164431975)  
F: [\(916\) 443-4218](tel:9164434218)  
E: [amanetti@calretailers.com](mailto:amanetti@calretailers.com)





June 8, 2017

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

Re: Proposed Tobacco Retail License Ordinance File No. 170441

Dear Members of the Board of Supervisors:

The California Retailers Association (CRA) writes to express our concerns with the proposed tobacco retail license ordinance before the Board, which would prohibit the sale of menthol cigarettes and flavored tobacco.

The California Retailers Association is the only statewide trade association representing all segments of the retail industry including general merchandise, department stores, mass merchandisers, restaurants, convenience stores, supermarkets and grocery stores, chain drug, and specialty retail such as auto, vision, jewelry, hardware and home stores. CRA works on behalf of California's retail industry, which currently operates over 418,840 retail establishments with a gross domestic product of \$330 billion annually and employs 3,211,805 people— one fourth of California's total employment.

CRA and our members support sensible solutions to address the illegal sale of tobacco to minors. In our collective commitment to that end, our members provide training to their employees and fully support the letter of the law. The proposed ordinance inherently ignores the fact that our members provide employee training as a way of prevent youth from gaining access to tobacco. Failure to comply with these rules comes with harsh consequences. Needless to say, our members take this issue very seriously.

This ordinance also ignores the fact that there are comprehensive state and local laws, that anti-tobacco advocates support as a means to curb youth access to tobacco, that are currently enforced. Namely, a local tobacco retail license that limits the distance of tobacco retailing 500 feet of schools and a cap on the number of licensees per supervisorial district. Collectively, with the new tobacco laws

approved last year to increase the minimum legal smoking age, tobacco retail license fees for renewal and additional locations, and a \$2 tax on tobacco products, we believe there are enough sufficient regulations in place to control potential illegal sales and use of these products.

If the ordinance goes into effect, it is also our concern that the County will lose valuable sales tax revenues to neighboring jurisdictions that do not have similar product bans in place. This policy has far-reaching unintended consequences and deserves closer scrutiny, especially given the City's projected budget deficit and \$5.5 billion in pension liabilities.

As you know, the retail industry is experiencing unprecedented upheaval. According to government data, over 89,000 jobs have been lost in general merchandise stores since last October. Ordinances that imposes a ban the sale of legal products throughout the City exacerbate an already challenging economic climate facing retailers and may lead to blight, higher unemployment and create an environment that encourages the black-market sale of tobacco products.

CRA is also concerned that the ordinance, if implemented, fails to provide impacted retailers with sufficient time to adjust their business models. The Healthy Retail SF program which has been in existence for over 4 years does not have sufficient funding to help retailers begin to attempt to change their business model as suggested by proponents. The program has only helped nine retailers offer more healthy choices and it does not ban products in their stores. The City of Berkeley limited its flavor ban to retailers within 600 feet of schools and provided impacted retailers 15 months-notice before enforcement. The Berkeley ordinance also provided impacted retailers the ability to obtain an exemption from the flavor ban for up to 3 years beginning January 1, 2017 if the retailer makes a showing that the application of the flavor ban would result in a taking.

For these reasons, CRA respectfully requests that you vote no on this ordinance. Should the Board move forward with this ordinance, we ask that consideration be given to adding provisions similar to Berkeley that only prohibit the sale of flavored tobacco in near schools and provide impacted retailers with 15 – 24 months before enforcement of the flavor ban.

Sincerely,

A handwritten signature in black ink, appearing to read "A Manetti". The signature is fluid and cursive, with a large initial "A" and a stylized "M".

Angie Manetti  
Director, Government Relations

---

**From:** Board of Supervisors, (BOS)  
**Sent:** Tuesday, July 11, 2017 8:33 AM  
**To:** BOS-Supervisors  
**Subject:** FW: Update to Covered State List for City Contracts and Travel to States with Anti-LGBT Laws  
**Attachments:** Update\_Memo\_Contract Ban Anti-LGBT States\_6.30.17.pdf

Hello,

Please see the attached memo from the Office of the City Administrator.

Regards,

Board of Supervisors  
1 Dr. Carlton B. Goodlett Place, City Hall, Room 244  
San Francisco, CA 94102-4689  
Phone: (415) 554-7703 | Fax: (415) 554-5163  
[Board.of.supervisors@sfgov.org](mailto:Board.of.supervisors@sfgov.org) | 415-554-5184

**From:** Administrator, City (ADM)  
**Sent:** Friday, June 30, 2017 3:16 PM  
**To:** Administrator, City (ADM) <[city.administrator@sfgov.org](mailto:city.administrator@sfgov.org)>  
**Subject:** Update to Covered State List for City Contracts and Travel to States with Anti-LGBT Laws

Dear Department Heads: Attached, please see a memo from the City Administrator Naomi Kelly regarding a ban on City contracts and travel involving States with anti-LGBT laws.

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Office of the City Administrator  
City and County of San Francisco



# OFFICE OF THE CITY ADMINISTRATOR



Edwin M. Lee, Mayor  
Naomi M. Kelly, City Administrator

## MEMORANDUM

TO: Department Heads

FROM: Naomi M. Kelly, City Administrator *N. Kelly*

SUBJECT: Update to Covered State List for City Contracts and Travel to States with Anti-LGBT Laws

DATE: June 30, 2017

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Chapter 12X of the Administrative Code prohibits the City from entering into contracts with contractors located in states that have passed anti-LGBT laws since June 26, 2015. Chapter 12X also prohibits City-funded travel to such states. The Office of the City Administrator is responsible for publishing and maintaining a Covered State List, which identifies the states that are subject to these prohibitions. Section 12X.2 of the Administrative Code specifies that a state will be included on the Covered State List if it enacts a law that:

- Voids or repeals existing state or local protections against discrimination on the basis of Sexual Orientation, Gender Identity, or Gender Expression, or
- Authorizes or requires discrimination against same-sex couples or their families or that authorizes or requires discrimination on the basis of sexual orientation, gender identity, or gender expression, including any law that creates an exemption to antidiscrimination laws in order to permit discrimination against same-sex couples or their families or on the basis of Sexual Orientation, Gender Identity, or Gender Expression

The following states will be added to the Covered State List based on recent legislative action meeting the definition above:

- Alabama:
  - o HB 24 allows private adoption and foster agencies to reject qualified LGBT adoptive or foster parents based on the agency's religious beliefs. HB 24 was signed into law and became effective on May 3, 2017.
- Kentucky:
  - o SB 17 allows student groups and organizations in K-12 schools and colleges to discriminate against classmates based on sexual orientation or gender identity. SB 17 was signed into law on March 16, 2017, and became effective on June 29, 2017.

- Texas:
  - o HB 3859 allows the state's foster and adoption system to discriminate against qualified LGBT families based on religious beliefs. The bill also gives foster care agencies the ability to discriminate against children in foster care. HB 3859 was signed into law on June 15, 2017, and becomes effective September 1, 2017.
  - o The addition of Texas to the Covered State List will be effective on September 1, 2017.

The list below indicates all the states currently on the Covered State List:

- Alabama
  - o HB 24 allows private adoption and foster agencies to reject qualified LGBT adoptive or foster parents based on the agency's religious beliefs. HB 24 was signed into law and became effective on May 3, 2017.
- Kansas
  - o SB 175 allows religious student organizations to reject members who are LGBT based on the organization's religious beliefs. SB 175 went into effect July 1, 2016.
- Kentucky
  - o SB 17 allows student groups and organizations in K-12 schools and colleges to discriminate against classmates based on sexual orientation or gender identity. SB 17 was signed into law on March 16, 2017, and became effective on June 29, 2017.
- Mississippi
  - o HB 1523 provides legal protections to people who use religious freedom as a basis to discriminate against LGBT individuals. HB 1523 went into effect July 1, 2016.
- North Carolina
  - o HB 142 prohibits local municipalities from enacting or amending any laws that regulate employment practices and public accommodations until 2020. This would prevent a municipality from enacting an LGBT non-discrimination ordinance or from repealing an existing discriminatory law in the areas of employment and public accommodations. HB 142 became effective August 1, 2016.
- South Dakota
  - o SB 149 would allow state funded adoption and foster care agencies to reject qualified LGBT individuals on the basis of the agency's religious beliefs. SB 149 went into effect on June 8, 2017.
- Tennessee
  - o HB 1840 allows counselors and therapists to refuse to serve LGBT individuals on the basis of religious beliefs. HB 1840 went into effect on May 2, 2016.
- Texas (effective September 1, 2017)
  - o HB 3859 allows the state's foster and adoption system to discriminate against qualified LGBT families based on religious beliefs. The bill also gives foster care agencies the ability to discriminate against children in foster care. HB 3859 was signed into law on June 15, 2017, and becomes effective September 1, 2017.
  - o The addition of Texas to the Covered State List will be effective on September 1, 2017.

The Covered State List is reviewed on a semiannual basis. When a state is removed or added, the Office of the City Administrator will make that information public and post the updated list on its website, available at <http://sfgsa.org/chapter-12x-anti-lgbt-state-ban-list>.

Should you have any questions on these policies or the legislation, please do not hesitate to contact me directly. Routine requests about contracting should be directed to Jaci Fong at (415) 554-6743 or [oca@sfgov.org](mailto:oca@sfgov.org) for Chapter 21 contracts.

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**From:** West Area CPUC <WestAreaCPUC@VerizonWireless.com>  
**Sent:** Wednesday, July 12, 2017 4:05 PM  
**To:** CPC.Wireless; Administrator, City (ADM); Board of Supervisors, (BOS)  
**Cc:** GO159Areports@cpuc.ca.gov; West Area CPUC  
**Subject:** CPUC Notification - Verizon Wireless - South Castro SC1  
**Attachments:** CPUC Notification - Verizon Wireless - South Castro SC1.pdf

This is to provide your agency with notice according to the provisions of General Order No. 159A of the Public Utilities Commission of the State of California ("CPUC"). This notice is being provided pursuant to Section IV.C.2.

If you prefer to receive these notices by US Mail, please reply to this email stating your jurisdiction's preference.

Thank you



July 12, 2017

Ms. Anna Hom  
Consumer Protection and Enforcement Division  
California Public Utilities Commission  
505 Van Ness Avenue  
San Francisco, CA 94102  
[GO159Areports@cpuc.ca.gov](mailto:GO159Areports@cpuc.ca.gov)

RE: Notification Letter for South Castro SC1  
San Francisco-Oakland, CA / GTE Mobilnet of California Limited Partnership / U-3002-C

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This is to provide the Commission with notice according to the provisions of General Order No. 159A of the Public Utilities Commission of the State of California ("CPUC") for the project described in Attachment A.

A copy of this notification letter is also being provided to the appropriate local government agency for its information. Should there be any questions regarding this project, or if you disagree with any of the information contained herein, please contact the representative below.

Sincerely,

Melinda Salem  
Engr IV Spec-RE/Regulatory  
15505 Sand Canyon Avenue, Irvine, CA 92618  
[WestAreaCPUC@VerizonWireless.com](mailto:WestAreaCPUC@VerizonWireless.com)





## CPUC Attachment A

Site Name	South Castro SC1
Legal Entity	GTE Mobilnet of California LP
Type of Project	Initial Build (new presence for VZW)
Street Address of Site	4100 24th Street
Site Location City	San Francisco
Site Location Zip Code	94114
Site Location County	San Francisco
Site Location APN Number	0270-006

<b>Site Coordinates</b>			
	Degrees	Minutes	Seconds
Latitude	37	45	5.19
Longitude	122	26	3.27
NAD 83			

**Brief Description of Project**

The project involves the installation of an unmanned VZW micro wireless telecommunications services (WTS) facility consisting of (1) new ("cube") equipment cabinet at existing building roof and (2) panel antennas.

Number & type of Antennas / Dishes	6 panel antennas
Tower Design	Building Roof
Tower Appearance	Faux vent
Tower Height (in feet)	53' AGL
Size of Building or NA	N/A

LAND USE OR BUILDING APPROVALS	
Type of Approval Issued	Accessory Use Site Permit
Issue Date of Approval	11/5/2015
Effective Date of Approval	11/5/2015
Agency Name	City of San Francisco
Approval Permit Number	2015-0417-3999
Resolution Number	N/A
Type of Approval Issued (2)	
Issue Date of Approval (2)	
Effective Date of Approval (2)	
Agency Name (2)	
Approval Permit Number (2)	
Resolution Number (2)	

Planning Director (or equivalent)	Wireless Planner
Contact 1 Email Address	<a href="mailto:CPC.Wireless@sfgov.org">CPC.Wireless@sfgov.org</a>
Contact 1 Agency Name	City of San Francisco
Contact 1 Street Address	1660 Mission Street, #400
Contact 1 City, State ZIP	San Francisco, CA 94103

City Manager (or equivalent)	City Administrator
Contact 2 Email Address	<a href="mailto:city_administrator@sfgov.org">city_administrator@sfgov.org</a>
Contact 2 Agency Name	City of San Francisco
Contact 2 Street Address	1 Dr. Carlton B. Goodlett Place
Contact 2 City, State ZIP	San Francisco, CA 94102

City Clerk (or equivalent)	Clerk of the Board
Contact 3 Email Address	<a href="mailto:Board.of.Supervisors@sfgov.org">Board.of.Supervisors@sfgov.org</a>
Contact 3 Agency Name	City of San Francisco
Contact 3 Street Address	1 Dr. Carlton B. Goodlett Place
Contact 3 City, State ZIP	San Francisco, CA 94102

Director of School Board (or equivalent)	N/A
Contact 4 Email Address	
Contact 4 Agency Name	
Contact 4 Street Address	
Contact 4 City, State ZIP	

**Notes/Comments:**

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**From:** Michelle Zdeba <MNguyen@mercyhousing.org>  
**Sent:** Friday, July 14, 2017 11:54 AM  
**To:** Board of Supervisors, (BOS)  
**Cc:** Ramie Dare; Ed Holder  
**Subject:** Letter of Support  
**Attachments:** 20170714112411546.pdf  
  
**Categories:** 170761

Good morning,

Mercy Housing California would like to submit the attached letter of support for the proposed legislation regarding the master major street encroachment permit process. If you have any questions or need additional information, please contact Ramie Dare at [rdare@mercyhousing.org](mailto:rdare@mercyhousing.org).

Thank you,

Michelle Zdeba  
PROJECT DEVELOPER | Real Estate Development

Mercy Housing California  
1500 South Grand Avenue, Suite 100 | Los Angeles, CA 90015  
t|213.743.5831 | [mercyhousing.org](http://mercyhousing.org)



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&Otis** LLP

220 Montgomery St  
Suite 2100  
San Francisco  
California 94104

Ph: (415) 362-3599  
Fax: (415) 362-2006

www.mosconelaw.com

July 11, 2017

*Via Email and Hand Delivery*

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

Scott Emblidge  
emblidge@mosconelaw.com

Re: Petition for Hearing to Rescind Tax Sale of Presidio Terrace  
Common Area

Dear Madam Clerk and Honorable Members of the Board of  
Supervisors:

Our firm represents the Presidio Terrace Association ("the  
Association"). Among other things, the Association owns and manages  
the common area at Presidio Terrace. As many of you are probably  
aware, Presidio Terrace is a unique cluster of homes off Arguello  
Boulevard across of the end of Washington Street, and adjacent to the  
Presidio of San Francisco and Temple Emanu-El.

While each homeowner in Presidio Terrace owns and cares of his or her  
home and property, the common area consisting of the private circular  
street, sidewalks, adjacent plantings, entrance gates and cultivated green  
strips are owned and controlled by the Association. Presidio Terrace  
has been owned and managed this way since at least 1905.

The photograph on the following page shows the configuration of  
Presidio Terrace and its common area property.



On May 30, 2017, the Association was informed that someone named Hiuyan Lam *now owns the common area*, after having purchased it at a tax sale. The Association was shocked. The property management firm was not aware of any sale or of any taxes owned, nor was any member of the Association.

### **How Did This Happen?**

While we are still waiting for records from the Tax Collector, here are some facts we have uncovered to date:

- The common area is considered by the Tax Collector to be a separate parcel on which property taxes must be paid annually. Those annual taxes are *less than \$14.00*.
- For many years (it is not clear how many years) the Tax Collectors has been sending tax bills to the Association at 47 Kearny Street. No in the Association is familiar with this address, and none of the recent property managers for the Association have offices at this address.

Angela Cavillo  
July 11, 2017  
Page 4

The court in *Banas v. Transamerica Title Ins. Co.* (1982) 133 Cal.App.3d 845, 851, held that under similar circumstances due process requires the government to use a means to notify the property owner that is not a "mere gesture," but that is reasonably likely to accomplish providing notice. The court went on to say, "The means most likely to give notice and one that is allegedly easy and inexpensive for government to utilize it posting the property." (See also, *Bank of America v. Giant Inland Empire R.V. Center, Inc.* (2000) 78 Cal.App.4th 1267 [County violated property owner's due process rights by not making reasonable efforts to obtain property owner's actual mailing address];

If the Tax Collector had really want to get the Association to pay the paltry overdue property taxes, I guarantee the posting of one conspicuous notice of unpaid taxes at Presidio Terrace would have done the trick.

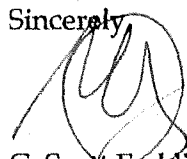
#### **How Can This Be Fixed?**

Fortunately, there is a way - albeit a cumbersome way - to right this wrong. Section 3731(b) of the California Revenue & Taxation Code provides that a tax sale "may be rescinded by the board of supervisors . . . [if] a hearing is scheduled before the board of supervisors, and" notice is provided to the purchaser of the hearing the reasons for rescinding the sale."

This letter is a request that the Board schedule such a hearing at the earliest possible opportunity.

I am available to answer any questions you or any member of Board may have.

Sincerely,



G. Scott Emblidge

cc: Members of the Board of Supervisors

- Since the tax bills were being sent to an incorrect address, the Association was not paying the annual property taxes. The Tax Collector then proceeded to sell the common area at a tax sale.
- Instead of contacting any association member, contacting any resident of Presidio Terrace, posting any notice in the common area or anywhere at Presidio Terrace, or contacting the Association's property manager, the Tax Collector sent Notice regarding the tax sale to the same invalid address on Kearney Street.
- If these facts were not bizarre enough, the Tax Collector produced evidence that he properly sent a Notice of Tax Sale to the invalid Kearney Street address (zip code 94108), but the certified mail receipt says it was delivered to "SF Tax Collector" at a 94120 zip code.
- In April 24, 2015, the amount necessary to pay all back taxes, penalties and other changes was less than \$1,000.00. However, on April 24, 2015, the Tax Collector sold the common area to Hiuyan Lam for \$90,100.00.

Ms. Lam waited two years before she (through an agent) contacted the Association to let it know she had purchased the common area.

It is hard to understand why anyone would buy this property for any amount. But perhaps the explanation is provided by Ms. Lam's subsequent attempt to get the Association to "buy back" their property from her.

Just as curious, the Tax Collector has failed to provide any explanation regarding where the proceeds of this sale went. If Ms. Lam paid \$90,100, then about \$89,000 should have been returned to the Association, the property's owner.

#### **Is This Lawful?**

In a word, no. While the Tax Collector will undoubtedly claim that he was following the letter of the Revenue and Taxation Code, even if that claim were true (a point of contention) it would not make this fiasco lawful. Courts have addressed similar situations and held that it is unconstitutional for the government to sell someone's property without make reasonable efforts to notify the property owner.

Katy Tang  
San Francisco City Hall  
1 Doctor Carlton B Goodlett Place  
Clerk of the Board of Supervisors  
Room 244  
San Francisco, CA 94102

12 July, 2017

To the Clerk of the Board of Supervisors,

This box contains letters of support for The Apothecarium's proposed Medical Cannabis Dispensary at 2505 Noriega Street. including:

- 1,515 total San Francisco letters
- 660 from the two Sunset District zip codes
- 111 from within a 1,000 foot radius of the project site

We request that this be listed on Board of Supervisors Communications for the next Board agenda.

Sincerely,

Ryan Hudson  
Co-Founder and Executive Director, The Apothecarium

RECEIVED  
SAN FRANCISCO  
CITY HALL  
JUL 12 2017 11:10  
R2

A

5/5/2017

The Apothecarium Mail - Apothecarium in the Sunset



Ynez Carrasco <ynez@apothecarium.com>

## **Apothecarium in the Sunset**

Theresa Crespín [REDACTED]  
To: "ynez@apothecarium.com" <ynez@apothecarium.com>

Wed, Mar 8, 2017 at 5:11 PM

I'm writing to support The Apothecarium's proposed medical marijuana dispensary at 2505 Noriega Street. I believe patients on San Francisco's West Side need access to their medicine in their own neighborhood. Here are six reasons I believe The Apothecarium deserves your support:

- The Apothecarium has 3,000+ patients in the Sunset who deserve in-person consultations about their medication.
- There is broad neighborhood support for medical marijuana. 66% of Sunset voters voted for medical marijuana in 1996; 58% voted to further open marijuana laws this past November.
- SF needs a bilingual, culturally appropriate dispensary for Chinese-speaking patients.
- The Apothecarium has never had a police incident.
- An SF Planning Department report suggests crime may go down when dispensaries open; please don't listen to false fears about crime.
- The Apothecarium is a classy, impeccably well-maintained business.

Please note that the dispensary's opponents are being organized by a known anti-LGBT group, the Pacific Justice Institute.

Patients on San Francisco's West Side deserve the opportunity to purchase their medicine in a safe, responsible dispensary run by a company with a strong track record of being a positive force in the community.

Sincerely,  
P. Theresa Crespín  
1906 31st. Ave.  
S. F. 94116

P.S. The following apply to me:  
I live in the Sunset.  
I live within two blocks of 32nd Ave & Noriega.  
I expect to use the proposed location.  
I am a parent.

Sent from my iPad



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**From:** Board of Supervisors, (BOS)  
**Sent:** Monday, July 17, 2017 8:31 AM  
**To:** BOS-Supervisors; Major, Erica (BOS)  
**Subject:** FW: Staunch Support for Legislation: Planning Code - Child Care File No. 170693

**From:** Franco Cirelli [mailto:francocirelli@gmail.com]  
**Sent:** Saturday, July 15, 2017 2:35 PM  
**To:** Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>  
**Subject:** Staunch Support for Legislation: Planning Code - Child Care

Dear Members of the San Francisco Board of Supervisors:

As a parent and owner of a licensed large family home daycare I know that one of the greatest challenges facing San Francisco families is access to licensed, professional, responsible care for their children. Our Spanish immersion program is serving the maximum number of children that our license allows, and we have accumulated an extensive waiting list with many San Francisco families hoping to enroll their child in our program. Some of our current families are having more children who, because of our sibling rule, take priority on our waiting list. We are prepared for and interested in being part of the solution to our city's child care shortage but need your assistance.

On Tuesday, 7/18/17, you will have the opportunity to consider the Planning Code - Child Care Facilities legislation that will help so many San Francisco families. I would like to express my complete support for and urge you to vote YES on this legislation. When passed, it will increase the licensed child care capacity more rapidly in San Francisco and relieve the daunting stress faced by so many families. When confronted with limited child care options, I know parents who have made very difficult choices such as leaving our city or altering career aspirations.

The Planning Code - Child Care Facilities legislation sends the right message to San Franciscans; civic leaders support families and want to work with them to find excellent care for their children. California Licensing Laws will always have to be met even when this legislation passes. Such oversight helps ensure that credentialed, caring and competent individuals operate child care facilities.

Thank you for your leadership as exemplified by your vote to support our families, our children and our city's future. I am happy to discuss this matter in greater detail and have provided my phone number in the signature line below.

Sincerely,

**Franco Cirelli**

---

Franco Cirelli  
Owner

Primeros Pasos LLC  
415.269.1692 (Mobile)

---

---

**From:** Board of Supervisors, (BOS)  
**Sent:** Monday, July 17, 2017 9:24 AM  
**To:** BOS-Supervisors; Carroll, John (BOS)  
**Subject:** FW: Testimony for Ordinance File No. 170763  
**Attachments:** SF letter\_Ordinance.pdf; Analysis of findings - SF.DOCX

**From:** Ginny Siller [mailto:GSiller@ahi.org]  
**Sent:** Monday, July 17, 2017 7:02 AM  
**To:** Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>  
**Subject:** Testimony for Ordinance File No. 170763

To: The Public Safety and Neighborhood Services Committee  
Attn: Ms. Erica Major, Clerk

On behalf of the Animal Health Institute, please find the attached witness testimony and analysis for submission on Ordinance File No. 170763 pertaining to reporting on the use of antibiotics.

Please let me know if you have any questions.

Thank you,  
Ginny

Ginny Siller  
Animal Health Institute  
Director, Government Affairs  
1325 G Street NW, Suite 700  
Washington, DC 20005  
Ph 202 662 4128  
Fx 202 393 1667  
[www.ahi.org](http://www.ahi.org)  
[www.healthyanimals.org](http://www.healthyanimals.org)

---

**From:** Board of Supervisors, (BOS)  
**Sent:** Thursday, July 13, 2017 10:55 AM  
**To:** BOS-Supervisors  
**Subject:** FW: Golden State Warriors arena

**From:** Allen Jones [mailto:jones-allen@att.net]  
**Sent:** Tuesday, July 11, 2017 11:17 AM  
**To:** Lee, Mayor (MYR) <mayoredwinlee@sfgov.org>; Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>; metro@sfchronicle.com; Matier and Ross <matier&ross@sfchronicle.com>; Newstips <newstips@sfexaminer.com>; joe@sfexaminer.com; Emily Green <egreen@sfchronicle.com>; Heather Knight <hknight@sfchronicle.com>; KTVU.com Newsroom <emailnews@ktvu.com>; 2investigates@ktvu.com; newsdesk@kpix.com; kpixnewsmanagers@cbs.com; Kpoo Info <news@kpoo.com>; abc7news@abclocal.go.com; assignmentdesk@kron.com; breakingnews@kron4.com  
**Cc:** M. Thompson <mthomps2@bayareanewsgroup.com>; Scott Ostler <sostler@sfchronicle.com>; peter.king@latimes.com; Daniel Mano <dmano@bayareanewsgroup.com>; editor@sfbayview.com; Taylor Otis <otaylor@sfchronicle.com>; Troy Williams <troy@sfbayview.com>; Dave Zirin <edgeofsports@gmail.com>; Cohen, Malia (BOS) <malia.cohen@sfgov.org>; CohenStaff, (BOS) <cohenstaff@sfgov.org>; Kim, Jane (BOS) <jane.kim@sfgov.org>; Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>; Farrell, Mark (BOS) <mark.farrell@sfgov.org>; Breed, London (BOS) <london.breed@sfgov.org>; Fewer, Sandra (BOS) <sandra.fewer@SFGOV1.onmicrosoft.com>; Tang, Katy (BOS) <katy.tang@sfgov.org>; Yee, Norman (BOS) <norman.yee@sfgov.org>; Sheehy, Jeff (BOS) <jeff.sheehy@sfgov.org>; Safai, Ahsha (BOS) <ahsha.safai@sfgov.org>; Ronen, Hillary <hillary.ronen@sfgov.org>; oaklandpostads@gmail.com  
**Subject:** Golden State Warriors arena

Attention: Honorable Mayor Edwin M. Lee and the San Francisco Board of Supervisors:

**We of the Good Neighbor Coalition respectfully request, SF Mayor Ed Lee and all members of the San Francisco Board of Supervisors respond to the following questions displayed below and on our website, <http://goodneighborcoalition.org> regarding the Golden State Warriors Mission Bay arena project.**

**We do understand this is an approved project, and see clearly that construction is six-month in. Our focus is on preventing such an embarrassing act, with racist undertones, in the view of many San Franciscans, for its blatant disrespect of our neighbor, Oakland, CA from happening again.**

**It is our hope to further inform and educate San Franciscans on this project as we continue to gather signatures, which will be delivered to the SF Department of Elections as required by rule no later than October 30, 2017 for one measure and November 6, 2017 for the second ballot measure.**

**1. Legacy** – How does San Francisco Mayor Ed Lee; proclaiming, "My legacy project", of bringing the Warriors to San Francisco trump the 45-year legacy of the Warriors in Oakland?

**2. Oakland vs. SF Economy** – SF has a \$14 billion-dollar annual tourism industry. Oakland has an \$800 million annual tourism industry. Why does San Francisco City Hall feel it is entitled to take one of its neighbor's jewels?

**3. Blatant Hypocrisy** – Mayor Ed Lee made a big deal out of warning the restaurant chain Chick-Fil-A in a tweet, not to bring its business to San Francisco as the restaurant chain apparently discriminates against the LGBT community. However, he has publicly said, "...I'm not going to ever apologize for grabbing somebody else's team. Someone did it to us." Why not at least apologize for an immature excuse to grabbing a team from a struggling Black community in Oakland?

**4. 49er Parallel** – Mayor Lee said he, "Almost crying" when SF lost the 49ers. So why Mr. Mayor do you show no empathy for the Oakland community employees who stand to lose a lot more than a professional sports team partly by your actions?

**5. Calling out the NBA** – When Donald Sterling, former Los Angeles Clippers owner, was heard making racist remarks, NBA Commissioner Adam Silver moved quickly to take a stand and forced Sterling to sell the team (4 months). Why does the NBA Commissioner support the Warriors moving from a recognized Black community to San Francisco? And why would the NBA Commissioner have a name, "NBA Cares" as its charitable arm, but offer no care at all to a Black community that will be most negatively impacted by the Warriors move?

**6. S.F. Site Has Almost NO Public Transit and Interferes with Health Services** - Why would the owners of the Golden State Warriors want to take a team from a significant site in Oakland where there are multiple public transit options, plenty of parking and ample land? With a pick of spots on between 153 and 800 acres of land to rebuild if they choose, why try to move to an 11-acre site at a much higher cost in S.F., located across the street from a Children's Hospital and Medical Center?

**7. Leaving Oakland Holding the Bag** - Why would the current Warriors ownership group, who bought the team for \$450 million in 2010 and today, according to Forbes is worth "\$2.6 billion" insist on stiffing the city of Oakland and the county of Alameda for the unpaid portion of current home, Oracle arena, upgrades estimated at \$60 million?

[jones-allen@att.net](mailto:jones-allen@att.net)

The only thing I love more than justice is the freedom to fight for it!

*--Allen Jones--*

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**From:** Board of Supervisors, (BOS)  
**Sent:** Tuesday, July 11, 2017 9:27 AM  
**To:** BOS-Supervisors; Major, Erica (BOS)  
**Subject:** FW: Bicycle Chop Shops Ordinance # 170209

**From:** Jeff [mailto:jekegil29@comcast.net]  
**Sent:** Sunday, July 09, 2017 6:14 AM  
**To:** Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>; BreedStaff, (BOS) <breedstaff@sfgov.org>  
**Subject:** Bicycle Chop Shops Ordinance # 170209

Riding past chop shops daily, the impunity with which these thieves operate amazes me. What with car break ins and stolen bicycles, the quality of everyday life in San Francisco is at an all-time low. Please vote for this ordinance.

Jeff Gilchrist  
76 Germania St  
SF Ca 94117

---

**From:** Board of Supervisors, (BOS)  
**Sent:** Tuesday, July 11, 2017 9:28 AM  
**To:** BOS-Supervisors; Major, Erica (BOS)  
**Subject:** FW: bicycle chop shops

**From:** SF Carl [mailto:sfcarl@hotmail.com]  
**Sent:** Saturday, July 08, 2017 8:56 PM  
**To:** Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>  
**Subject:** bicycle chop shops

To the Board of Supervisors:

I urge you all to support the proposed ordinance that Supervisor Sheehy sponsors to stop chop shops, i.e. to "prohibit the assembly, disassembly, sale, offer of sale, distribution, or offer of distribution on public property or public rights-of-way of bicycles and bicycle parts" and to require police "to return seized items to their rightful owners without charging any fees, except that SFPD may charge an impound fee if the rightful owner consented to or participated in the acts that led to the seizure."

Bicycle theft is rampant and out of control in SF. Current laws are inadequate. To date, current laws prove too weak to fix the problem. We need the strongest possible legislation to reduce bike theft and to encourage police to work to return stolen bikes to their owners. Please support this ordinance that Supervisor Sheehy sponsors, ordinance #170209, as an improvement over the current status.

Thank you.

Carl Stein  
374 Guerrero Street  
SF 94103



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**From:** Board of Supervisors, (BOS)  
**Sent:** Tuesday, July 11, 2017 9:30 AM  
**To:** BOS-Supervisors; Major, Erica (BOS)  
**Subject:** FW: bicycle chop shop legislation #170209

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

From: PENNI WISNER [mailto:penniw@pacbell.net]  
Sent: Friday, July 07, 2017 2:56 PM  
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>  
Subject: bicycle chop shop legislation #170209

I strongly support this legislation. It gives police an important tool to help keep our streets safer and to discourage crime. Since the bikes can be returned to owners upon proof, it is not an imposition on owners or the "homeless." In fact, it is not only "homeless" who engage in stealing bikes. This is legislation the city needs.

Penni Wisner  
3845 17th Street  
SF, CA 94114  
penniw@pacbell.net  
415-552-6579

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**From:** Board of Supervisors, (BOS)  
**Sent:** Monday, July 17, 2017 9:24 AM  
**To:** BOS-Supervisors; Major, Erica (BOS)  
**Subject:** FW: SFCDMA Letter re Ordinance #170209  
**Attachments:** BOS Letter 17.7.15.pdf

**From:** Henry Karnilowicz [mailto:occexp@aol.com]  
**Sent:** Saturday, July 15, 2017 9:26 PM  
**To:** Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>  
**Cc:** Dick-Endrizzi, Regina (ECN) <regina.dick-endrizzi@sfgov.org>  
**Subject:** SFCDMA Letter re Ordinance #170209

Dear Ms. Calvillo,

Please distribute the attached letter regarding Chop Shops to all the supervisors.

Thank you!

Kind regards,

Henry Karnilowicz  
President  
San Francisco Council of District Merchants Associations

1019 Howard Street  
San Francisco, CA 94103-2806  
415.420.8113 cell  
415.621.7583 fax



SFCDMA

## San Francisco Council of District Merchants Associations

Henry Karnilowicz  
President

Maryo Mogannam  
Vice President

Vas Kiniris  
Secretary

Keith Goldstein  
Treasurer

### Member Associations

Balboa Village Merchants Association  
Bayview Merchants Association  
Castro Merchants  
Chinatown Merchants Association  
Clement St. Merchants Association  
Dogpatch Business Association  
Fillmore Merchants Association  
Fishermans Wharf Merchants Assn.  
Golden Gate Restaurant Association  
Glen Park Merchants Association  
Golden Gate Restaurant Association  
Greater Geary Boulevard Merchants  
& Property Owners Association  
Hayes Valley Merchants Association  
Japantown Merchants Association  
Marina Merchants Association  
Mission Creek Merchants Association  
Mission Merchants Association  
Noe Valley Merchants Association  
North Beach Merchants Association  
North East Mission Business Assn.  
People of Parkside Sunset  
Polk District Merchants Association  
Potrero Dogpatch Merchants Assn.  
Sacramento St. Merchants Association  
South Beach Mission Bay Business Assn.  
South of Market Business Association  
The Outer Sunset Merchant  
& Professional Association  
Union Street Merchants  
Valencia Corridor Merchants Assn.  
West Portal Merchants Association

July 15, 2017

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

Re:  
File No. 170209  
Bicycle Chop Shops

Dear Supervisors,

On behalf of the San Francisco Council of District Merchants Associations I am writing to support the ordinance amending the Police Code to prohibit the assembly, disassembly, sale, offer of sale, distribution, or offer of distribution on public property or public rights-of-way of bicycles and bicycle parts.

Under certain conditions and with certain exceptions, authorizing the Police Department to seize bicycles and bicycle parts following violations of this prohibition; and requiring SFPD to return seized items to their rightful owners without charging any fees, except that SFPD may charge an impound fee if the rightful owner consented to or participated in the acts that led to the seizure.

The establishing of these bicycle chop shops on public sidewalks is not only a flagrant abuse of law but impacts the access to many small businesses.

I urge you to please vote in support of this ordinance.

Thank you for your consideration.

Sincerely,

Henry Karnilowicz  
President

Cc:  
Ms. Regina Dick Endrizzi - Executive Director, Office of Small Business

---

**From:** Board of Supervisors, (BOS)  
**Sent:** Monday, July 17, 2017 2:06 PM  
**To:** BOS-Supervisors; Major, Erica (BOS)  
**Subject:** FW: ACLU-NC Letter Re Bicycle Chop Shops  
**Attachments:** Board of Supervisors.pdf

**From:** Danielle J.P. Flores [mailto:dflores@aclunc.org]  
**Sent:** Monday, July 17, 2017 1:33 PM  
**To:** Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>  
**Cc:** Alan Schlosser <aschlosser@aclunc.org>  
**Subject:** ACLU-NC Letter Re Bicycle Chop Shops

Dear Board of Supervisors,

Please see the attached letter from Senior Counsel Alan Schlosser regarding the proposed legislation entitled "Bicycle Chop Shops."

Best,  
**Danielle J.P. Flores**  
*Litigation Assistant*  
ACLU of Northern California  
39 Drumm St., San Francisco, CA 94111  
(415) 621-2493 ext. 380 | [dflores@aclunc.org](mailto:dflores@aclunc.org)

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July 17, 2017

*Via E-Mail*

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

**Re: Bicycle Chop Shops Proposed Ordinance (Sheehy) (File No. 170209)**

Dear Board of Supervisors:

I am writing to convey the opposition of the American Civil Liberties Union of Northern California (“ACLU”) to the proposed “Bicycle Chop Shops” Ordinance (file no.170209) that will be considered by the full Board at your July 18<sup>th</sup> meeting.

While the Ordinance purports to be a necessary tool for the police to fight the rise of bicycle thefts in the City, the ACLU agrees with the Bicycle Coalition, who opposes this measure because it focuses on “the most visible symptoms of the problem without addressing their cause.” As the Coalition on Homelessness and the Lawyers Committee for Civil Rights have explained, assembling and reassembling bicycle parts is one of the few viable ways that homeless persons can earn some income. Bicycle parts and even bicycles can be found in dumpsters or are donated. They are not illegal contraband per se. In the view of the ACLU, this proposed legislation has the intent to, and will have the impact of targeting people who are destitute, and who live on the streets and therefore must conduct their daily activities in open view. **It will be perceived as an anti-homeless measure, not an anti-bicycle theft measure – and that perception will be justified.**

As recent reports in the *Chronicle* have made plain, the inequality imbedded in our economy and the resulting housing crisis have led to a rise in the number of persons who live without housing in public spaces in this City. This problem, and the particular phenomenon of homeless persons living in tents on public sidewalks, have caused some significant problems of public health and safety that are of legitimate concern to the City. And the fact that San Francisco has done more than most cities to seek alternative forms of shelter to get people off the streets undoubtedly adds to the frustration of city officials and the public. **However, these real problems - and this frustration – must not lead this Board to pass laws that target homeless persons because of their status or because they are engaging in lawful activities in public because they have no private space to live and survive.**

This proposed law is based on the presumption that anyone who has multiple bicycles and bike parts in public is a bicycle thief, or is involved in some way with illegal activities. Persons who are actually engaged in illegal bicycle theft-related activities in their garages or other private



spaces are unaffected. As the photos submitted by Supervisor Sheehy in his PowerPoint suggest, what is really at issue here is the unsightly appearance of outdoor “bicycle chop shops,” often near the tents that many persons without housing use for shelter. That purpose is indicated by Section 5100 where “clear the public right of way” and “improve the quality of life for City residents” is set forward as additional justifications for this law. While those justifications are legitimate government interests, they are also often the basis for discriminatory measures that single out homeless persons and discourage their visible presence inside city limits.

The police have tools to deal with public nuisances that obstruct sidewalks or create health and safety problems, and if they do not, the Board can adopt a narrower law that targets these problems and not the homeless. But this ordinance makes no attempt to confine its prohibition to those situations that create health and safety problems or that obstruct the sidewalks. Nor is there any attempt to create a nexus between the alleged violation and the crime of bicycle theft. Instead, the Ordinance creates an irrebuttable presumption that someone who is assembling bicycles in public is a thief. This presumption that having five bicycle parts or three bicycles with missing parts is sufficient to have one treated as a suspected bicycle thief has nothing to do with remedying the problem of bicycle theft, but has everything to do with putting more police pressure on, and power over, the homeless population in this city.

While the Ordinance takes care to frame this as an administrative, and not a criminal matter, the fact that it provides for the immediate seizure and impoundment of the property imposes an immediate and serious penalty on the person who gets the citation, and thereby raises significant Fourth Amendment issues. It is clear that this impoundment amounts to a warrantless “seizure” that must be justified under the Fourth Amendment. *Soldal v. Cook County*, 506 U.S. 56,61 (1992) The Ordinance does not require that the officer have probable cause or even reasonable suspicion that the person cited is involved in bicycle theft, or of any other criminal offense, nor that there be an nexus between the property and criminal activity. Nor does the Ordinance require any nexus between the property and any nuisance activity such as obstruction of the right of way. The Ordinance apparently leaves it to the officer’s discretion (“may issue”) whether or not to issue a citation or impound the vehicles. This does not provide much comfort for people who are living in the street or in a tent – there are no standards to guide the officer’s discretion, and the homeless know that they are the ones who will be singled out.

The case law regarding vehicle impoundment demonstrates the constitutional flaw in the Ordinance. Vehicles may be impounded consistent with the Fourth Amendment if there is probable cause to connect the property with a crime, or pursuant to the police “community caretaker function.” “In their community caretaking function, police officers may constitutionally impound vehicles that jeopardize public safety and the efficient movement of



vehicular traffic.” *People v. Williams*, 145 California App 4<sup>th</sup> 756, 761 (2006). In such cases, the police must be given guidelines, which “circumscribe the discretion of individual officers’ in a way that furthers the caretaking purpose.” *Miranda v. City of Cornelius*, 429 F. 3<sup>rd</sup> 858, 866 (2005). Yet this Ordinance authorizes impoundment under circumstances where there is no nexus to “community caretaker” concerns - unless you accept the presumption that anyone conducting this business in open air is a threat to public health or safety.

No one can be happy that so many thousands of destitute people are living and conducting their lives and their daily activities on the streets without any alternative shelter. But the temptation must be resisted to deal with this problem by “quality of life” measures that disregard the constitutional rights of homeless people. Taking away a means of livelihood, regardless of whether the conduct is criminal or has an adverse impact on health and safety, is in effect punishing people for not having a place to live. That is a line this Board should not cross.

Sincerely,

Alan L. Schlosser  
Senior Counsel  
ACLU of Northern California

---

**From:** Board of Supervisors, (BOS)  
**Sent:** Thursday, July 13, 2017 10:45 AM  
**To:** BOS-Supervisors; Major, Erica (BOS)  
**Subject:** FW: Chop shop legislation

**From:** Market Street Cycles [mailto:marketstreetcycles@gmail.com]  
**Sent:** Wednesday, July 12, 2017 2:34 PM  
**To:** Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>  
**Subject:** Chop shop legislation

To our representatives:

As a small bicycle shop owner on Market Street I urge you to pass this legislation.

These chop shops encourage bicycle theft and feed drug abuse and addiction on our streets.

Sincerely,

John McDonell, Owner

--  
  
*Market Street Cycles*  
1592 Market Street  
(@ Page & Franklin)  
San Francisco, CA 94102  
415-ALL-BIKES (255-2453)  
[marketstreetcycles@gmail.com](mailto:marketstreetcycles@gmail.com)  
[www.marketstreetcycles.com](http://www.marketstreetcycles.com)



---

**From:** Board of Supervisors, (BOS)  
**Sent:** Thursday, July 13, 2017 10:30 AM  
**To:** BOS-Supervisors; Major, Erica (BOS)  
**Subject:** FW: Bicycle Chop Shop Legislation

**From:** Rob Edwards [mailto:robertsneddenedwards@gmail.com]  
**Sent:** Wednesday, July 12, 2017 8:14 PM  
**To:** Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>  
**Subject:** Bicycle Chop Shop Legislation

Pass the Bicycle Chop Shop Legislation please.

As a former police officer, I think this legislation will have an impact on the number of bikes stolen in this city. Drive under the freeway near 9th and Brannan and you will see the homeless encampments that have 5 bikes per tent. I doubt they BOUGHT any those. I've had so many bikes stolen in this city Ive lost count—two stolen off the ROOF RACK of my truck in broad daylight too.

Thank you, ROB

---

Rob Edwards, CDP  
Co-chair & Treasurer, Harvard Kennedy School Alumni Network of San Francisco  
[RobEdwardsHKS08@post.harvard.edu](mailto:RobEdwardsHKS08@post.harvard.edu)  
415.715.7312



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**From:** Board of Supervisors, (BOS)  
**Sent:** Thursday, July 13, 2017 10:30 AM  
**To:** BOS-Supervisors; Major, Erica (BOS)  
**Subject:** FW: Support for Bicycle Chop Shop Legislation

**From:** Rafael Burde [mailto:rafael.burde@gmail.com]  
**Sent:** Wednesday, July 12, 2017 10:28 PM  
**To:** Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>  
**Subject:** Support for Bicycle Chop Shop Legislation

I'm a District 2 resident and wanted to express my support for this piece of legislation that will shortly be on your desks for review.

For too many residents fall victim to bike theft (including myself) and I believe this law, if properly enforced, will curb the market for second-hand bikes and bike parts and improve the lives of thousands every year.

Please consider supporting its passage.  
Rafael Burde  
155 Shipley St, San Francisco

---

**From:** Board of Supervisors, (BOS)  
**Sent:** Thursday, July 13, 2017 10:41 AM  
**To:** BOS-Supervisors; Major, Erica (BOS)  
**Subject:** FW: Support for Bicycle Chop Shops Ordinance # 170209

**From:** Rich LaReau [mailto:[rich@rlareau.net](mailto:rich@rlareau.net)]  
**Sent:** Thursday, July 13, 2017 10:37 AM  
**To:** Sheehy, Jeff (BOS) <[jeff.sheehy@sfgov.org](mailto:jeff.sheehy@sfgov.org)>; Board of Supervisors, (BOS) <[board.of.supervisors@sfgov.org](mailto:board.of.supervisors@sfgov.org)>  
**Subject:** Support for Bicycle Chop Shops Ordinance # 170209

Dear Mr. Sheehy and SF Board of Supervisors,

I am writing to add my unconditional support for the passing and enforcement of Bicycle Chop Shops Ordinance # 170209. As you already know, bicycle theft and the supporting infrastructure from roaming on-street "chop shops" remain a scourge of our city. This legislation provides for a practical, enforceable method to break the cycle of these illegal and physically abusive camps. I appreciate the work and dedication your offices give to support the majority of law-abiding and tax-paying citizens who have elected you. Please do what you can to provide support and legislation that benefits ALL people of our city.

In addition to this email, I will be calling your offices to leave my support as well.

Thank you, and sincerely,

Richard LaReau  
2425 Market St.  
650-814-8502  
[rich@rlareau.net](mailto:rich@rlareau.net)

BOS-11 Mailbox  
470685



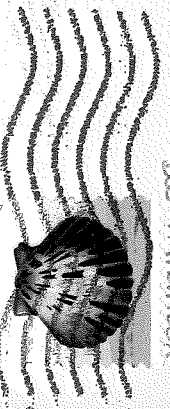
Thank you for your commitment to providing meaningful communication, good families and basic human rights by making SF a SANCTUARY CITY.  
Please keep up the good work.

Sandra Timony

Mayor Lee & Ed Peters  
City Hall, Box 244  
1 Dr. Goodlett Place  
San Francisco, CA  
94102

Errelet : Normanns Kunststortag A.s - Oslo

BOS-11 mailbox



SAN FRANCISCO CA 94117  
14 JUL 2017 PM 6 T

Thank you for

your leadership

and for keeping

SF a sanctuary

city?

- Maya Butera

Boards of Supervisors

City Hall, Room 244

1 Dr. Goodlett Bldg

San Francisco, CA

94102

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# Library Users Association

P.O. Box 170544, San Francisco, CA 94117-0544

Tel./Fax (415) 753-2180

July 13, 2017

Board of Supervisors  
City Hall  
San Francisco

By email: Board.of.Supervisors@sfgov.org

Subject: **Requesting Your Query or Other Action re Plans for Privacy-threatening RFID at San Francisco Public Library**

Dear Supervisors:

Library Users Association is concerned that privacy-threatening RFID (Radio Frequency Identification technology) may be coming to the San Francisco Public Library (SFPL) – and will come if City Librarian Luis Herrera’s December 2016 letter to the Library Commission is implemented -- and *we ask you to consider querying or otherwise obtaining documented information about the Library’s plans, with a view toward ensuring that RFID installation does not happen.*

Our concerns with the privacy threats are shared by many people, including the American Civil Liberties Union (ACLU) and Electronic Frontier Foundation (EFF), which earlier this year sent City Librarian Luis Herrera a joint letter opposing any installation. They strongly opposed installation of RFID in patron materials -- as they had done more than 10 years ago -- because of the threats to patron privacy.

*And your body – the Board of Supervisors – already rejected any funding for RFID at the Library in 2004 and 2005, despite the Library Commission’s unanimous votes and support from Mr. Herrera.*

In 2004, Mr. Herrera recommended, and the Library Commission unanimously approved, a request to fund RFID -- but Library Users Association, working with ACLU and EFF launched a successful public education campaign that resulted in the Supervisors explicitly rejecting such funding two years in a row. Until now, the Library had given up trying after those two failures.

But recently --in December, 2016 -- the Library Commission had an RFID item on the agenda -- presumably for discussion, although neither “discussion” nor “action” was indicated. Follow-up information was promised, but the subject never came up again.

*Now, despite library management assertions that no money is in the budget for RFID, we are nonetheless concerned that the Library administration may try to use funding from some obscure budget line to install RFID, or to use some sort of gift(s) for that purpose. Such a maneuver happened some three years ago when the administration installed privacy-threatening BiblioCommons software as its “New” catalog -- without ever explicitly putting it on any agenda, without publicly discussing it, and without getting approval for it from the Library Commission.*

It is important to note that BiblioCommons has brand-new features that represent both a radical change in how the formerly-standard catalog works and others that have nothing to do with basic catalog functions – such as the ability to comment on materials and to communicate directly with other patrons who have commented on materials (‘social media’ features).

*We wrote a column in the Bay Area Reporter about some of those privacy threats, “Privacy Concerns Abound over BiblioCommons”, and vigorously articulated some of the threats at the Library*

*Commission.* As an apparent result, there were some improvements, though not enough in our opinion. (See our column at url: <http://tinyurl.com/BiblioCommonsCritique> or at [http://ebar.com/openforum/opforum.php?sec=guest\\_op&id=497](http://ebar.com/openforum/opforum.php?sec=guest_op&id=497).)

Details of changes since publication of our article: The Library Commission asked for some assurances and got some “clarifications” from the vendor -- which changed both (a)the way the product works and (b)the explanations provided to the public about how the software works. The vendor created two versions of the Privacy Statement and Terms of Use, one for the United States and one for the rest its multi-national markets, and slightly improved -- apparently -- its procedure to censor and remove patron comments about materials. But under the company’s “Terms of Use,” the company continues to have “right to use this [patron-provided] content broadly” and “may, at our discretion, disable and/or terminate the BiblioCommons accounts of users who violate these [company-determined and changeable at any time] Terms of Use.”

We note that despite City Librarian Luis Herrera’s constantly-repeated assurances about the importance of privacy -- *Mr. Herrera was willing to ditch confidentiality for teens and others in his request to the Commission for changes to the Library’s privacy policy -- to accommodate BiblioCommons installation.* His December 1, 2014 memo to the Commission read in part:

**“In particular SFPL patrons’ personal information and any content associated with their BiblioCommons account may be disclosed to satisfy any applicable law and/or to enforce the Terms of Use, including investigation of potential violations. The other noteworthy difference relates to BiblioCommons treatment of minors’ accounts in that BiblioCommons may disclose borrowing history of minors to parents upon proof of identity and allow parents to delete the minor’s BiblioCommons account.”**  
(Emphasis added)

(See Herrera’s 12/1/14 memo at this url:  
<https://sfpl.org/pdf/about/commission/PrivacyStatementmemo120114.pdf>.)

(See BiblioCommons Terms of Use at this url: <https://sfpl.bibliocommons.com/info/terms>)

We note that the administration’s strategy of ‘backing into’ a BiblioCommons acquisition without any public awareness or discussion (and it was also a \$500,000 no-bid contract now totaling close to \$1 million with a three-year extenson) – may be the same for RFID currently as it was with BiblioCommons three years ago: work out all the details beforehand and only bring it to the Commission when it is a fait accompli and the only request is to approve weakening of the Library’s Privacy Policy.

Mr. Herrera’s 12-12-16 RFID letter to the Commission about BiblioCommons is at this url:  
<https://sfpl.org/pdf/about/commission/RFIDmemo121516>.

We can provide a more detailed history, and additional links to background documents.

We would be very glad to meet with you or discuss any thoughts or questions about this.

Thank you for your attention to this, and we hope you will send a prompt query so as to obtain a prompt and preferably written answer that the Library will not install RFID. We also hope you may do this prior to final approval of the Library’s next budget.

Sincerely yours,

Peter Warfield  
Executive Director  
Library Users Association



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**From:** Board of Supervisors, (BOS)  
**Sent:** Friday, July 14, 2017 5:06 PM  
**To:** BOS-Supervisors  
**Subject:** FW: Vagrants and homeless driving us out of SF

**From:** Christopher Gallo [mailto:christopher@sanfranciscoprovident.com]  
**Sent:** Friday, July 14, 2017 4:09 PM  
**To:** Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>  
**Subject:** Vagrants and homeless driving us out of SF

Dear Members of the Board of Supervisors,

I manage San Francisco Provident at 932 Mission Street. The tenant occupying the entire second floor of our building has moved out because three employees have been attacked this year alone. Further, many of our customers have expressed that they can't do business with us any longer because of the homeless people and the feces, urine and trash they leave in the area. One of the people that attacked our tenant lives in the bus shelter at the corner of Fifth and Mission next to the old Mint. The city lets him live there on the sidewalk, pooping and peeing.

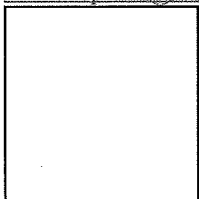
Our company has been here since 1912 and we built this building in 1914. It is a historic landmark. Unfortunately, because the city cannot keep the sidewalks clean and safe, we are now looking to move out of the city. It has nothing to do with the cost. The owners and employees are so frustrated and upset by the time they wade through the filth and get to work that we are all tired of dealing with this and looking forward to a potential move.

We don't know who to turn to. The police will not remove the vagrants. We have had to hire a full time guard to protect our clients and keep people from shooting up and smoking drugs outside our door.

What do we do? Who can help us? We don't want to abandon the low income and immigrant community that we serve, but it doesn't feel like the city wants us here or values our 100+ years of service to the community.

I thank you in advance for your consideration and suggestions.

Sincerely,  
Christopher Gallo  
San Francisco Provident Loan Association  
[christopher@sanfranciscoprovident.com](mailto:christopher@sanfranciscoprovident.com)



932 Mission St., San Francisco, CA 94103  
415.982.4400  
[www.sanfranciscoprovident.com](http://www.sanfranciscoprovident.com)





**Commissioners**  
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STATE OF CALIFORNIA  
Edmund G. Brown Jr., Governor

**Valerie Termini, Executive Director**  
1416 Ninth Street, Room 1320  
Sacramento, CA 95814  
(916) 653-4899  
www.fgc.ca.gov

## Fish and Game Commission



*Wildlife Heritage and Conservation*  
Since 1870

July 3, 2017

TO ALL INTERESTED AND AFFECTED PARTIES:

This is to provide you with a Notice of Findings regarding the northern spotted owl which will be published in the California Regulatory Notice Register on July 7, 2017.

Sincerely,

Sheri Tiemann  
Associate Governmental Program Analyst

Attachment

BY   
2017 JUL 10 PM 2:46  
BOARD OF SUPERVISORS  
SANTA CRUZ COUNTY



June 2017

## NOTICE OF FINDINGS

### Northern Spotted Owl

#### *(Strix occidentalis caurina)*

**NOTICE IS HEREBY GIVEN** that the California Fish and Game Commission (Commission), at its meeting in Folsom, California on August 25, 2016, made a finding pursuant to Fish and Game Code Section 2075.5, that the petitioned action to add the northern spotted owl (*Strix occidentalis caurina*) to the list of threatened species under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.) is warranted. (See also Cal. Code Regs., tit. 14, § 670.1, subd. (i).)

**NOTICE IS ALSO GIVEN** that, at its February 8, 2017 meeting in Rohnert Park, California, the Commission considered draft findings, continued the item until its June 21, 2017 meeting in Smith River, and adopted the following findings outlining the reasons for its determination.

#### **I. Background and Procedural History**

On September 7, 2012, the Commission received the "Petition to List the Northern Spotted Owl as 'Threatened' or 'Endangered' Under the California Endangered Species Act" (September 4, 2012; hereafter, the Petition), as submitted by the Environmental Protection Information Center (Petitioner). Commission staff transmitted the Petition to the California Department of Fish and Wildlife (Department) pursuant to Fish and Game Code Section 2073 on September 10, 2012, and the Commission published formal notice of receipt of the Petition on October 5, 2012 (Cal. Reg. Notice Register 2012, No. 40-Z, p. 1490).

The Department requested a 30-day extension on November 19, 2012, and the Commission approved the extension on December 12, 2012. After evaluating the Petition and other relevant information the Department possessed or received, the Department determined that based on the information in the Petition, there was sufficient scientific information to indicate that the petitioned action may be warranted, and recommended the Commission accept the Petition in an evaluation dated February 6, 2013. At its meeting on March 6, 2013, the Commission formally received the Department's petition evaluation. At its meeting on April 17, 2013 the Commission considered the petition evaluation as well as an errata and corrections document filed by the Department on April 15, 2013, and postponed further deliberations concerning the petition to receive further information on questions raised during the April meeting. At its August 7, 2013 meeting, the Commission received further comments, deliberated, and voted to accept the Petition and initiate a review of the species' status in California, finding that it contained sufficient information to indicate the petitioned action may be

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warranted. Upon publication of the Commission's notice of determination as required by Fish and Game Code Section 2074.2, subdivisions (e)(2) and (f), the northern spotted owl was designated a candidate species on December 11, 2013 (Cal. Reg. Notice Register 2013, No. 52-Z, pp. 2085-2092).

Following the Commission's designation of the northern spotted owl as a candidate species, the Department notified affected and interested parties and solicited data and comments on the petitioned action pursuant to Fish and Game Code Section 2074.4. (see also Cal. Code Regs., tit. 14, § 670.1(f)(2).) Subsequently, the Department commenced its review of the status of the species. On February 10, 2016 the Department Director delivered a status review to the Commission pursuant to Fish and Game Code Section 2074.6, including a recommendation that, based upon the best scientific information available to the Department, the petitioned action is warranted.

Final consideration of the petition, with receipt of the Department's status review report and public comment, was scheduled for the Commission's April 14, 2016 meeting in Santa Rosa, California, but the Commission continued the matter to its June meeting to allow written comments from the public, to be submitted to the Department no later than May 2, 2016. Notice of final consideration of the petition was published on May 27, 2016 for the Commission's meeting on June 23, 2016 in Bakersfield, California (Cal. Reg. Notice Register 2016, No. 22-Z, p. 907) and again on August 12, 2016 for the Commission's meeting on August 25, 2016 in Folsom, California (Cal. Reg. Notice Register 2016, No. 33-Z, p. 1464). On August 25, 2016, at its meeting in Folsom, California, the Commission received additional public and Department testimony, and voted that designating northern spotted owl as a threatened species under CESA is warranted.

### **Species Description**

The northern spotted owl is a medium-sized dark brown owl, with a barred tail, round, elliptical, or irregular white spots on head, neck, back, and underparts, yellowish green bill, and dark brown, almost black eyes surrounded by prominent facial disks (Gutiérrez et al. 1995). Overall, its length is approximately 46 to 48 centimeters (18 to 19 inches) (Forsman et al. 1996). Males and females are dimorphic in size, with males averaging about 13 percent smaller than females (USFWS 2011). Males weigh between 430 and 690 grams (0.95 to 1.52 pounds), and females weigh between 490 and 885 grams (1.1 to 1.95 pounds) (Gutiérrez et al. 1995, P. Loschl and E. Forsman pers. comm. 2006 in USFWS 2011).

### **Federal Status**

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The United States Fish and Wildlife Service listed northern spotted owl as a threatened species under the Endangered Species Act in 1990. In 1994, the Northwest Forest Plan provided protections for the northern spotted owl and other species inhabiting late-successional forests in Washington, Oregon, and California. The northern spotted owl's first critical habitat designation occurred in 1992 and was revised in 2008. A new final rule designating critical habitat was published in December of 2012. The USFWS first issued a recovery plan for the northern spotted owl in 2008 and revised it in 2011.

## **II. Statutory and Legal Framework**

The Commission, as established by the California Constitution, has exclusive statutory authority under California law to designate endangered, threatened, and candidate species under CESA. (Cal. Const., art. IV, § 20, subd. (b); Fish & G. Code, § 2070.) The CESA listing process for northern spotted owl began in the present case with the Petitioners' submittal of the Petition to the Commission on September 7, 2012. Pursuant to Fish and Game Code Section 2073, on September 10, 2012 the Commission transmitted the petition to the Department for review pursuant to Fish and Game Code Section 2073.5. The regulatory and legal process that ensued is described in some detail in the preceding section above, along with related references to the Fish and Game Code and controlling regulation. The CESA listing process generally is also described in some detail in published appellate case law in California, including:

- *Mountain Lion Foundation v. California Fish and Game Commission* (1997) 16 Cal.4<sup>th</sup> 105, 114-116;
- *California Forestry Association v. California Fish and Game Commission* (2007) 156 Cal.App.4<sup>th</sup> 1535, 1541-1542;
- *Center for Biological Diversity v. California Fish and Game Commission* (2008) 166 Cal.App.4<sup>th</sup> 597, 600; and
- *Natural Resources Defense Council v. California Fish and Game Commission* (1994) 28 Cal.App.4<sup>th</sup> 1104, 1111-1116.

The "is warranted" determination at issue here for northern spotted owl stems from Commission obligations established by Fish and Game Code Section 2075.5. Under this provision, the Commission is required to make one of two findings for a candidate species at the end of the CESA listing process; namely, whether the petitioned action is warranted or is not warranted. Here, with respect to the northern spotted owl, the Commission made the finding under Section 2075.5(e)(2) that the petitioned action is warranted.

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The Commission was guided in making these determinations by statutory provisions and other controlling law. The Fish and Game Code, for example, defines an endangered species under CESA 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.) Similarly, the Fish and Game Code defines a threatened species under CESA 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.” (*Id.*, § 2067.)

The Commission also considered Title 14, Section 670.1, subdivision (i)(1)(A), of the California Code of Regulations in making its determination regarding northern spotted owl. This provision provides, in pertinent part, that a species shall be listed as endangered or threatened under CESA if the Commission determines that the species' continued existence is in serious danger or is threatened by any one or any combination of the following factors:

1. Present or threatened modification or destruction of its habitat;
2. Overexploitation;
3. Predation;
4. Competition;
5. Disease; or
6. Other natural occurrences or human-related activities.

Fish and Game Code Section 2070 provides similar guidance. This section provides that the Commission shall add or remove species from the list of endangered and threatened species under CESA only upon receipt of sufficient scientific information that the action is warranted. Similarly, CESA provides policy direction not specific to the Commission per se, indicating that all state agencies, boards, and commissions shall seek to conserve endangered and threatened species and shall utilize their authority in furtherance of the purposes of CESA. (Fish & G. Code, § 2055.) This policy direction does not compel a particular determination by the Commission in the CESA listing context. Nevertheless, “[l]aws providing for the conservation of natural resources' such as the CESA 'are of great remedial and public importance and thus should be construed liberally.” (*California Forestry Association v. California Fish and Game Commission*, *supra*, 156 Cal. App.4th at pp. 1545-1546, citing *San Bernardino Valley Audubon*

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*Society v. City of Moreno Valley* (1996) 44 Cal.App.4th 593, 601; Fish & G. Code, §§ 2051, 2052.)

Finally in considering these factors, CESA and controlling regulations require the Commission to actively seek and consider related input from the public and any interested party. (See, e.g., *Id.*, §§ 2071, 2074.4, 2078; Cal. Code Regs., tit. 14, § 670.1, subd. (h).) The related notice obligations and public hearing opportunities before the Commission are also considerable. (Fish & G. Code, §§ 2073.3, 2074, 2074.2, 2075, 2075.5, 2078; Cal. Code Regs., tit. 14, § 670.1, subds. (c), (e), (g), (i); see also Gov. Code, § 11120 et seq.) All of these obligations are in addition to the requirements prescribed for the Department in the CESA listing process, including an initial evaluation of the petition and a related recommendation regarding candidacy, and a review of the candidate species' status culminating with a report and recommendation to the Commission as to whether listing is warranted based on the best available science. (Fish & G. Code, §§ 2073.4, 2073.5, 2074.4, 2074.6; Cal. Code Regs., tit. 14, § 670.1, subds. (d), (f), (h).)

### **III. Factual and Scientific Bases for the Commission's Final Determination**

The factual and scientific bases for the Commission's determination that designating the northern spotted owl as a threatened species under CESA is warranted are set forth in detail in the Commission's record of proceedings including the Petition, the Department's Petition Evaluation Report, the Department's status review, the Department's supplemental report to respond to public comments, written and oral comments received from members of the public, the regulated community, tribal entities, the scientific community and other evidence included in the Commission's record of proceedings.

The Commission determines that the continued existence of the northern spotted owl in the State of California is in serious danger or threatened by one or a combination of the following factors as required by the California Code of Regulations Title 14, Section 670.1, subdivision (i)(1)(A):

1. Present or threatened modification or destruction of its habitat;
2. Overexploitation;
3. Predation;
4. Competition;
5. Disease; or
6. Other natural occurrences or human-related activities.

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The Commission also determines that the information in the Commission's record constitutes the best scientific information available and establishes that designating the northern spotted owl as a threatened species under CESA is warranted. Similarly, the Commission determines that the northern spotted owl, while 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.

The items highlighted here and detailed in the following section represent only a portion of the complex issues aired and considered by the Commission during the CESA listing process for the northern spotted owl. Similarly, the issues addressed in these findings represent some, but not all of the evidence, issues, and considerations affecting the Commission's final determination. Other issues aired before and considered by the Commission are addressed in detail in the record before the Commission, which record is incorporated herein by reference.

## **Background**

The Commission bases its "is warranted" finding for the northern spotted owl most fundamentally on the current population trend influenced by a combination of threat factors, including competition from barred owls and present or threatened modification or loss of its habitat which pose a risk to the continued existence of the species in California.

## **Threats**

### **Barred Owls**

Historically, barred owls were residents of the eastern United States and southern Canada, east of the Great Plains and south of the boreal forest, and also in disjunct regions of south-central Mexico (Mazur and James 2000). The recent range expansion into the western United States has resulted in the barred owl range completely overlapping with that of the northern spotted owl. Barred owls were first detected in California in 1976 (B. Marcot in Livezey 2009a) with the first breeding record in 1991 (T. Hacking in Dark et al. 1998). The rate of detections in California accelerated during the mid-1990s (Dark et al. 1998), and today 1,970 barred owl records exist in the Department's species database throughout the entire range of the northern spotted owl, and even further south within the California spotted owl range in the Sierra Nevada.

There is a high degree of similarity in barred owl and northern spotted owl habitat and prey base preferences. Both species have a preference for old forests with closed canopy and a high degree of structural complexity for nesting and roosting activities (Hamer et al. 2007, Singleton et al. 2010, Weins et al. 2014, Singleton 2015, Weisel 2015). northern spotted owl diet in California consists primarily of small mammals



(mainly dusky-footed woodrats in California), though other prey (e.g. birds, bats) is also taken (Forsman et al. 1984, 2001, 2004, Zabel et al. 1995, Ward et al. 1998, Franklin et al. 2000, Hamer et al. 2001). The barred owl diet consists of a wide array of prey, including small mammals ranging from rabbits to bats, small to medium sized birds, amphibians, reptiles, fish, and invertebrates; however, mammals make up a majority of prey items (Hamer et al. 2001, Mazur and James 2000, Mazur et al. 2000). The broader range of prey selected by barred owls contributes to the smaller home ranges in comparison to northern spotted owls, which may result in higher densities of barred owls within the spotted owl range (Livezey et al. 2008).

Barred owls will negatively impact northern spotted owls at several levels. Barred owls are aggressive toward spotted owls (Van Lanen et al. 2011), and have attacked spotted owls on occasion (Leskiw and Gutiérrez 1998, Courtney et al. 2004). Spotted owls will reduce their calls or not call at all if barred owls are in the vicinity (Cozier et al. 2006, Kroll et al. 2010, Dugger et al. 2011, Diller 2014, Sovern et al. 2014), making them more difficult to detect. Barred owls will displace northern spotted owls from their territories, forcing them out of their long-held territory (Olson et al. 2004, Kroll et al. 2010, Dugger et al. 2011, Diller 2014, Sovern et al. 2014, GDRC 2015, Weisel 2015, Dugger et al. 2016). Northern spotted owl activity centers will shift away from areas where barred owls are present even if they do not entirely abandon their territory (Kelly 2001, Gremel 2005, Diller 2014, Weins et al. 2014).

Competition between the two species has dramatically impacted northern spotted owl site occupancy in California. A recent analysis (Dugger et al. 2016) determined territory occupancy rates declined in all 11 demographic study areas across the entire northern spotted owl range, with a strong positive relationship between the presence of barred owls and territory extinction rates (Dugger et al. 2016). The primary cause of northern spotted owl population declines are competition with barred owl, largely as a result of a strong negative effect of barred owl on northern spotted owl apparent survival rates and a positive effect of barred owl on northern spotted owl territory extinction rates.

When analyzing northern spotted owl data through 2013, Dugger et al. (2016) indicated the primary cause of declines across the range are strong negative effect of barred owl on apparent survival rates and a positive effect of barred owl on territory extinction rates. Apparent survival and the rate population change rates declined on all 3 demographic study areas in California, with the exception of the Green Diamond Resource treatment area (i.e., the area where barred owls were removed). The Green Diamond Resource treatment area survival rate was 0.857 (SE=0.009) before removal, and 0.870 (SE=0.021) after removal (the highest across the entire range; Dugger et al. 2016). The rate of population change at the Green Diamond Resource treatment area was positive ( $\lambda=1.030$ , SE=0.040) after barred owls were removed (Dugger et al. 2016). When barred owls were removed from historical northern spotted owl territories on the

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Green Diamond Resource Company land, northern spotted owls were detected relatively soon afterward, and sometimes were the same spotted owls that held the territory previously (Diller 2014), suggesting these owls were displaced from their territory but remained in the vicinity to quickly reoccupy.

The literature is clear that barred owls are having a severe negative impact on northern spotted owl at a range-wide level (Dugger et al. 2016), including reduced survival and occupancy, reduced detection rates, increased territory extinction rates, displacement, and predation. Ecological similarities between barred owl and northern spotted owl gives little evidence that nesting, roosting, or foraging habitat or food resources can be adequately partitioned to prevent competition; therefore, coexistence of both species is uncertain into the future, even with habitat management actions (Gutiérrez et al. 2007, Dugger et al. 2011, Wiens et al. 2014, Singleton 2015, Weisel 2015, Dugger et al. 2016). Barred owl removal experiments seem to be successful at positively impacting northern spotted owl demographics and are feasible at a local-scale (Diller et al. 2014), but broader long-term use of removal as a management tool needs further consideration (USFWS 2013). Protecting high-quality habitat (e.g., older structurally complex forests) on the landscape may provide some amount of refugia for spotted owls from competitive interactions with barred owls, and may allow managers and others time to further evaluate the feasibility of barred owl control measures (USFWS 2011, USFWS 2013).

Given the quick southerly expansion of barred owls into northern spotted owl habitat and the documented negative impacts of barred owl on spotted owl demographic rates, there is urgency on deciding a course of action to take regarding barred owl removal or other management actions. Without management actions, the northern spotted owl faces an uncertain future and declines will presumably continue to be severe and steep into the near future, much like has been documented in more northerly portions of the range in Washington and Oregon where barred owl have been established longer. Solutions that promote the coexistence of the northern spotted owl and the barred owl are needed.

#### Present or Threatened Modification or Destruction of Habitat

Although the rate of nesting and roosting habitat loss has declined since the northern spotted owl was listed under the federal endangered species act in 1990, assessments performed range-wide since the implementation of the Northwest Forest Plan (NWFP) show that habitat loss on federal and private lands is ongoing. Wildfire has been the leading cause of habitat loss on federal land, with the fire-prone California Klamath Province experiencing the largest losses due to wildfire (10.7%; 199,800 acres since 1993). Since the development of a reserve system under the NWFP, timber harvest on federal land has declined, with only 1.3% of nesting and roosting habitat lost to harvest

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in the last two decades (Davis et al. 2015). Conversely, timber harvest has been the primary cause of habitat loss on nonfederal lands since 1993 (Davis et al. 2015). Northern spotted owl densities in California forests have not plummeted to the extent they have for the species in Oregon and Washington in large part to protective regulations governing timber harvest on nonfederal lands in California (i.e., Forest Practice Rules). In addition, there has been some amount of forest habitat recruitment since implementation of the Forest Practice Rules and NWFP, though the level and extent of succession is unknown (DFW, 2016 Status Review). Regardless of these protections, losses of nesting and roosting habitat due to timber harvest in California have continued. From 1994-2007, 5.8% of nesting and roosting habitat on nonfederal lands in California was removed by timber harvest (Davis et al. 2011). Regionally, the California Klamath and Cascades provinces have experienced net losses of nesting and roosting habitat since 1994 (Davis et al. 2011). However, due to habitat recruitment in the California Coast Province where habitat development through forest succession can occur relatively quickly (Thome et al. 1999, Diller et al. 2010), estimates for net change of nesting and roosting habitat in this province are positive (Davis et al. 2011).

At the scale of individual owl territories, the amount and spatial configuration of different habitat types are strongly linked to northern spotted owl site occupancy and demographic rates, and rates are generally positively associated with a greater amount of older forest, and in the case of the coastal redwoods, young-growth forests where key structural elements (snags, large decadent trees and hardwoods) are retained (see the Habitat Effects on Demographics section; Dugger et al. 2016). The amount of older forest in northern spotted owl territories is positively associated with occupancy rates (Dugger et al. 2011, Yackulic et al. 2012, Dugger et al. 2016), survival (Franklin et al. 2000, Olson et al. 2004, Dugger et al. 2005, Diller et al. 2010), and in some cases with fecundity (Dugger et al. 2005, Diller et al. 2010, Dugger et al. 2016). Although study design has varied across the major research studies in California and southern Oregon, some consistent patterns have arisen. In order to support productive spotted owl territories, a minimum amount of older forest must be retained in the core area. The definition of 'older forest' evaluated in studies has varied, but consistently has included late-seral forests with large trees and high canopy cover. Territories with the highest habitat fitness potential contain at least about 50% older forest in the core area, intermixed with other forest and nonforest cover types (Franklin et al. 2000, Dugger et al. 2005, Diller et al. 2010). Large amounts of nonhabitat (defined as nonforest or sapling cover types) in a northern spotted owl home range leads to declines in demographic rates. Results indicate that in order to support a northern spotted owl territory with high habitat fitness potential, no more than about 50% of a home range should consist of nonhabitat (Olson et al. 2004, Dugger et al. 2005). Spotted owl demographic rates also benefit from a mosaic of older forest interspersed with younger forests or other vegetation types. Work done by Franklin and Gutierrez (2012) suggests

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that some amount of fragmentation or habitat heterogeneity may be beneficial for dispersing owls, depending on the matrix of habitat types, by providing opportunities in more open habitat or along edges, while at the same time providing protection from predators in older forest components. (DFW, 2016 Status Review).

Habitat retention requirements and definitions in the Forest Practice Rules were developed in the early 1990s and were established to protect a combination of nesting, roosting, and foraging habitat in the area immediately surrounding the activity center (500 and 1,000 foot radii), the core use area (0.7 mile radius), and the broader home range (1.3 mile radius). After implementation and further analysis, the USFWS found that the cumulative effects of repeated harvest entries within many northern spotted owl home ranges in the northern interior region had reduced habitat quality to a degree that caused reduced occupancy rates and frequent site abandonment, and concluded that existing habitat guidelines in the Forest Practice Rules are not sufficient for avoiding take (USFWS 2009). Due to these concerns and based on the growing body of literature linking habitat characteristics to owl fitness, the USFWS provided revised guidance for avoiding take of northern spotted owl, including changes to definitions of nesting, roosting, and foraging habitat, and to the amount of each habitat type to be retained (USFWS 2008b, 2009). The current Forest Practice Rules allow for the use of northern spotted owl habitat descriptions provided by the USFWS and the habitat protection measures recommended by the USFWS (DFW Eval. of Supplemental Information 2016).

Depending on how the Forest Practice Rules and the USFWS 2008 Guidance are implemented, management could result in a reduction in habitat quality around northern spotted owl sites and could lead to declines in survival, productivity, and overall fitness (DFW Eval. of Supplemental Information 2016). However, implementation of the Forest Practice Rules has generally resulted in the protection of northern spotted owl habitat at known owl territories throughout the range in California and has not resulted in any known take of individual northern spotted owls. Despite these protections, timber harvest may be a threat to northern spotted owl habitat in some cases due to inconsistent implementation and interpretation. Conversely, timber harvest may play a role in enhancing owl habitat when applied at appropriate scales and with retention of sufficient nesting and roosting habitat (DFW, 2016 Status Review; DFW Eval. of Supplemental Information 2016).

#### Wildfire and Salvage Logging

Wildfire and other natural disturbances have been the leading cause of habitat loss on federal land in the Northwest Forest Plan area and the leading cause of nesting and roosting habitat loss in California from 1993-2012. The majority of the nesting and roosting habitat lost from the California portion of the Northwest Forest Plan area has

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been attributed to wildfire, and most of that loss has occurred in the Klamath Province (DFW, 2016 Status Review).

The response of spotted owls to fire has been mixed. Occupancy by California spotted owls across a wide area in the Sierra Nevada has been observed to be similar in burned and unburned areas, at least in burn areas that experienced mixed-severity burns (DFW, 2016 Status Review). For high severity burn areas, there is some evidence of declines in occupancy (DFW, 2016 Status Review). Conversely, occupancy rates for northern spotted owls in southern Oregon declined following both mixed-severity and high severity fire events (DFW, 2016 Status Review). These occupancy declines resulted from both high territory extinction rates in burned areas and low colonization rates (DFW, 2016 Status Review). Northern spotted owls displaced by fire or occupying burned areas have also been shown to experience declines in survival rates (DFW, 2016 Status Review). Food limitation in burned areas may have been a contributing factor in these declines. Northern spotted owls in southern Oregon were also shown to avoid large areas of high severity burn or areas experiencing extensive salvage logging post-fire (DFW, 2016 Status Review).

Several variables complicate the interpretation of these studies, including variation in fire severity, fire size, fire history and pre-fire forest composition, post-fire salvage logging, and the timing and duration of research post-fire. Additionally, the key studies of northern spotted owl response to wildfires in southern Oregon were unable to separate the effects of severe burns from salvage logging, but observational studies and occupancy modeling conducted to date suggest that post-fire landscapes that are salvage logged experience declines in spotted owl occupancy (DFW, 2016 Status Review). The presence of snags has been suggested as an important component of prey habitat and as perch sites for foraging spotted owls (DFW, 2016 Status Review). Conditions that lead to increased prey availability, including increased shrub and herbaceous cover and number of snags, may be impacted by salvage logging (DFW, 2016 Status Review). The available information suggests that fires that burn at mixed severities or at small scales such that they create habitat heterogeneity without removing important nesting and roosting habitat components at the territory scale may benefit owls (DFW, 2016 Status Review). However, uncharacteristically severe fires that burn at large scales are likely to have negative effects by eliminating required nesting and roosting habitat or reducing prey populations in northern spotted owl territories (DFW, 2016 Status Review).

In recent decades, fires have become more frequent and average fire size has increased (DFW, 2016 Status Review). In some cases, fires have also burned at uncharacteristically high severities, especially during dry and hot conditions that support fire (DFW, 2016 Status Review). Because climate change will likely increase the likelihood of conditions that support more frequent, large, and severe fires which are

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destructive to northern spotted owl habitat, habitat loss due to wildfires will likely continue to present a risk to owls in the future (DFW, 2016 Status Review).

#### Climate Change Impacts to Forest Composition and Structure

Most climate projection models indicate elevational and latitudinal shifts in forest habitats in the coming century (DFW, 2016 Status Review). In climate projection scenarios specific to California, the most notable response to increased temperatures was a shift from conifer-dominated forests (e.g., Douglas fir-white fir) to mixed conifer-hardwood forests (e.g., Douglas fir-tan oak) in the northern half of the state. The models show an expansion of conifer forests into the northeast portion of the state (e.g., Modoc Plateau), and an increase in dominance of oak forest at the expense of pine forest, a general decrease in large trees and basal area, shifts of redwood forests inland into Douglas-fir-tan oak forests, and advancement of conifer-dominated forests (e.g., redwood and closed-cone pine forests) along the north-central coast (DFW, 2016 Status Review).

Climate change variables will likely increase the severity and frequency of wildfires within the northern spotted owl range, which would convert older, complex forests to young uniform stands of less suitable habitat (DFW, 2016 Status Review).

Although climate projection models have uncertainties built-in, it is apparent that forests within California will likely experience some level of elevational and latitudinal shifts, changes in species composition, and alterations in fire regimes (DFW, 2016 Status Review). The northern spotted owl relies heavily on specific forest structure components and tree species composition, and on associated prey habitat and abundance (DFW, 2016 Status Review). Implications of forest shifts and fire regime changes on owl habitat and demographic rates remains uncertain, and more research is needed to elucidate whether these patterns will lead to negative impacts to northern spotted owls.

#### Sudden Oak Death

Sudden oak death is an emerging plant disease caused by a non-native, fungus-like pathogen particularly impacting hardwoods (Davidson et al. 2003, Garbelotto et al. 2003, Goheen et al. 2006). The disease is expanding its distribution through a substantial portion of the northern spotted owl range in California (California Oak Mortality Task Force 2015). Its impact to northern spotted owl habitat includes large scale die-off of tanoaks and other affected hardwood species (e.g., live oak, California bay laurel), reduction of hardwood canopy closure, simplified canopy structure, and reduced primary prey species (i.e., woodrat) abundance (Rizzo and Garbelotto 2003, McPherson et al. 2006, Goheen et al. 2006, Tietje et al. 2006, Cobb et al. 2010, 2012).

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The impact of sudden oak death on oak-tanoak forests within northern spotted owl habitat will not likely subside in the future (Brown and Allen-Diaz 2006, Meentemeyer et al. 2010, 2011), with high risk areas noted in coastal forests of Santa Barbara County north through Humboldt County (Koch and Smith 2012). Ultimately, spread of sudden oak death will likely result in reduced nesting, roosting and foraging opportunities for northern spotted owls in most cases.

#### **Marijuana Cultivation**

Illegal and legal marijuana cultivation sites in remote forests on public and private land throughout California has been steadily increasing. Within the range of the northern spotted owl, Shasta, Tehama, Humboldt, Mendocino, and Trinity counties comprise the areas known for the most marijuana cultivation in California due to the remote and rugged nature of the land (making illegal cultivation difficult to detect), and habitat conditions favorable for growing marijuana (e.g., wetter climate, rich soils) (Gabriel et al. 2013, Thompson et al. 2013, National Drug Intelligence Center 2007, Bauer et al. 2015). Given the difficulties in detecting illegal marijuana cultivation sites and the lack of reporting for all legal cultivation sites, actual distribution and density of marijuana cultivation is likely larger and higher than current data suggests.

Activities associated with cultivation (e.g., removal of large trees, degradation of riparian habitat, use of rodenticides) may negatively impact northern spotted owl habitat, and in turn, owl fitness (e.g., survival, fecundity), although there is little data assessing this impact. Areas with higher prevalence of marijuana cultivation sites may also contain high numbers of northern spotted owl activity centers (National Drug Intelligence Center 2007). The level of impact likely depends on several factors, including the density of cultivation sites in proximity to owl activity centers and how much owl habitat is affected and to what extent.

#### **IV. Final Determination by the Commission**

The Commission has weighed and evaluated the information for and against designating the northern spotted owl as a threatened species under CESA. This information includes scientific and other general evidence in the Petition; the Department's Petition Evaluation Report; the Department's status review; the Department's supplemental report to respond to public comments, the Department's related recommendations; written and oral comments received from members of the public, the regulated community, various public agencies, and the scientific community; and other evidence included in the Commission's record of proceedings.

Based upon the evidence in the record the Commission has determined that the best scientific information available indicates that the continued existence of the northern spotted owl is in serious danger or threatened by predation, competition, present or

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## Fish and Game Commission



*Wildlife Heritage and Conservation*  
Since 1870

July 3, 2017

TO ALL INTERESTED AND AFFECTED PARTIES:

This is to provide you with a Notice of Findings regarding the petition to list foothill-yellow-legged frog as threatened under the California Endangered Species Act. This notice will be published in the California Regulatory Notice Register on July 7 2017.

Sincerely,

Sheri Tiemann  
Associate Governmental Program Analyst

Attachment

BY 2017 JUL 10 PM 2:46  
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## Fish and Game Commission



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### CALIFORNIA FISH AND GAME COMMISSION NOTICE OF FINDINGS

#### Foothill Yellow-Legged Frog (*Rana boylei*)

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 (Commission), at its June 21, 2017, meeting in Smith River, California, accepted for consideration the petition submitted to list foothill yellow-legged frog as a threatened species. Pursuant to subdivision (e)(2) of Section 2074.2 of the Fish and Game Code, the Commission determined that the amount of information contained in the petition, when considered in light of the Department of Fish and Wildlife's (Department) written report, the comments received, and the remainder of the administrative record, would lead a reasonable person to conclude there is a substantial possibility the requested listing could occur.

Based on that finding and the acceptance of the petition, the Commission is also providing notice that the aforementioned species is 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 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 June 21, 2017 Commission meeting, are on file and available for public review from the agency representative, Valerie Termini, Executive Director, Fish and Game Commission, 1416 Ninth Street, Room 1320, Sacramento, California 95814, 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

June 27, 2017

Valerie Termini  
Executive Director