

FILE NO. 140937

Petitions and Communications received from August 25, 2014, through August 29, 2014, for reference by the President to Committee considering related matters, or to be ordered filed by the Clerk on September 9, 2014.

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 concerned citizens, submitting signatures for petition regarding Municipal Transportation Agency. 4,032 signatures. Copy: Each Supervisor. (1)

From Controller, submitting the Government Barometer: Quarter 4, FY2014. Copy: Each Supervisor. (2)

From San Francisco Green Party, regarding the Sharp Park Golf Course Redevelopment Project. Copy: Each Supervisor. (3)

From Clerk of the Board, regarding the following appointment by the Mayor: (4)
Dr. David Pating - Health Commission

From Tim Gallaher, regarding Sharp Park. Copy: Each Supervisor. (5)

From D.A. Gardner, regarding Gleneagles Golf Partners, LP. Copy: Each Supervisor. (6)

From Subacute and Skilled Nursing Facility Registered Nurses of St. Luke's Hospital, regarding planned elimination of the subacute floor. Copy: Each Supervisor. (7)

From Transbay Joint Powers Authority, submitting Statement Pursuant to California Government Code, Section 53317(f)(3). File No. 140816. Copy: Each Supervisor. (8)

From State Fish and Game Commission, submitting notice of findings regarding the Northeastern Pacific white shark. Copy: Each Supervisor. (9)

From Controller, submitting FYs 2014-2015 and 2015-2016 Budget Certification. Copy: Each Supervisor. (10)

From Police Department, regarding grant budget revision for 2012 Forensic DNA Backlog Reduction Program. Copy: Each Supervisor. (11)

From Department of Public Works, submitting Administrative Code Chapters 12B and 14B Waiver Request Form for Ventura County. (12)

From Clerk of the Board, reporting the following agencies that have submitted a 2014 Local Agency Biennial Conflict of Interest Code Review Report: (13)

General Services Agency - City Administrator
Planning Department

From Clerk of the Board, regarding consolidated response for the following departments to 2013-2014 Civil Grand Jury Report, "Rising Sea Levels...At Our Doorstep." File No. 140792. Copy: Each Supervisor. (14)

City Administrator
Controller
Planning
Building Inspection
Emergency Management
Environment
Public Works
Port of San Francisco
Public Utilities Commission
San Francisco International Airport

From: ENUF and CSFN [petitions@moveon.org]
Sent: Wednesday, August 27, 2014 2:54 PM
To: Board of Supervisors (BOS)
Subject: 4,032 signers: Stop SFMTA (San Francisco Municipal Transportation Agency) petition

Dear San Francisco Board of Supervisors,

I started a petition to you titled *Stop SFMTA (San Francisco Municipal Transportation Agency)*. So far, the petition has 4,032 total signers.

You can post a response for us to pass along to all petition signers by clicking here:

http://petitions.moveon.org/target_talkback.html?tt=tt-23483-custom-39844-20240827-dQSMTR

The petition states:

"As residents and taxpayers of San Francisco we believe that the SFMTA's first and foremost responsibility is to improve MUNI and to make MUNI a more desirable means of transportation. It is not SFMTA's job to make owning and driving a motor vehicle more expensive and difficult. The SFMTA needs to be accountable to all the citizens of San Francisco. We need a balanced, unbiased municipal transportation policy. We respectfully request that the Mayor and District Supervisors immediately stop the SFMTA from: 1. Installing new parking meters and extending the hours of enforcement 2. Enforcing Sunday parking meters 3. Increasing meter rates, fees and fines "

To download a PDF file of all your constituents who have signed the petition, including their addresses, click this link: http://petitions.moveon.org/deliver_pdf.html?job_id=1303112&target_type=custom&target_id=39844

To download a CSV file of all of your constituents who have signed the petition, including their addresses, click this link:

http://petitions.moveon.org/deliver_pdf.html?job_id=1303112&target_type=custom&target_id=39844&csv=1

Thank you.

--ENUF and CSFN

If you have any other questions, please email petitions@moveon.org.

The links to download the petition as a PDF and to respond to all of your constituents will remain available for the next 14 days.

This email was sent through MoveOn's petition website, a free service that allows anyone to set up their own online petition and share it with friends. MoveOn does not endorse the contents of petitions posted on our public petition website. If you don't want to receive further emails updating you on how many people have signed this petition, click here:

http://petitions.moveon.org/delivery_unsub.html?e=m0xZcWIJXzqH9ZTz_cNZWJvYXJkLm9mLnN1cGVydmlz_b3JzQHNMZ292Lm9yZw--&petition_id=23483.

BOS-11

From: Reports, Controller (CON)
Sent: Monday, August 25, 2014 12:54 PM
To: Calvillo, Angela (BOS); Nevin, Peggy; BOS-Supervisors; BOS-Legislative Aides; Kawa, Steve (MYR); Howard, Kate (MYR); Falvey, Christine (MYR); Steeves, Asja (CON); Campbell, Severin (BUD); Newman, Debra (BUD); Rose, Harvey (BUD); SF Docs (LIB); gmetcalf@spur.org; bob@sfchamber.com; jballesteros@sanfrancisco.travel; CON-EVERYONE; CON-CCSF Dept Heads; CON-Finance Officers
Subject: Issued: Controller's Office Government Barometer – Quarter 4, Fiscal Year 2014

The Office of the Controller has issued the Government Barometer: Quarter 4, Fiscal Year 2014. The Government Barometer is published as an interactive website at sfgovbar.weebly.com. Users can view trends, adjust timelines, and build their own charts using any of the Government and Economic Barometer measures.

The purpose of the Barometer is to share key performance and activity information with the public in order to increase transparency, create dialog, and build the public's confidence regarding the City's management of public business. The report lists measures in major service areas, such as public safety, health and human services, and streets and public works.

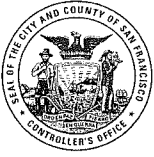
To view the full report, please visit the Government Barometer online tool at: sfgovbar.weebly.com. The PDF version of the report can be accessed at <http://openbook.sfgov.org/webreports/details3.aspx?id=1796>, or on the Controller's website (<http://www.sfcontroller.org/>) under the News & Events section and on the Citywide Performance Measurement Program website (www.sfgov.org/controller/performance) under the Performance Reports section.

For more information please contact:

Office of the Controller
City Services Auditor Division
Phone: 415-554-7463
Email: Performance.con@sfgov.org

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GOVERNMENT BAROMETER: Quarter 4, Fiscal Year 2014

City and County of San Francisco

Office of the Controller

August 25, 2014

Summary

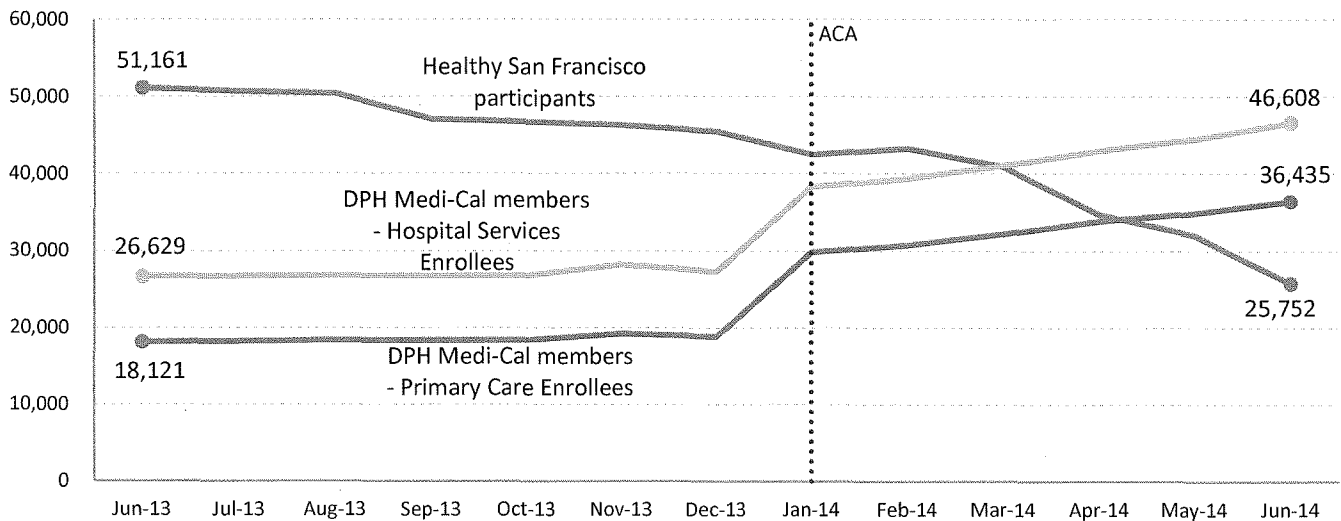
The Office of the Controller’s Citywide Performance Measurement Team collects performance data from City departments on a quarterly basis in order to increase transparency, create dialogue, and build the public’s confidence regarding the City’s management of public business. Measures are listed according to major service areas, such as public safety, health and human services, streets and public works, public transit, recreation, environment, and customer service. Measures of interest are highlighted below.

Measure Highlights: Expected Decrease in Healthy San Francisco Participants and Associated Increase in Medi-Cal Members

As of January 1st, 2014, provisions of the Affordable Care Act (ACA) require that most individuals have insurance or otherwise pay a penalty. The Department of Public Health’s health access program, Healthy San Francisco (HSF), is not insurance, and hence, as expected, the program has seen a large decrease in the number of participants since the beginning of 2014.

One of the Department’s goals under health reform is to transition HSF participants onto an insurance product like Medi-Cal or another health plan. The decrease in the number of HSF participants and the related increase in DPH Medi-Cal members is a positive indicator of the ACA’s impact. The chart below juxtaposes the total number of Healthy San Francisco participants with the number of DPH Medi-Cal members. “Hospital Services Enrollees” represents all DPH Medi-Cal enrollees; this group includes patients who are seen at non-DPH clinics but use DPH hospitals when needed as well as the subset “Primary Care Enrollees,” Medi-Cal members who are seen at DPH clinics *and* use DPH hospitals when needed.

Healthy San Francisco Program Participants and DPH Medi-Cal Members



The total number of HSF participants has decreased by 39 percent since January 2014 and by roughly 50 percent since Q4 FY13. At the end of June 2014, approximately 3200 HSF participants were found to have subsequent enrollment in Medi-Cal and were thus dis-enrolled from HSF, explaining the large drop in HSF participation between May 2014 and June 2014 in particular. In contrast, the number of DPH Medi-Cal members has increased by 22 percent since January 2014, and by 75 percent since Q4 FY13.

Continuing strategies to ensure that HSF participants who qualify for new insurance options are properly signed up include staff training to screen all HSF applicants for new health insurance options when appropriate, community enrollment outreach events, and direct communication with HSF members about their HSF eligibility and potential eligibility for new insurance options under the ACA. HSF will continue to serve participants who are not eligible for health insurance options as well as uninsured San Francisco residents who are not currently enrolled in HSF and who do not qualify for health insurance options.

City and County of San Francisco
 Controller's Office
 Government Barometer
 Quarter 4



Activity or Performance Measure	Rolling	Prior	Current	Period-to-Period		Year-to-Year	
	Yearly	Period	Period	% Change	Trend	% Change	Trend
Average	Average	Average	Average				
Public Safety							
Total number of serious violent crimes reported (homicide, forcible rape, robbery, and aggravated assault, per 100,000 population)	76.4	65.3	68.0	4.1%		-14.8%	
Total number of serious property crimes reported (burglary, larceny-theft, motor vehicle theft, and arson, per 100,000 population)	481.7	432.6	437.3	1.1%		6.6%	
Average daily county jail population	1,312	1,308	1,278	-2.3%		-16.2%	
<p>→ Average daily county jail population has continued to decline, decreasing by 2.3% since the previous quarter and by 16.2% since the same quarter of the previous year.</p>							
Total active probationers	5,026	4,946	4,709	-4.8%		-14.0%	
Percentage of 9-1-1 calls answered within 10 seconds	78%	80%	73%	-8.4%		-13.4%	
<p>→ The percentage of 9-1-1 calls answered within 10 seconds decreased by 8.4% since the previous quarter and by 13.4% since the same quarter of the previous year. The transition to a new Computer Aided Dispatch (CAD) system on May 7, 2014 has had a significant impact on answering times.</p>							
Average 9-1-1 daily call volume	2,014	1,574	3,278	108.2%		110.8%	
<p>→ Average 9-1-1 daily call volume increased by 108.2% since the previous quarter and by 110.8% since the same quarter of the previous year. June's call volume of 3,390 is the highest monthly average on record.</p>							
Percentage of fire/medical emergency calls responded to within 5 minutes	84.7%	84.1%	79.4%	-5.5%		-9.3%	
Health and Human Services							
Average daily population of San Francisco General Hospital	319	328	310	-5.5%		-10.8%	
Average daily population of Laguna Honda Hospital	762	759	759	-0.1%		0.3%	
Number of DPH Medi-Cal members (Hospital Services Enrollees)	34,617	39,573	44,700	13.0%		67.9%	
Total number of Healthy San Francisco participants	42,171	42,218	30,832	-27.0%		-39.5%	
<p>→ The total number of Healthy San Francisco participants has decreased by 27.0% since the previous quarter and by 39.5% since the same quarter of the previous year. This decrease is expected, as eligible participants are transitioning to Medi-Cal or other insurance products under health reform.</p>							
Current active CalWORKs caseload	4,357	4,347	4,408	1.4%		0.0%	

City and County of San Francisco
 Controller's Office
 Government Barometer
 Quarter 4



Activity or Performance Measure	Rolling Yearly Average	Prior Period Average	Current Period Average	Period-to-Period		Year-to-Year	
				% Change	Trend	% Change	Trend
Current active County Adult Assistance Program (CAAP) caseload	6245	6079	6556	7.8%		0.0%	
Current active Non-Assistance Food Stamps (NAFS) caseload	27,512	27,742	27,567	-0.6%		1.3%	
Percentage of all available homeless shelter beds used	96%	95%	95%	0.4%		0.0%	
Average nightly homeless shelter bed use	1,098	1,082	1,083	0.1%		-0.2%	
Total number of children in foster care	1,056	1,043	1,088	4.3%		1.9%	

Streets and Public Works

Volume of reported graffiti (public)	836	807	963	19.3%		18.4%	
<p>→ The volume of reported graffiti (public) has increased by 19.3% since the previous quarter and by 18.4% since the same quarter of the previous year.</p>							
Volume of reported graffiti (private)	1,264	1,135	1,385	22.1%		4.6%	
Volume of street cleaning requests	3,346	3,009	3,934	30.7%		-33.9%	
Percentage of street cleaning requests responded to within 48 hours	95.0%	95.0%	94.1%	-0.9%		7.1%	
Percentage of graffiti requests on public property responded to within 48 hours	95.8%	94.0%	94.9%	1.0%		-4.5%	

Public Transit

Percentage of Muni buses and trains that adhere to posted schedules	59.1%	60.4%	58.1%	-3.8%		-3.9%	
<p>→ Percentage of Muni buses and trains that adhere to posted schedules decreased by 3.9% since the previous quarter and by 3.8% since the same quarter of the previous year.</p>							
Percentage of Muni buses and trains that adhere to posted schedules - RAPID NETWORK	58.8%	60.7%	58.3%	-4.0%		-2.3%	
Average daily number of Muni customer complaints regarding safety, negligence, discourtesy, and service delivery	43.0	43.0	42.3	-1.8%		20.1%	

City and County of San Francisco
 Controller's Office
 Government Barometer
 Quarter 4



Activity or Performance Measure	Rolling	Prior	Current	Period-to-Period		Year-to-Year	
	Yearly	Period	Period	% Change	Trend	% Change	Trend
Average	Average	Average	Average				
Recreation, Arts, and Culture							
Average score of parks inspected using park maintenance standards	91.4%	92.2%	90.0%	-2.4%		-1.6%	
Total number of individuals currently registered in recreation courses	11,752	12,668	11,715	-7.5%		7.8%	
Total number of park facility (picnic tables, sites, recreation facilities, fields, etc.) bookings	6,707	6,038	8,055	33.4%		3.6%	
<p>→ Total number of park facility bookings has increased by 33.4% since the previous quarter and by 3.6% since the same quarter of the previous year. This increase can be attributed to the seasonal pattern of facility bookings, which are impacted by the school calendar and summertime, albeit chilly.</p>							
Total number of visitors at public fine art museums (Asian Art Museum, Legion of Honor, and de Young)	158,221	188,978	135,454	-28.3%		-28.6%	
Total circulation of materials at main and branch libraries	903,829	885,143	903,570	2.1%		-4.5%	
Environment, Energy, and Utilities							
Average monthly energy usage per SFPUC street light (kilowatt hours)	48.3	60.4	44.9	-25.6%		-28.8%	
<p>→ Average monthly energy usage per SFPUC street light (kilowatt hours) has decreased by 25.6% since the previous quarter and by 28.8% since the same quarter of the previous year.</p>							
Per capita water sold to San Francisco residential customers (gallons per capita per day)	49.0	49.5	47.4	-4.3%		-3.1%	
<p>→ Per capita water sold to San Francisco's residential customers decreased by 4.3% since the previous quarter and by 3.1% since the same quarter of the previous year. San Francisco's per capita residential water usage is one of the lowest in the state.</p>							
Average monthly water use by City departments (in millions of gallons)	148.8	149.0	148.9	-0.1%		7.8%	
Average monthly energy usage by City departments (in million kilowatt hours)	73.3	73.5	73.5	-0.1%		1.5%	
Streetlight outages by month (new measure in Q4 FY14; data begins July 2013)	364.4	401.0	277.0	-30.9%		N/A	N/A
Percent of streetlight outages resolved within 48 hours (new measure in Q4 FY14; data begins July 2013)	57.7	51.4	76.3	48.4%		N/A	N/A
Average workday tons of trash going to primary landfill	1412.2	1416.9	1413.9	-0.2%		2.5%	
Percentage of curbside refuse diverted from landfill	59.0%	58.6%	59.8%	2.0%		1.1%	

City and County of San Francisco
 Controller's Office
 Government Barometer
 Quarter 4



Activity or Performance Measure	Rolling	Prior	Current	Period-to-Period		Year-to-Year	
	Yearly	Period	Period	% Change	Trend	% Change	Trend
Average	Average	Average	Average				
Permitting and Inspection							
Value (estimated cost, in millions) of construction projects for which new building permits were issued	\$184.2	\$94.2	\$66.4	-29.5%		-74.9%	
Percentage of all building permits involving new construction and major alterations review that are approved or disapproved within 90 days	58%	54%	52%	-4.3%		-8.8%	
<p>→ Percentage of building permits involving new construction and major alterations review that are approved or disapproved within 90 days has decreased by 4.3% since the previous quarter and by 8.8% since the same quarter of the previous year. Increased workload demands have been addressed through process improvements, reallocation of work, and efforts to fill vacancies as expeditiously as possible.</p>							
Percentage of categorical exemptions (California Environmental Quality Act) reviewed within 45 days	66%	56%	63%	11.9%		-25.1%	
Percentage of life hazard or lack of heat complaints responded to within one business day	94%	96%	96%	-0.7%		15.3%	
Percentage of customer-requested construction permit inspections completed within two business days of requested date	97%	98%	98%	-0.1%		0.4%	
Customer Service							
Average daily number of 311 contacts, across all contact channels	5,283	5,105	5,501	7.8%		0.9%	
<p>→ The average daily number of 311 contacts across all contact channels has increased by 7.8% since the previous quarter and by 0.9% since the same quarter of the previous year. This increase is due to a slight increase in Treasurer/Tax Collector calls.</p>							
Percentage of 311 calls answered by call takers within 60 seconds	68%	72%	53%	-25.8%		-19.3%	
<p>→ The percentage of 311 calls answered by call takers within 60 seconds has decreased by 25.8% since the previous quarter and by 19.3% since the same quarter of the previous year. 311 maximized available hours of 'as needed' staff in June to improve service level.</p>							

Notes:

The Government Barometer is issued four times a year. Each report will include new data from the prior three months.

The Rolling Yearly Average is the average of monthly values for the most recent month and 11 months prior (e.g., the average of July 2013 to June 2014).

The Prior Period Average value reflects the average of the three months prior to the Current Period (e.g. for the June 2014 report: January, February, March 2014).

The year-to-year change reflects the change since the same period last year (e.g., April-June 2014 compared to April-June 2013).

Trend lines are made up of monthly data provided by departments. The scale of the trend lines can give the appearance of major changes to small fluctuations.

For additional detail on measure definitions and department information, please review the Government Barometer Measure Details at [http://sfgovbar.weebly.com/](#)

Values for prior periods (e.g. January-March 2014) may be revised in this report relative to their original publication.

To prepare this report, the Citywide Performance Measurement Program has used performance data supplied by City Departments. The Departments are responsible for ensuring that such performance data is accurate and complete. Although the Citywide Performance Measurement Program has reviewed the data for overall reasonableness and consistency, the Program has not audited the data provided by the Departments.

**CONTROLLER'S OFFICE
CITY SERVICES AUDITOR**

The City Services Auditor was created within the Controller's Office through an amendment to the City Charter that was approved by voters in November 2003. Under Appendix F to the City Charter, the City Services Auditor has broad authority for:

- Reporting on the level and effectiveness of San Francisco's public services and benchmarking the city to other public agencies and jurisdictions.
- Conducting financial and performance audits of city departments, contractors, and functions to assess efficiency and effectiveness of processes and services.
- Operating a whistleblower hotline and website and investigating reports of waste, fraud, and abuse of city resources.
- Ensuring the financial integrity and improving the overall performance and efficiency of city government.

About the Government Barometer:

The purpose of the Government Barometer is to share key performance and activity information with the public in order to increase transparency, create dialog, and build the public's confidence regarding the City's management of public business. The report lists measures in major service areas, such as public safety, health and human services, streets and public works, public transit, recreation, environment, and customer service. This is a recurring report. The Quarter 4, FY2014 report is scheduled to be issued in late July 2014.

For more information, please contact the Office of the Controller, City Services Auditor Division.

Phone: 415-554-7463
Email: Performance.con@sfgov.org
Internet: sfgovbar.weebly.com

Program Team

Peg Stevenson, Director
Sherman Luk, System Lead
Jennifer Tsuda, Performance Analyst II
Matt Podolin, Performance Analyst II
Celeste Berg, Performance Analyst I
Department Performance Measurement Staff



San Francisco Green Party

288 Onondaga Ave #4, San Francisco 94112 · 415-480-GPSF · www.sfgreenparty.org



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2014 AUG 25 PM 3:08
BOARD RECEIVED ADVISORS
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August 25, 2014

Resolution to oppose any final Significant Natural Resource Areas Management Plan Environmental Impact Report that contains the Sharp Park Golf Course Redevelopment Project (A18).

WHEREAS, the two-fold mission of the Recreation and Park Department's Natural Areas Program (NAP) is to "preserve, restore, and enhance remnant Natural Areas, and to develop and support community-based site stewardship of these areas"; and

WHEREAS, the Significant Natural Resource Areas Management Plan (SNRAMP) is intended to guide management activities and site improvements in Natural Areas by the Recreation and Park Department for the next 20 years; and

WHEREAS, one of these natural areas, Sharp Park, has significantly different ecological and administrative issues because it is the only Natural Area that contains the endangered San Francisco garter snake and the threatened California red-legged frog, and is the only Natural Area located outside of San Francisco county; and

WHEREAS, Alternative A18, a conceptual alternative to redesign Sharp Park Golf Course, was separately proposed by the Recreation and Park Department in November 2009; and

WHEREAS, Alternative A18 did not complete several CEQA procedural requirements, including a discussion of Alternative A18 in a Notice of Preparation and Initial Study; review by or consultation with Responsible Agencies; or formal public comment and review of draft golf course designs; and

WHEREAS, A18 was heavily criticized by scientists, conservation groups, and community park advocates because of its harmful impacts on imperiled wildlife and the economic sustainability of the Recreation and Park Department;

WHEREAS, in the November 2009 Scoping Report for the SNRAMP CEQA process, the Recreation and Park Department and the Planning Department jointly stated that "[b]ecause redesigning or eliminating the Sharp Park Golf Course is a separate proposal being studied by SFRPD, it will not be included or evaluated as part of the proposed SNRAMP project analyzed in the EIR. Should changes to the Sharp Park Golf Course be proposed, they would undergo a separate regulatory review, including CEQA environmental review"; and

WHEREAS, A18 was nonetheless inserted into the long-standing SNRAMP CEQA review process as a new, additional SNRAMP project when the SNRAMP DEIR was released in August 2011; and

WHEREAS, with the exception of A18, all feasible alternative management regimes for Sharp Park were excluded from consideration in the DEIR because it characterizes the golf course as an historic resource for purposes of CEQA, despite the San Francisco Historic Preservation Commission's contrary determination; and

NOW, THEREFORE BE IT RESOLVED that the San Francisco Green Party supports removing all Sharp Park Golf Course projects and management proposals derived from A18 from the SNRAMP EIR process, and opposes passage of the SNRAMP EIR as currently drafted.

Barry Hunsicker

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OFFICE OF THE MAYOR
SAN FRANCISCO



Orig: Leg Clerk
c: COB EDWIN M. LEE
Leg Dep
Dep City Attny
rules clerk
✓ C page AC File

Notice of Appointment

August 29, 2014

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

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2014 AUG 29 PM 1:41

Honorable Board of Supervisors:

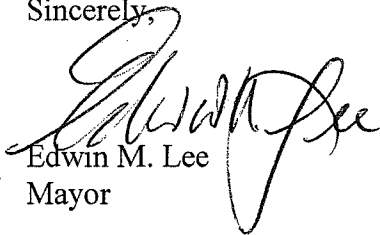
Pursuant to Section 3.100(18) of the Charter of the City and County of San Francisco, I hereby make the following appointment:

Dr. David Pating to the Health Commission, assuming the seat formerly held by Sonia Melara, for a term ending January 15, 2015

I am confident that Dr. Pating, an elector of the City and County, will serve our community well. Attached herein for your reference are his qualifications to serve.

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

Sincerely,


Edwin M. Lee
Mayor

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OFFICE OF THE MAYOR
SAN FRANCISCO



EDWIN M. LEE
MAYOR

August 29, 2014

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

Dear Ms. Calvillo,

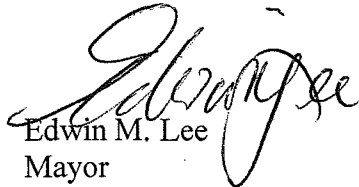
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I am confident that Dr. Pating, an elector of the City and County, will serve our community well. Attached herein for your reference are his qualifications to serve.

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

Sincerely,


Edwin M. Lee
Mayor

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2014 AUG 29 PM 1:42
le

David Roger Pating, M.D.

Curriculum Vitae

January 2014

Information

Work: Chemical Dependency Recovery Program main (415) 833-9400
Kaiser Medical Center - San Francisco office (415) 833-9422
1201 Fillmore St. cell (415) 515-3217
San Francisco, CA 94115 fax (415) 833-9427

Email: david.pating@kp.org

Education

1987-90 Resident-Psychiatry, Langley Porter Institute/UCSF School of Medicine,
San Francisco, CA
1986-87 Resident-General Surgery, Stanford University Medical Center
Stanford, CA
1985-86 Intern-General Surgery, Kaiser Medical Center-San Francisco
San Francisco, CA
1981-85 M.D., UCLA School of Medicine
Los Angeles, CA
1977-81 B.S., Biology, Stanford University
Stanford, CA

Employment

2001-present Chief, Addiction Medicine
Medical Director, Chemical Dependency Recovery Program
Chair, Physician Wellbeing and Wellness Committee
Kaiser Medical Center-San Francisco, San Francisco, CA
2002-present Regional Chair, Addiction Medicine Chiefs
Regional Chair, Chemical Dependency Quality Improvement Committee
Kaiser Permanente Northern California
1999-2001 Assistant Medical Director, Chemical Dependency Recovery Program
Co-Chair, Physician Wellbeing Committee
Kaiser Medical Center-San Francisco, San Francisco, CA
1994-1999 Staff Psychiatrist, Chemical Dependency Recovery Program
Kaiser Medical Center-San Francisco, San Francisco, CA
1990-2001 Staff Psychiatrist, Dept. of Psychiatry
Coordinator, Group Therapy and Behavioral Health Education Programs
Kaiser Medical Center-San Francisco, San Francisco, CA

Appointments

- 2012, 2013 National Quality Forum Behavioral Health Steering Committee, Washington DC.
- 2007-present California Mental Health Services Oversight and Accountability Commission, appointment by California Governors Arnold Schwarzenegger & Brown, Commissioner
- Vice Chair, Commission (2013-present)
 - Chair, Evaluation Committee (2011-present)
 - Chair, Committee on Services (2008-2012)
 - Chair, Workgroup on Co-occurring disorders (2008)

Academic Positions

- 1995-present Assistant Clinical Professor, UCSF School of Medicine
- Site Director, VAMC Fellowship in Addiction Medicine (2008)
 - Site Director, VAMC Fellowship in Addiction Psychiatry (2009-present)
- 1993-1995 Lecturer, UCSF School of Medicine

Societies and Affiliations

- 2011-present California Institute of Mental Health
- Board member (2011-present)
 - Co-chair, California Coalition for Whole Health (2010-14)
- 2007-present California Hospital Association
- Behavioral Health Advisory Board (2007-present)
- 1996-present California Society of Addiction Medicine
- President (2005-2007)
 - Chair, Committee on Education Committee (1999-2005)
- 1996-present American Society of Addiction Medicine
- Chair, PIPMAG Review Committee (2012-present)
 - Region II Representative to ASAM Board (2009-present)
 - Delegate, State Chapters Council (2005-2007)
 - Member, Committee of Physician Health (2008-present)
 - ASAM Textbook, Section Editor (2003)
- 1995-present California Medical Association
- Committee on the Medical Board (2009)
 - Marijuana Regulation Task Force (2011)
- 1990-1998, 2004-present
- American Psychiatric Association
 - California Psychiatric Association
 - Government Affairs Committee (2008-present)
 - Access to Treatment Committee (2011-present)
 - Very Large Group Practice Forum (2012) - Northern California Psychiatric Association

San Francisco Medical Society
Board member (2013)
Delegate to CMA House of Delegates (2014-15)
1989-1998 American Group Psychotherapy Association

Certificates and Licensure

2003 Buprenorphine Certification
2009 American Board of Addiction Medicine, diplomat 2009
1998 American Society of Addiction Medicine-Certificate
1998 American Board of Psychiatry and Neurology, CAQ (Addiction Psychiatry)
recertified 2011
1994 American Board of Psychiatry and Neurology, Diplomat (Psychiatry)
1987 California Medical License #G60020 (active)
1987 DEA# BPX1946740 (active)

Honors and Awards

2014 Salvation Army/San Francisco Harbor Light-Community Service Award
2013 San Francisco Medical Society-Member of the Month
2012 Ed Rudin Public Policy Award, California Psychiatric Association, Monterey, CA
2012 David Lawrence Community Service Award, Kaiser Permanente Federation, Oakland CA
2012 David Perlman Distinguished Writing Award, San Francisco Medical Society, San Francisco, CA
2011 California Medical Association—Gary Nye Award for Physician Wellbeing, Anaheim, CA
2011 California Society of Addiction Medicine—Vernelle Fox Achievement Award, Long Beach, CA
2011 The Northern California Psychiatric Society—Meritorious Service Award, Monterey, CA.
2010 CADPAAC—Public Policy Award, County Alcohol and Drug Program Administrators
Association of California, Sacramento, CA
2008 Kaiser Permanente Regional—Stars and Heroes Award, The Permanente Medical Group,
Oakland, CA
2008 Kaiser NCAL Regional Behavioral Health—Chair of Chief's Award, Kaiser
Permanente Northern California, Oakland, CA
2006 Annual Quality Achievement Award, Kaiser Permanente Northern California
Region--Psychiatry Best Practices Committee, Oakland, CA
1990 McLaughlin National Psychiatric Award, Langley Porter Psychiatric Institute,
UCSF School of Medicine, San Francisco, CA
1989 Excellence in Teaching Award, UCSF School of Medicine, San Francisco, CA
1983 Undergraduate Research Award, Department of Anthropology, Stanford University, Stanford, CA

Publications

Green, CA, McCarty D, Mertens J, Lynch FL, Hilde A, Firemark A, Weisner CM, Pating D, Anderson BM,
"The chief of the service is very enthusiastic about it: A qualitative study of the adoption of
buprenorphine for opioid addiction treatment," J Subst Abuse Treatment, October 2013.
Mertens, J, Sterling S, Weisner C, Pating D, "Alcohol SBIRT implementations in adult primary care:
physician versus non-physician delivery," Addiction Science & Clinical Practice 2013,
8(Suppl1):A49.
Pating, D, Lee D, "Bullying: From Insult to Injury," San Francisco Medicine, Vol 86, No. 6, June 2013.
Pating, D, "Substance Abuse: Health Care Reform Brings Changes to Treatment," San Francisco Medicine,

- Vol 86, No. 3, April 2013; Reprinted in California Society of Addiction Medicine Newsletter, Fall 2013.
- Pating, D., Miller, M., Goplerud, E., Martin, J., Ziedonis, D., "New Systems of Care for Substance Use Disorders: Treatment, Finance and Technology under Health Care Reform," *Psychiatric Clinics of North America*, 2012 (in press).
- Ghadiali, M., Pating, D., "The High-Flying Dilemma: Chronic Pain and Addiction," *San Francisco Medicine*, Vol 85, No. 3, April 2012.
- Pating, D., "The Deadly Triangle of Older Adulthood," *San Francisco Medicine*, Vol 84, No. 9, November 2011.
- Pating, D., "Drinking Trends in Adulthood: The Battle of the College Binge-Drinking Bulge," *San Francisco Medicine*, Vol 84, No. 8, October 2011
- Pating, D., "Struggling with Drug Use: Unique Challenges of Substance Use in Adolescents," *San Francisco Medicine*, Vol 84, No. 7, September 2011
- Pating, D., "Recognizing Addiction: An Addiction Primer for the Primary Care Physician," *San Francisco Medicine*, Vol 83, No. 10, December 2010
- Pating, D., Smith, D. "Editorial: The Revolution in Substance Abuse Treatment," *San Francisco Medicine*, Guest editor SFMS Journal edition on Addiction and Recovery, Vol 83, No. 5, June 2010.
- Zevin, B., Pating, D., "New Frontiers: Treatment for Homeless Substance Abusers under the Mental Health Services Act," *San Francisco Medicine*, Vol 83, No. 5, June 2010
- Pating, D., Gould, B., "Report on Co-Occurring Disorders to the Mental Health Oversight and Accountability Commission," California Department of Mental Health, 2008
- Witbrodt, J., Bond, J., Kaskutas, L.A., Weisner, C., Jaeger, G., Pating, D., Moore, C., "Day hospital and residential addiction treatment: randomized and nonrandomized managed care clients," *J Consult Clin Psychology*, 2007 Dec; 75 (6): 947-59.
- Karan, L., Zajicek, A., Pating, D., "Pharmacokinetic and Pharmacodynamic Principles," in Graham, A., Schultz, T., Wilford, B., "Principles of Addiction Medicine, 3rd Edition," American Soc. Of Addiction Medicine, Bethesda, MD, 2003
- Graham, A., Schultz, T., Wilford, B., "Principles of Addiction Medicine, 3rd Edition," American Soc. Of Addiction Medicine, Bethesda, MD, 2003; section editor.
- Northern California Kaiser Best Practices Workgroup, "When Work is the Problem:", Recommendations and Resources for Assessing and Treating Work Stress and Restoring Work Wellness," Kaiser Permanente, June 2001
- Pating, D., and staff, "Manual for the Cognitive Behavioral Therapy of Depression", Depression Treatment Program, Dept. of Psychiatry, Kaiser Medical Center-San Francisco, San Francisco, CA, 1996, 1999 rev.
- Jarvik, L., et. al, "The Dementia Syndrome", *Lancet*, 1982.

Conference Presentations

- 2013 Co-Chair, "Improving the Health of the Nation," 2013 International Conference: Shared Challenges and Opportunities for Achieving Health Equities with Ethnically Diverse Populations, National Hispanic Science Network, Bethesda, MD.
- 2013 "Chronic Pain and Addiction," Kaiser Northern California Chronic Pain Conference, Aptos, CA
- 2013 "Anti-Oedipus and the (Im)possible Cure of Ajatasatru," Summer Pacific Seminar 2013, Institute of Buddhist Studies, Berkeley, CA.
- 2013 "The Health Burden of Mental Disorders and Addiction," People with Disabilities Foundation, San Francisco, CA.
- 2012 "Chronic Pain and Addiction," Kaiser Permanente, Richmond, CA.
- 2011 "Integrating Mental Health and Substance Abuse Treatment under Health Care Reform," California Hospital Association, 6th Annual Behavioral Health Conference, Huntington Beach, CA
- 2011 "Integrating Behavioral Health under Health Care Reform," Los Angeles County 8th Annual Statewide Co-occurring Disorders Conference, Burbank, CA
- 2011 "Healthcare Reform is Insurance Reform," State of the Art Conference, California Society of Addiction Medicine, Long Beach, CA

- 2011 "The Confluence of Behavioral Risk: Stress and Medical Co-morbidities," State of the Art Conference, California Society of Addiction Medicine, Long Beach, CA
- 2011 Moderator, "Managing the Disruptive Physician," Pre-conference Workshop, State of the Art Conference, California Society of Addiction Medicine, Long Beach, CA
- 2011 "Integrating Substance Abuse Treatment under Health Care Reform: Lessons for Researchers," Annual Conference, National Hispanic Science Network, Miami, FL
- 2011 "Co-occurring Disorders: Just the Basics," Northern California Psychiatry Society Annual Meeting, Monterey, CA
- 2010 "Brief Intervention in Primary Care," Workshop, Medical-Scientific Conference, American Society of Addiction Medicine, Washington, DC
- 2010 Moderator, "Closing Plenary: Setting the Course for California. Making Waves for a New Way," New Directions California: A Public Health and Safety Approach to Drug Policy Conference, CSAM/Drug Policy Alliance, Los Angeles, CA
- 2009 "Co-occurring Disorders in Older Adults," Joint California Mental Health Directors Association and Riverside County Annual Older Adult System of Care Conference: "What's Age Got to Do with It?," Riverside, CA.
- 2009 "Implementing Evidence Based Early Intervention Approaches: Adapting for Setting and Population," Co-presented with Sergio-Aguilar-Gaxiola, MD and Rocco Cheng, PhD, 22nd National Prevention Network Research Conference, Anaheim, CA.
- 2009 "Alcohol in the Workplace," University of California Davis Occupational Medicine Conference, University of California Davis, Davis, CA.
- 2009 "The Medical Board Diversion Program is Gone-Where do we go from here?," presenter and panelist, 21st Annual Western States Regional Conference on Physicians' Well-being, Riverside County Medical Association, Riverside, CA
- 2009 Panelist, "Changing the World: Welcoming Recovery Orient Integrated systems of Care in Los Angeles—Developing Next Step Strategies for Implementing Change," Conference on Co-Occurring disorders: Transforming challenges into Opportunities," SAMHSA, Los Angeles, CA
- 2009 Course Director, CSAM Leadership Development Conference III, California Society of Addiction Medicine CSAM, Asilomar, CA
- 2009 Panelist, "Resources for Trauma Treatment," Healing Trauma, Healing Ourselves: Women, Addictions and Trauma, University of California Berkeley Extension, Berkeley, CA.
- 2008 "History of the Closure of the Medical Board of California's Diversion Program," Workshop on Physician Impairment, Review Course on Addiction Medicine, California Society of Addiction Medicine, Los Angeles, CA.
- 2007 Course Director, CSAM Leadership Development Conference II, California Society of Addiction Medicine CSAM, Asilomar, CA
- 2006 Drug Abuse in the Workplace," Western Occupational and Environmental Medicine Association, Annual Meeting, Lake Tahoe, CA.
- 2005 "ADHD and Substance Abuse," Best Practices Conference on ADHD, Kaiser Northern California Region, Napa, CA
- 2005 "Chronic Pain and Substance Abuse," Conference on Comprehensive Pain Management, Kaiser Medical Center, San Francisco, CA
- 2005 Course Director, CSAM Leadership Development Conference I, California Society of Addiction Medicine CSAM, Asilomar, CA
- 2004 Conference Chair/Faculty, "Psychopharmacology of Co-Occurring Disorders," Best Practices Conference on Co-Occurring Disorders, Kaiser Northern California, Oakland, CA
- 2003 Moderator, "Cocaine Update," American Society of Addiction Medicine, State of the Art in Addiction Medicine Conference, Washington DC
- 2003 Workshop Faculty, "Addiction Medicine for the Primary Care Physician," California Soc. of Addiction Medicine, Review Course, San Francisco CA,
- 2003 "Brief Intervention in Primary Care," Haight Ashbury Free Clinics Annual Conference, San Francisco, CA
- 2002 "Psychiatric Co-Morbidities," California Soc. of Addiction Medicine, Review Course, Marina Del Rey, CA

- 2002 Workshop Faculty, "The Challenge of Addiction and Co-Existing Psychiatric Disorders," California Soc: of Addiction Medicine, Review Course, Newport Beach, CA
- 2002 Workshop Faculty, "Addiction Medicine for the Primary Care Physician," California Soc. of Addiction Medicine, Review Course, Newport Beach CA,
- 2001 "Brief Intervention for Substance Abuse in an HMO," Center for Substance Abuse Prevention, Workplace Substance Abuse Prevention Conference, Bethesda, MD
- 2001 Faculty, "Buprenorphine Update," California Soc of Addiction Medicine, Burlingame, CA
- 2001 Workshop Faculty, "Addiction Medicine for the Primary Care Physician," California Soc of Addiction Medicine, State of the Art in Addiction Medicine, Marina Del Rey, CA
- 2001 "Implementing a Substance Abuse Screening & Referral Protocol for Primary Care Physicians," Center for Substance Abuse Prevention, SAMHSA, Workplace Substance Abuse Prevention Conference, Arlington, VA
- 2000 "Psychiatric Co-Morbidity," California Soc. of Addiction Medicine, 2000 Review Course in Addiction Medicine, Marina Del Rey, CA
- 1999 Moderator, "Compulsive Spectrum Disorders," California Soc. of Addiction Medicine, State of the Art in Addiction Medicine, Los Angeles, CA
- 1999 "Parity in Substance Abuse Treatment," California Soc. of Addiction Medicine, State of the Art in Addiction Medicine, Los Angeles, CA
- 1999 "Physician Wellbeing: Handling the Initial Complaint," Regional Conference on Physician Wellbeing, The Permanente Medical Group, Oakland, CA
- 1998 Panelist, "Review of the Primary Care Treatment of Depression: Mental Health Awareness Project," RAND Corporation, Oakland, CA.
- 1998 "The Impaired Physician: Assessment and Referral," Regional Conference on Physician Wellbeing, The Permanente Medical Group, Oakland, CA
- 1998 "Pharmacotherapy for the Treatment of Alcoholism," California Soc. of Addiction Medicine, Review Course, Los Angeles, CA
- 1997 Moderator, "Risks and Benefits of Novel Medications in the Treatment of Addictions," California Soc. of Addiction Medicine, State of the Art in Addiction Medicine Conference, San Francisco, CA
- 1997 "Acamprosate: A Novel Amethystic," California Soc. of Addiction Medicine, State of the Art in Addiction Medicine Conference, San Francisco, CA
- 1995 Discussant, "Forbidden City," Film Section, American Psychiatric Association, Annual Meeting, San Francisco, CA
- 1995 "Towards Cultural Competency", Panelist, Kaiser Permanente Asian American Association Regional Conference, Oakland, CA
- 1994 "Cross Cultural Psychiatry", Panelist, Kaiser Northern California Regional Psychiatry Conference, Oakland, CA
- 1993 "Developing Group Programs", Panelist, Kaiser Northern California Regional Psychiatric Conference, Oakland, CA

Academic Lectures & Seminars

- 2014 "Stress and Chronic Pain," Grand Rounds, Chronic Pain Services, Kaiser San Francisco, San Francisco, CA.
- 2013 "Pill Abuse among Physicians," Alameda County Medical Society, Oakland, CA.
- 2013 "Stress and Health," Pathways to Wellness, San Francisco City and County, San Francisco, CA.
- 2013 "Grief Counseling in Pastoral Settings," Minister's Assistant Program, Center for Buddhist Education, Berkeley, CA.
- 2012 "Lawyers who Drink Too Much," CLE presentation, Meyers-Nave and Associates, Oakland, CA.
- 2012 "Stress and Medical Co-morbidities," UCSF/VAMC Fellowship Seminar, Veterans' Administration Hospital, San Francisco, CA.
- 2012 "Basics of Pastoral Counseling," International Minister Overseas Program, Center for Buddhist Education, Veterans' Administration Hospital, Berkeley, CA

- 2011 "Integrating Substance Abuse Treatment under Health Care Reform," UCSF/VAMC Fellowship Seminar, San Francisco, CA
- 2011 "Essentials for Physician Wellbeing Committees," Santa Clara County Medical Association, Santa Clara, CA
- 2011 "Confluence of Behavioral Health Risks," Inter-departmental Grand Rounds, Kaiser South San Francisco Medical Center, South San Francisco, CA
- 2011 "Confluence of Behavioral Health Risks," Inter-departmental Grand Rounds, Kaiser Richmond Medical Center, Richmond, CA
- 2011 "Confluence of Behavioral Health Risks," UCSF/VAMC Fellowship Seminar, San Francisco, CA
- 2010 "Addressing Substance Use Issues in Primary Care: SBIRT and Emerging Opportunities," co-presented with Eric Goplerud, PhD, webinar sponsored by California Institute of Mental Health,
Alcohol and Drug Policy Institute & Integrated Behavioral Health Project: "Primary Care, Mental Health and Substance Use Integration", Sacramento, CA
- 2010 "The Cumulative Effects of Trauma," Kaiser Regional Early Start Program, Oakland, CA.
- 2009 "Preventing Substance Abuse," Post-doctoral Psychology Seminar, Kaiser Regional Graduate Psychology Seminar, Kaiser Permanente, Oakland, CA
- 2008 "Preventing Substance Abuse," Post-doctoral Psychology Seminar, Kaiser Regional Graduate Psychology Seminar, Kaiser Permanente, Oakland, CA
- 2008 "Brief Intervention for Substance Abuse in University Health Centers," University of San Diego, San Diego, CA
- 2008 "Brief Intervention for Substance Abuse in University Health Centers," University of California, San Francisco, San Francisco, CA
- 2007 "Brief Intervention for Substance Abuse in Primary Care," Grand Rounds, Kaiser Hayward Medical Center, Hayward, CA
- 2006 "Research-Practice Integration@Kaiser.org," Center for Healthcare Evaluation, Veterans' Administration Medical Center, Menlo Park, CA
- 2006 "Alcohol in the Workplace," Kaiser NCAL Regional EAP Services, Oakland, CA
- 2006 "Dealing with Physician Impairment," Grand Rounds, El Camino Hospital, Mt. View, CA
- 2006 "Substance Abuse in Primary Care," Lecturer, UCSF School of Medicine, San Francisco, CA
- 2005 "Psychopharmacologic Treatment of Co-Occurring Disorders," Physician Development Training, San Francisco Dept. of Mental Health, San Francisco, CA
- 2005 "Brief Intervention for Substance Abuse in Primary Care," Grand Rounds, Kaiser Medical Center, Fresno, CA
- 2005 "Physician Impairment," Residents Lecture, Kaiser Medical Center, San Francisco, CA
- 2004 "Benzodiazepine: Use and Abuse," Kaiser Santa Clara Medical Center, San Jose, CA
- 2004 "Dual Diagnosis," Workshop, Kaiser Medical Center, Honolulu, HI
- 2003 Trainer, "Brief Screening for Substance Use in Primary Care," San Francisco County Dept. of Public Health (OMI, Family, Silver and Richmond Clinics), San Francisco, CA
- 2001-5 Faculty, "Dual Diagnosis Elective Seminar," UC Berkeley Sch of Public Health, Berkeley, CA
- 2000-1 "Dual Diagnosis: Crossroads," Dept. of Psychiatry, Kaiser San Francisco & Vallejo, CA
- 1999 "Treatment of the Dually Diagnosed Substance Abuser," Kaiser Medical Center, Antioch, CA.
- 1991-8 Psychology Intern Seminar, Dept. of Psychiatry, Kaiser Medical Center, San Francisco, CA
- 1991-6 Instructor, Clinical Psychopharmacology Seminar, Core seminar for doctoral Psychology fellows, Dept of Psychiatry, School of Medicine, San Francisco, CA
- 1994-6 "Sex Therapy", Resident Lecture & Nursing In-service, Dept. of Obstetrics and Gynecology, Kaiser Medical Center, San Francisco/Oakland
- 1993-6 Psychopharmacologic Treatment of Addictions Seminar, Dept. of Psychiatry, Kaiser Medical Center-San Francisco, San Francisco, CA
- 1994 "Conducting Groups in an HMO," UCSF/Langley Porter Psychiatric Institute, San Francisco, CA
- 1995 Time-Limited Group Psychotherapy Seminar, Dept. of Psychiatry, Kaiser Medical Center-San Francisco, San Francisco, CA
- 1993 Discussant, "A Case of Catatonia", Grand Rounds, Dept. of Pediatrics, Kaiser Medical Center, San Francisco, CA

- 1990 "Cross Cultural Norms and Group Development," Grand Rounds, Dept. of Psychiatry, San Francisco General Hospital, San Francisco, CA
- 1989 "Cross Cultural Norms: Psychological Perspectives on an Asian American Group," Grand Rounds, UCSF/Langley Porter Psychiatric Institute, San Francisco, CA
- 1989 "Update on Sex Therapy," Grand Rounds, UCSF/Langley Porter Psychiatric Institute, San Francisco, CA

Consultations & Special Briefings

- 2013 "Trends in National Mental Health Indicators," California EQRO, Sacramento, CA.
- 2012 National Quality Forum, Behavioral Health Committee, Bethesda, MD
- 2011 SAMHSA, Advisory Committee on Hospital Based Screening and Brief Intervention
- 2009 "Facilitating Better Outcomes for Persons with Co-occurring Disorders in the Courts," Interim Stakeholder Report to Administrative Offices of the Courts by Advisory Workgroup to MHSOAC-Services Committee.
- 2009 "Report on MHSA and Older Adult Services," Department of Aging, Sacramento, CA.
- 2008 "Report on Co-occurring Disorders to the Mental Health Services Oversight and Accountability Commission," MHSOAC Workgroup on Co-occurring Disorders, Sacramento, CA
- 2008 SAMHSA, Conference on Economic Access to Pharmacologic Treatment, Center for Substance Abuse Treatment, Washington, DC
- 2008 Advisory Meeting to Chair of California Assembly Select Committee on Alcohol and Drug Abuse, Sacramento, CA
- 2006-2007 Medical Board of California, Diversion Program, Sacramento, CA
- 2007 "Adolescent Drug Treatment in California," California Assembly Select Committee on Alcohol and Drug Abuse, Sacramento, CA
- 2005 Alkermes Corporation, Vivitrol Experts Advisory Panel, Boca Raton, FL
- 2004 City and County of San Francisco, McMillan Stabilization Project
- 2004 SAMHSA, Constituent Input Meeting, Report to Congress on Co-Occurring Disorders, Washington, DC
- 2003-2004 "Comprehensive Substance Abuse Treatment in an HMO," Briefing for British National Health Service, San Francisco, CA
- 2002 "Briefing for ONDCP Director John P. Walters: Preventing and Treating Substance Abuse in a Workplace Managed Care (WMC) Setting," San Francisco, CA, July 25, 2002
- 1999 "Evaluation of Impaired Professionals: The Experience of Physician Wellbeing Committees," "Understanding and Treating Depression," special consultant to U.S. 9th Circuit Court of Appeals.

Research Experience

- 2010-present Principle Investigator, "Continuing Care in Substance Abuse Treatment," Dept of Research, Kaiser Permanente Northern California Region, NIH funded.
- 2009-present Principle Investigator, "ADVISE: Alcohol Drinking as a Vital Sign," Dept of Research, Kaiser Permanente Northern California Region. NIAAA funded.
- 2000-2004 Principle Investigator, "Utilization of Residential Treatment Services in Substance Abuse," with Alcohol Research Group, Berkeley. NIDA funded.
- 2000-2003 Principle Investigator, "Smoking Cessation Intervention for Co-Morbid Smokers in an Out Patient Setting," with UCSF TRC (Sharon Hall, PhD)
- 1999-2001 Principle Investigator, "Early Intervention and Prevention of Work Place Substance Abuse," with DRG. Center for Substance Abuse Prevention, Workplace Management division.

Committee Experience

2013-present	Vice Chair, California Mental Health Services Oversight and Accountability Commission, Sacramento, CA
2011-present	Co-Chair, California Committee for Whole Health, California Institute of Mental Health, Sacramento CA
2011-present	Co-Chair, Evaluation Committee, Mental Health Services Oversight and Accountability Commission, Department of Mental Health, Sacramento, California.
2011	Marijuana Regulation Task Force, California Medical Association, Sacramento, CA
2011-present	Marijuana Task Group, California Society of Addiction Medicine, San Francisco, CA
2009-present	Treasurer, California Physician Health Program Inc., Sacramento, California.
2008-present	Chair, Services Committee, Mental Health Services Oversight and Accountability Commission, Department of Mental Health, Sacramento, California.
2007-present	Member, Coalition workgroup on Development of Physician Health Program in California, convened by California Medical Association, Sacramento, California.
2007-2008	Chair, Workgroup on Co-Occurring Disorders, Mental Health Services Oversight and Accountability Commission, Department of Mental Health, Sacramento, California
2007	Chair, Diversion Advisory Council, Medical Board of California, Sacramento, California
2005-present	Regional Chair, Chemical Dependency Quality Improvement Committee & member, Behavioral Health Quality Improvement Committee
2002-present	Regional Chair, Addiction Medicine Chiefs, Kaiser Northern California
2002-present	Psychiatry Coordinating Committee, Kaiser Permanente Northern California Region
2001-2005	Co-Chair, Best Practice Committee on Treatment of Co-Occurring Psychiatric and Substance Use Disorders, Kaiser Permanente Northern California Region
2001, 2003	Conference Planner, American Society Addiction Medicine, State of the Art Conference, Washington, DC
2001	Conference Chair, CSAM State of the Art Conference, Marina Del Rey
2000	Section Editor, Pharmacology, American Society of Addiction Medicine, Principles of Addiction Medicine, 3 rd Edition, Chevy Chase, Maryland
2000	Conference Co-Chair, CSAM, Review Course, Los Angeles, CA
1999	Education Committee-TPMG Regional Wellbeing Committee Chiefs, Oakland, CA.
1998-2001	Executive Committee, Best Practice Committee on the Treatment of Work Stress and Disability Management. Kaiser Permanente NCAL Region
1997-present	Chair, Physician Wellbeing and Wellness Committees, Kaiser Medical Center-San Francisco, CA.
1997-2005	Conference Planning Committee: CSAM Annual Review and State of the Art in Addiction Medicine Conferences.
1997-2005	California Society of Addiction Medicine Education Committee. Chair, Education Committee (1999-2005)
1996-1998	RAND/ Kaiser Permanente Joint Mental Health Awareness Project, Central Team Co-Leader. Developed and administered multi-facility AHCPR Guidelines for Depression Treatment in Primary Care.
1996	Kaiser Permanente Preventative Services Guidelines Committee, Mental Health Subcommittee. Regional Guidelines for Depression Screening in Primary Care.
1995-1996	Kaiser Permanente Regional Best Practice Committee on Depression

News Citations & Interviews

2012	Radio Interviews: Proposition 63 Action Segment
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	“Substance Abuse and Health Reform”
	“Internet Addiction”
	“Bullying”
	“Anger Management”
5/14/2012	“Co-occurring disorders”
6/11/2012	“Older Adult Mental Health”
6/23 & 8/9/2012	“College Binge Drinking”
11/12/2012	“Holiday Blues”
11/17/2012	“Spirituality and Mental Health”
12/--/2013	“Managing Stress and Your Personality”
12/--2013	“Remembering the Holidays”
2012	Interview: “1990’s spawn refinement of KPs addiction care,” in A History of Total Care: Kaiser Permanente, Oakland, CA.
2007	Guest Interview, “Dual Diagnosis,” Mental Health Matters, Comcast Cable Network, Fremont, CA

Community Involvement

California Institute of Mental Health Board (2011-present)
San Francisco Suicide Prevention Board (2008-present)
Buddhist Church of San Francisco, Board, President (2009-present)
Nishi Hongwanji-Ha, Tokudo ordination (2012)

Financial Disclosure

David Pating has received financial support from the following companies: Alkermes Pharmaceuticals (2005)

Personal Statement

David Pating, MD, San Francisco, Chief of Addiction Medicine at Kaiser Medical Center, San Francisco. Pating is a psychiatrist specializing in addiction psychiatry. As a member of the Permanente Medical Group, Pating is regional chair of Addiction Medicine; chair of the Chemical Dependency Quality Improvement Committee and past chair of the Best Practices Committee on Co-Occurring Psychiatric and Substance Use Disorders. Pating is an Assistant Clinical Professor at UCSF School of Medicine and site-director of the joint UCSF VAMC-Kaiser fellowship in Addiction Medicine. He has consulted to SAMHSA, San Francisco City & County Dept of Public Health, the Medical Board of California, California’s Administrative Offices of the Courts and 9th Circuit Court of Appeals. Pating is a past-president of the California Society of Addiction Medicine, a member of the California Medical Association and California Psychiatric Association and an active board member of the California Public Protection and Physician Health, Inc., the California Institute of Mental Health, American Society of Addiction Medicine, and National Quality Forum Behavioral Health Steering Committee. Currently, Pating is a Vice-chair of California’s Mental Health Services Oversight and Accountability Commission (Proposition 63) and chairs Evaluation Committees. Pating is also co-chair of the California Coalition for Whole Health.

BOS - 11
C Page

From: tim g. [synaesthesia66@yahoo.com]
Sent: Friday, August 29, 2014 10:48 AM
To: Board of Supervisors (BOS)
Subject: Sharp Park National Park

Dear San Francisco Board of Supervisors,

I'm writing to ask you to please support the creation of a National Park at Sharp Park. Doing so will save endangered wildlife, provide recreational opportunities for everyone, and will stop the economic waste of Sharp Park Golf Course as well as having many other advantages.

Thank you for your consideration.

Sincerely,

Tim Gallaher
148 1/2 Central Avenue
San Francisco, CA 94117

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From: Dave Gardner [davegardner600@gmail.com]
Sent: Thursday, August 28, 2014 10:28 AM
To: Avalos, John (BOS); Breed, London (BOS); Campos, David (BOS); Chiu, David (BOS); Cohen, Malia (BOS); Farrell, Mark (BOS); Kim, Jane (BOS); Mar, Eric (BOS); Tang, Katy (BOS); Wiener, Scott; Yee, Norman (BOS)
Cc: Taylor, Adam (BOS); Redondiez, Raquel (BOS); Board of Supervisors (BOS); True, Judson
Subject: Violation of California Penal Code sections 319-329
Attachments: Gleneagles Powerball Lottery August.JPG

Operation of Illegal Lottery on City Property in Violation of CA Penal Code sections 319-329

Gleneagles Golf Partners, LP, by operating a Powerball Lottery, every Monday since 2005, has violated CA Penal Code sections 319-329.

Attached is a Powerball Lottery solicitation from the Tom A. Hsieh, General Partner dated August 3, 2014, with an offer to replenish the pot with \$500. The Powerball Lottery has exceed \$5,000.00 on several occasions since 2005.

At the plate, Powerball is back on Mondays. A guaranteed pot of \$500 will start off the game this Monday. Sign in by 3:30 p.m. and take a chance to win. Happy hour will be offered after the game along with nibbles.

Either this is a brazen attempt to ignore California laws or is being conducted with the approval of the Recreation and Parks Department.

We ask the Board of Supervisors to investigate and seek the appropriate remedy.

By operating the Powerball Lottery, Gleneagles Golf Partners and its General Partner, are in breach of the Lease Document dated December 1, 2004, sections 7.2 (a) No unlawful uses or Nuisances, and 11.1 Compliance with Laws.

We ask the Board of Supervisors to instruct the Recreation and Parks Department to prepare a competitive Request for Proposal and select a Lessee who will adhere to California Laws.

Please do the right thing by San Francisco voters and taxpayers.

Sincerely,
D.A Gardner

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BOS-11
C Page

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

Petition

2014 AUG 25 PM 2:31
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To whom it may concern:

We are RN's of St. Luke's Hospital from subacute and SNF. For those who don't know, our patients have a tracheotomy; some on a ventilator, some on O2 mist, very sick people in general. All come from either the intensive care or post neurosurgery unit. They have multiple medical problems in addition to respiratory Failure. Many are post stroke or intracranial hemorrhage. In the past few years a good portion of them have successfully recovered. They were decannulated (that means the breathing tube removed) and either discharged home, to acute rehab or to other long term facilities . Some have even been able to return to work.

The subacute floor has developed into a unique floor for the patients mentioned above. These people recovered because of the hard work of the nursing and RT PT OT staff , working with a team of 3 doctors and medical director.

We also passed the state survey from the first attempt.

If you will look at the statistics, it's not hard to see, our results with such difficult patients are much better than in other hospitals. In the last 3 years the overwhelming majority of admissions have been discharged. But there is no recognition for this.

Nevertheless, our subacute floor is planned to be eliminated.

Everybody needs to understand that the city of San Francisco and the whole bay area need subacute beds like ours., especially as ICU and neurosurgery care has improved many patients now survive but need a hospital based subacute where their complex medical problems can be addressed while they are prepared for additional rehabilitation. These patients don't need an ICU ,but they cannot go to regular hospital floor or skilled nursing facility because of the need for a ventilator / tracheostomy and feeding tubes. These patient often decompensate rapidly need to go back briefly to the ICU, thus the need for a hospital based unit., where access to higher level of care is immediate.

Our census artificially goes down. A short history of our floor. Prior to 2008 we had 60 subacute beds but now there are only 40, but 10 are not filled. This decline happened since CPMC took over our hospital.

You will ask why?

The answer is because we are not admitting any patients who do not come from CPMC., although we have numerous referrals.

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We want everyone to know the truth and reevaluate the necessity for the type of care our floor provided not only for CPMC patients but for patients from other hospitals in San Francisco and bay area who need our unique type of services

Subacute and SNF RN's of St Luke's Hospital

Steph RN - SA
Miguera - SA
Rita - SA
C. Veeder (RN) (Cec)
Nancy C. Jaramila
Rensu RN - SA
J. Alvarez RN
JOHN P. KELLY
M. Ahern F.

FREDERICK BARIZGAS
RENATA VEITA - RCP, RCP

Connelly In

E. Marquez RN

EVERLUN KWI TRAKORUNU-SON

Thelma P. JUBINAL, RN - T. JUBINAL, RN

MARIA CONSUELA RT MALDONADO RRT

RN M. Santiago

Edward M. Josa RN

Demetrius Begun RRT

MIRABEL SABUGO, RRT

Maria T. Ortiz Fernandez RCP

Juan J. RRT RCP

Bessie Alkanden-aid / LVN

Valerie Jarvis LVN

Ned Velasco - LVN

Mad. D. S. RRT, RCP

Melissa Argenti, RCP

Manuel Alexander RCP

Shuiping Zhang RN

RN



TRANSBAY JOINT POWERS AUTHORITY

Maria Ayerdi-Kaplan • Executive Director

(Electronically) BOS-11, Leg Dep, CAB
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File 140816

**PUBLIC AGENCY STATEMENT PURSUANT TO
CALIFORNIA GOVERNMENT CODE
SECTION 53317(f)(3)**

August 26, 2014

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

Members of the Board of Supervisors:

This Statement Pursuant to California Government Code Section 53317(f)(3) (this "Statement") is submitted pursuant to the Mello-Roos Community Facilities Act of 1982, as amended (Sections 53311 and following of the California Government Code) (the "Act").

1. Property Owner. This Statement is submitted to the City and County of San Francisco (the "City") by the entity identified below (the "Property Owner"), which is the owner of the fee simple title of the parcels of land identified by Assessor Parcel Numbers below (the "Property"). The undersigned warrants to the City with respect to the Property that it is authorized to execute this Statement and that the submission of this Statement and participation in the City's proceedings under the Act will not conflict with or constitute a breach of or default under any applicable law or administrative rule or regulation of the State of California, the United States of America, or of any department, division, agency or instrumentality of the State of California or the United States of America, or under any applicable court or administrative decree or order, or under any loan agreement, note, resolution, indenture, fiscal agent agreement, contract, agreement or other instrument to which the Property Owner is a party or is otherwise subject or bound.

2. Consent to Proceedings. The Property Owner hereby consents to proceedings under the Act to create a community facilities district to be designated "City and County of San Francisco Community Facilities District No. 2014-1 (Transbay Transit Center)" (the "CFD"). The Property Owner acknowledges that a two-thirds vote of the qualified electors in the CFD that vote on the issues is required for (i) the levy of special taxes in the CFD pursuant to an Amended and Restated Rate and Method of Apportionment of Special Tax (the "Rate and Method") to be prepared by the City and (ii) the issuance of special tax bonds for the CFD in an amount to be determined during the formation proceedings.

The Property Owner hereby declares that all or a portion of the Property is intended to be transferred to private ownership for the construction of improvements that will trigger an obligation to participate in the CFD pursuant to Section 424 of the Planning Code or a disposition and development agreement with the Office of Community Investment and Infrastructure, and agrees that the Property will be subject to the special tax on the same basis as private property within the CFD and affirmatively waives any defense based on the fact of public ownership, to any action to foreclose on the Property in the event of nonpayment of the special tax.

3. Boundaries of CFD. The Property Owner hereby consents to the Property being included within the boundaries of the CFD.

4. Purpose of CFD. The Property Owner acknowledges that the CFD will be created for the purpose of financing the facilities described in Exhibit A attached hereto and incorporated herein by reference (the "Facilities").

5. Elections. The Property Owner hereby consents to a special election being held under the Act to authorize the special taxes and the issuance of the bonds and to establish an appropriations limit for the CFD, to the consolidation of the matters into a single election and to the election being conducted by the City and its officials, using mailed or hand-delivered ballots, with such ballots being opened and canvassed and the results certified at the same meeting of the Board of Supervisors as the public hearings on the CFD under the Act or as soon thereafter as possible.

6. Waivers. To expedite the completion of the proceedings for the CFD, all notices of hearings and all notices of election, applicable waiting periods under the Act for the election and all ballot analyses and arguments for the election are hereby waived. The Property Owner also waives any requirement as to the specific form of the ballot to be used for the election, whether under the Act, the California Elections Code or otherwise.

This Statement may be executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

By executing this Statement, the Property Owner agrees to all of the above.

The property that is the subject of this Petition is identified as City and County of San Francisco Assessor Parcel No. 3718-025, 3718-027, 3721-015A, 3721-016, 3721-031, 3739-008

Total Acreage: 5.32 acres

The name of the owner of the Property owner, the contact person for the Property Owner, and the Property Owner's mailing address is:

TRANSBAY JOINT POWERS AUTHORITY

By: 
Its: Executive Director

Contact Person:

Name: Maria Ayerdi-Kaplan
Phone: (415) 597-4620
Email: mayerdi-kaplan@transbaycenter.org

Mailing Address:

201 Mission Street, Suite 2100
San Francisco, CA 94105

EXHIBIT A

PROPOSED DESCRIPTION OF FACILITIES TO BE FINANCED BY CFD

City and County of San Francisco Community Facilities District No. 2014-1 (Transbay Transit Center)

City and County of San Francisco Community Facilities District No. 2014-1 (Transbay Transit Center) (the "CFD") will pay or finance all or a portion of the costs of the following facilities (the "Facilities"). The Facilities will be constructed, whether or not acquired in their completed states, pursuant to the plans and specifications approved by the City and County of San Francisco (the "City") or other applicable public agencies.

FACILITIES

I. Streetscape and Pedestrian Improvements

Primary Streets (Mission, Howard, Folsom, Fremont, 1st, 2nd, New Montgomery): Improve existing primary streets in the Transit Center District, including Mission, Howard, Folsom, Fremont, 1st, 2nd, and New Montgomery Streets. Improvements would include sidewalk widening to accommodate additional pedestrian traffic from new development and the Transbay Transit Center, pedestrian and streetscape amenities, bicycle facilities, transit upgrades such as dedicated transit lanes, boarding islands, enhanced shelters and curb extensions to serve transit stops, and roadway circulation, parking, and loading changes. Recommended changes to Primary Streets would be informed by traffic studies to be funded by the CFD.

Living Streets (Beale, Main, and Spear Streets North of Folsom to Market Street): Improve Beale, Main, and Spear Streets from Folsom Street to Market Street by significantly expanding the sidewalk on one side of each street to approximately 30 feet and reducing the number of traffic lanes to one lane in either direction. Beale and Main Streets would feature a bike lane in the direction of traffic. Within the widened sidewalks, the Living Streets would include linear park space along the length of each block and provide additional open space and pedestrian amenities. The enhancements would include pedestrian amenities, street trees and landscaping, pedestrian lighting, street furniture, pocket parks, active uses, and curb extensions.

Alleys (Stevenson, Jessie, Minna, Natoma, Tehama, Clementina Street): Improve Stevenson, Jessie, Minna, Natoma, Tehama, Clementina Streets and other alleys within the project area. Alley improvements would include a variety of pedestrian improvements, including sidewalk widening, landscaping, pedestrian lighting, and street furniture, and potential redesign as single-surface shared pedestrian/vehicle ways.

Fremont/Folsom Freeway Off-Ramp Realignment: Realign the Fremont/Folsom Bay Bridge off-ramp so that it creates a "T" intersection with Fremont Street. This would enhance the safety of pedestrians crossing the off-ramp by standardizing the alignment of the off-ramp and improve the conditions along Folsom Street, planned as a major pedestrian boulevard.

Mid-block Crossings: Analyze and build new crosswalks at various mid-block locations in the Project Area. Mid-block crosswalks would include crosswalk striping at a minimum. They may also include new traffic signals, curb extensions, and other pedestrian safety features as appropriate.

Signalization: Upgrade or install traffic signals at approximately 25 intersections in the Project Area. Traffic signal upgrades would be done in conjunction with overall circulation and street improvements in the Project Area.

Natoma Street: Create a pedestrian plaza and link to the Transit Center between 1st and 2nd Streets. The western two-thirds of Natoma Street between First and Second Streets would be closed to vehicles. Service vehicles and deliveries may be able to access this portion of Natoma Street during night and early morning hours before peak transit and retail times. The eastern one-third of Natoma Street (nearest to First Street) would remain open to vehicles to maintain access to parking and loading for existing buildings on the north side of Howard Street. The pedestrian space would include a new curbless single-surface space including decorative paving, pedestrian lighting, landscaping, and street furniture.

Casual Carpool waiting area improvements: Improve drop-off and pick-up zones at casual carpool locations in the Project Area, including sufficient sidewalk waiting and passenger loading/unloading space and amenities, including shelters, seating, informational signage and other supportive services.

II. Transit and Other Transportation

Transit Delay Mitigation: Pay for the purchase of new transit vehicles to mitigate transportation impacts attributable to increased Project Area congestion.

BART Station Capacity: Enhance capacity constraints at Embarcadero and Montgomery Stations regarding crowding on platforms, vertical circulation, and the “dwell time” required for trains to load and unload passengers, which would be exacerbated by the additional transit riders brought on by new development and the Transbay Transit Center. Potential capacity enhancement measures could include additional vertical circulation (e.g. stairwells, escalators, and elevators), additional fare gates, improvements to the train control system to allow for more frequent service, platform edge doors, and better real-time public information displays on train arrivals at concourse and street levels.

Congestion Charging Pilot: Study, design and construct capital improvements relating to a congestion charging pilot program, potentially including fare booths, signals, electronic monitoring equipment, and the like. Conduct necessary analyses to inform the appropriate triggers, mechanisms, and capital improvements required for a congestion pricing pilot program to manage traffic volumes entering and exiting the CFD.

Underground Pedestrian Connector: Create an underground pedestrian tunnel connecting the Transbay Transit Center with the Embarcadero BART/Muni Metro Station, increasing circulation space available for pedestrians and creating a seamless link between the two transit stations.

Downtown Rail Extension (DTX): Extend the Caltrain rail tracks to the new Transbay Transit Center to accommodate Caltrain and California High Speed Rail, and construct the train components of the Transit Center building including associated systems. The funding would pay for the planning, engineering, right-of-way acquisition, and construction of the DTX.

III. Public Open space

City Park: Plan, design and construct public open space on the roof of the Transbay Transit Center.

City Park Connections: Provide connections to the Transbay Transit Center's City Park from adjacent private buildings or from public streets and plazas. Connections could include sky bridges, or connections from ground level to park level, such as elevators, escalators, funiculars, gondolas or similar means of conveying people to City Park. Connections would be required to be publicly accessible during standard hours so that members of the public could easily access City Park.

2nd and Howard Public Plaza: Create an approximately 0.5-acre open space at the corner of 2nd and Howard Streets, on a grouping of parcels located on top of the future train tunnel. The open space would serve as a major access point to the adjacent Transbay Transit Center, including featuring a possible connection to the elevated City Park on the roof of the Transit Center. The open space design would be determined through a public design process.

Transbay Park: Transbay Park would be a new approximately 1.1-acre park, located between Main, Beale, Tehama, and Clementina Streets. The Park would provide a mix of active and passive recreation spaces.

Chinatown Open Space Improvements: Improvements to multiple public open spaces in Chinatown whose use would be increased by new development in the Project Area. The open space improvements may include enhancements to Portsmouth Square, a new open space at the Chinatown Central Subway Station, and improvements to other Chinatown parks. Specific open space improvements would be determined through a public design process.

Other Downtown Open Space Improvements: Improvements to multiple public open spaces in Downtown, whose use would be increased by new development in the Project Area. Specific locations for open space improvements have not been identified yet.

Mission Square: Public plaza at the entrance to the new Transbay Transit Center at the corner of Fremont and Mission Streets. The plaza would create passive open space and circulation space for people entering and exiting the Transit Center and the adjacent Transit Tower development.

Under-Ramp Park: Under-Ramp Park would be a new system of open spaces, built adjacent to and under the Bay Bridge off-ramps and bus ramps to the Transbay Transit Center, between Harrison, Howard, First, and Second Streets. The Park would provide a mix of active and passive recreation spaces.

IV. Other Transit Center District Public Improvements

The Facilities include the other public improvements not listed above but described in the Transit Center District Plan Program Implementation Document, dated May 16, 2012, as such Document may be amended from time to time.

The costs to be financed include the costs of the acquisition of right-of-way (including right-of-way that is intended to be dedicated by the recording of a final map), the costs of design, engineering and planning, the costs of any environmental or traffic studies, surveys or other reports, costs related to landscaping and irrigation, soils testing, permits, plan check and inspection fees, insurance, legal and related overhead costs, coordination and supervision and any other costs or appurtenances related to any of the foregoing.

OTHER

The CFD may also finance any of the following:

1. Bond or other debt-related expenses, including underwriters discount, reserve fund, capitalized interest, letter of credit fees and expenses, bond and disclosure counsel fees and expenses, bond remarketing costs, and all other incidental expenses.
2. Administrative fees of the City and the bond trustee or fiscal agent related to the CFD and the bonds or other debt.
3. Reimbursement of costs related to the formation of the CFD advanced by the City, the landowner(s) in the CFD, or any party related to any of the foregoing, as well as reimbursement of any costs advanced by the City, the landowner(s) in the CFD or any party related to any of the foregoing, for facilities, fees or other purposes or costs of the CFD.
4. The CFD may also pay in full all amounts necessary to eliminate any fixed special assessment liens or to pay, repay, or defease any obligation to pay or any indebtedness secured by any tax, fee, charge, or assessment levied within the area of the CFD or may pay debt service on that indebtedness. In addition, tax revenues of the CFD may be used to make lease or debt service payments on any lease, lease-purchase contract, or certificate of participation used to finance facilities authorized to be financed by the CFD.

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Commissioners
Michael Sutton, President
Monterey
Jack Baylis, Vice President
Los Angeles
Jim Kellogg, Member
Discovery Bay
Richard Rogers, Member
Santa Barbara
Jacque Hostler-Carmesin, Member
McKinleyville

STATE OF CALIFORNIA
Edmund G. Brown Jr., Governor

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1416 Ninth Street, Room 1320
Sacramento, CA 95814
(916) 653-4899
(916) 653-5040 Fax
www.fgc.ca.gov

Fish and Game Commission



August 19, 2014

TO ALL AFFECTED AND INTERESTED PARTIES:

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2014 AUG 25 PM 2:45
[Handwritten signature]

This is to provide you with a Notice of Findings regarding the Northeastern Pacific white shark which will be published in the California Regulatory Notice Register on August 22, 2014.

Sincerely,

Sheri Tiemann
Sheri Tiemann
Associate Governmental Program Analyst

Attachment

9

PROPOSED FINDINGS
White Shark
(*Carcharodon carcharias*)

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), at its June 4, 2014 meeting in Fortuna, California, made a finding pursuant to Fish and Game Code section 2075.5, that the petitioned action to add the Northeastern Pacific (NEP) white shark (*Carcharodon carcharias*) to the list of threatened or endangered species under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.) is not warranted. (See also Cal. Code Regs., tit. 14, § 670.1, subd. (i)(1).)

NOTICE IS ALSO GIVEN that, at its August 6, 2014 meeting in San Diego, California, the Commission adopted the following findings outlining the reasons for its rejection of the petition.

I. BACKGROUND AND PROCEDURAL HISTORY

Petition History

Oceana, the Center for Biological Diversity, and Shark Stewards (collectively, Petitioners) submitted a petition (Petition) to the Commission on August 20, 2012 to list the NEP population of white shark (*Carcharodon carcharias*) as a threatened or endangered species pursuant to CESA. (Cal. Reg. Notice Register 2012, No. 37-Z, p. 1376) The Commission received the Petition on August 20, 2012. The Commission referred it for evaluation to the California Department of Fish and Wildlife (Department) on August 27, 2012 pursuant to Fish and Game Code section 2073.

The Department evaluated the Petition, using the information in that document and other relevant information available at that time, and found that the scientific information presented in the Petition was sufficient to indicate that the petitioned action may be warranted. On January 7, 2013, the Department submitted to the Commission its Evaluation of the Petition from Oceana, Center for Biological Diversity (CBD), and Shark Stewards to List Northeast Pacific White Shark (*Carcharodon carcharias*) as Threatened or Endangered (Petition Evaluation). The Department recommended that the Commission accept the Petition pursuant to Fish and Game Code section 2073.5.

On February 6, 2013, at its meeting in Sacramento, California, the Commission received public comment and determined that there was sufficient information in the Petition to indicate that the petitioned action may be warranted, accepted for

NOTICE OF FINDINGS - White Shark

consideration the Petition, and designated the white shark as a candidate species under CESA. (Cal. Reg. Notice Register 2013, No. 9-Z, p. 373.)

The Department promptly notified affected parties by issuing a press release, posting notice on the Department's website, and sending targeted letters to stakeholder groups including affected commercial fishing interests and scientific researchers holding scientific collecting permits for white shark. (Fish & G. Code, § 2074.4.)

Consistent with Fish and Game Code section 2074.6 and its implementing regulations, the Department commenced a twelve-month status review of the white shark following published notice of its designation as a candidate species under CESA. As an integral part of that effort, the Department solicited data, comments, and other information from interested members of the public and the scientific and academic communities. The Department and the Commission received 35,502 pieces of correspondence during the public notice period ending February 1, 2014. The majority of comments were from members of the public without stated affiliation. In January 2013, two shark experts opposed to the listing submitted peer reviewed publications and expert scientific comment. In May of 2013 the Petitioners submitted four peer reviewed scientific publications. On December 18, 2013, Oceana and CBD submitted supplemental information, in the form of a non-peer reviewed critical assessment of the analysis of the NEP white shark population size and risk of extinction prepared by the Biological Review Team (BRT) of the National Marine Fisheries Service (NMFS).

On January 6, 2014, the Department submitted a preliminary draft of its status review for independent scientific peer review by a number of individuals acknowledged to be experts on white shark, possessing the knowledge and expertise to critique the scientific validity of the report. (Fish & G. Code, § 2074.8; Cal. Code Regs., tit. 14, § 670.1, subd. (f)(2).) On April 3, 2014, the Department submitted its final Status Review of White Shark (*Carcharodon carcharias*) in California to the Commission (Status Review). Based on its Status Review and the best available science, the Department recommended to the Commission that designating white shark as a threatened or endangered species under CESA is not warranted (Fish & G. Code, § 2074.6; Cal. Code Regs., tit. 14, § 670.1, subd. (f).). Following receipt, the Commission made the Department's Status Review available to the public, inviting further review and input. (Cal. Code Regs., tit. 14, § 670.1, subd. (g).)

On June 4, 2014, at its meeting in Fortuna, California, the Commission received public comment, accepted additional information from Petitioners and the public, and considered final action regarding the Petition to designate white shark as a threatened or endangered species under CESA. (Fish & G. Code, § 2075.5; Cal. Code Regs., tit. 14, § 670.1, subd. (i).) After receiving public comment, the Commission closed the administrative record of proceedings for the Petition. (Fish & G. Code, § 2075.5, subd.

NOTICE OF FINDINGS - White Shark

(a.) The Commission considered the petition, further information submitted by Petitioners, public comment, the Department's 2012 Petition Evaluation, the Department's 2014 Status Review, and other information included in the Commission's administrative record of proceedings. Following public comment and deliberation, the Commission determined, based on the best available science, that designating white shark as a threatened or endangered species under CESA is not warranted. (Fish & G. Code, § 2075.5, subd. (e)(1); Cal. Code Regs., tit. 14, § 670.1, subd. (i)(2).) The Commission directed its staff, in coordination with the Department, to prepare findings of fact consistent with the Commission's determination and to present those findings for consideration and ratification at the Commission's August, 6, 2014 meeting in San Diego, California.

Species Description

The white shark is a large migratory apex predator that is globally distributed throughout the world's oceans, most commonly found in temperate waters between 54 and 68°F. While it is believed to be a mostly solitary animal, individuals congregate in specific areas off most continents. White sharks range in size from 3.9 to 5.9 feet total length (measured from the nose to the tip of the upper lobe of the tail [TL]) at birth to greater than 20 feet TL for females and 18 feet TL for males (e.g., Cailliet et al. 1985; Ebert 2003; Castro 2012). New aging techniques estimate that white sharks live longer than previously thought, possibly to 70 or more years.

White sharks are oophagous (developing embryos feed on eggs within the mother's uterus) and litters of 2 to 14 pups have been documented. Females are believed to give birth in or near the Southern California Bight (SCB) and northern Mexico in late spring and summer. Similar to other large apex predators, white sharks mature relatively late, have naturally low abundance, low fecundity, and relatively long life spans. Relatively few offspring are likely to reach maturity, as apex predator populations usually support fewer individuals than species lower on the food chain. This makes white shark populations potentially vulnerable to overexploitation.

Juvenile white sharks feed on fish and invertebrates (e.g., Klimley 1985). As they grow in size and become sub-adults they begin to forage on marine mammals. Little is known about the period of transition from juvenile to adult including the age at which these transitions occur, where they go during this time, and when they begin to make inshore/offshore migrations or utilize adult aggregation sites (e.g., Domeier 2012a). Some researchers (e.g., Klimley 1985; Domeier 2012) speculate that at approximately three years of age sub-adults begin to range farther from the nursery grounds into colder waters. In this stage they may range widely from Oregon (or farther north) to southern Mexico and the Gulf of California. These theories are supported by the limited information available on this life stage; however, validation through mark-recapture and

NOTICE OF FINDINGS - White Shark

other studies is needed to have more conclusive information on movement patterns for sub-adults.

The NEP population of white sharks found in California waters is a demographically-isolated population that shows significant genetic divergence from other global populations in Australia and South Africa (e.g., Jorgensen et al. 2010; Gubili et al. 2012). The known range of the NEP population of white shark extends from Mazatlán, Mexico and the Gulf of California north to the Bering Sea; and from the west coast of North America to the Hawaiian Islands. White sharks inhabit both inshore and offshore areas, from the continental shelf to the Shared Offshore Focal Area (SOFA) between California and Hawaii. The SOFA is a vast area of deep open water habitat that is shared by white sharks from both central California and Guadalupe Island during the offshore phase of their migration.

Federal Status

In June 2012, WildEarth Guardians submitted a petition to NMFS requesting that the NEP population of white shark be listed as endangered or threatened under the federal Endangered Species Act (ESA). In August 2012, Petitioners submitted a similar petition to NMFS. In September 2012, NMFS published a 90-day finding (77 Fed. Reg. 59582 (2012)) announcing that both petitions presented substantial scientific information indicating that the NEP population of white shark may warrant listing under ESA and that NMFS would conduct an ESA status review. To aid in this review, NMFS formed a Biological Review Team (BRT), consisting of scientists from the Southwest Fisheries Science Center. The BRT prepared its Status Review of the Northeastern Pacific Population of White Sharks (*Carcharodon carcharias*) under the Endangered Species Act. On June 28, 2013, based on the BRT's peer-reviewed analysis, NMFS issued its 12-Month Finding on Petitions to List the Northeastern Pacific Ocean Distinct Population Segment of White Shark as Threatened or Endangered Under the Endangered Species Act, in which NMFS found that the NEP population of white shark was a distinct population segment but was not in danger of extinction under ESA criteria nor was it likely to become so within the foreseeable future. (78 Fed. Reg. 40104 (2013).)

Although not a listed or candidate species under ESA, white shark is protected under several federal laws, regulations, and management efforts.

- Federal law prohibits trade in all white shark products, as the U.S. recognizes the Convention on International Trade and Endangered Species (CITES) treaty. This is supported by the Lacey Act, which makes it unlawful to import, export, sell, acquire or purchase any fish, animal or plant protected by state or international law, including CITES.

NOTICE OF FINDINGS - White Shark

- Take of white shark is prohibited under the West Coast Highly Migratory Species Fishery Management Plan (HMS FMP). The scope of this prohibition covers all United States vessels that fish for HMS species using authorized gear within the United States Exclusive Economic Zone (EEZ; 370 kilometer, 200 nautical miles) as well as the west coast state territorial waters of California, Oregon, and Washington. Additionally this applies to those vessels fishing the high seas and landing in the States of California, Oregon, and Washington. The large mesh drift gill net fishery targeting swordfish and thresher shark is a federally managed fishery under the HMS FMP. Originally managed by the State of California, this fishery came under federal jurisdiction with the adoption of the HMS FMP, and California's protective measures for white shark were incorporated into the federal regulations.
- The Gulf of the Farallones National Marine Sanctuary (GFNMS) and the Monterey Bay National Marine Sanctuary (MBNMS), have prohibitions on attracting white sharks. Additionally, the GFNMS also prohibits vessels from approaching within 50 meter (164 feet) of white sharks within 3.7 kilometer (2 nautical miles) of the islands. These prohibitions were put in place to manage adventure tourism, filming, and research activities associated with white sharks that have potential to cause disturbance to natural behavior. The GFNMS issues permits to allow some activities related to education and research that allow exceptions to prohibitions on a case-by-case basis.
- The Shark Finning Prohibition Act of 2000 amended the Magnuson-Stevens Fishery Conservation and Management Act (MSA) and prohibits shark finning within the jurisdiction of the United States. This Act also prohibits the custody, control, or possession of shark fins aboard a fishing vessel without the carcass or landing of shark fins without the carcass.
- The Shark Fin Conservation Act of 2010 strengthens the prohibitions on shark finning under the MSA and under the High Seas Driftnet Fishing Moratorium Protection Act (HSDFMPA). The prohibitions on shark finning under MSA and the HSDFMPA provide some additional protections for white shark.

II. STATUTORY AND LEGAL FRAMEWORK

These proposed findings are prepared as part of the Commission's final action under CESA regarding the Petition to designate white shark as a threatened or endangered species under CESA. As set forth above, the Commission's determination that listing white shark is not warranted marks the end of formal administrative proceedings under CESA. (See generally Fish & G. Code, § 2070 et seq.; Cal. Code Regs., tit. 14, § 670.1.) The Commission, as established by the California Constitution, has exclusive statutory authority under California law to designate endangered, threatened, and

NOTICE OF FINDINGS - White Shark

candidate species under CESA. (Cal. Const., art. IV, § 20, subd. (b); Fish & G. Code, § 2070.)

The CESA listing process for white shark began in the present case with Petitioners' submittal of their Petition to the Commission in August 2012 (Cal. Reg. Notice Register 2012, No. 37-Z, p. 1376.). The regulatory process that ensued is described above in some detail, 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.4th 105, 114-116;
- *California Forestry Association v. California Fish and Game Commission* (2007) 156 Cal.App.4th 1535, 1541-1542;
- *Center for Biological Diversity v. California Fish and Game Commission* (2008) 166 Cal.App.4th 597, 600; and
- *Natural Resources Defense Council v. California Fish and Game Commission* (1994) 28 Cal.App.4th 1104, 1111-1116.

The “is not warranted” determination at issue here for white shark stems from Commission obligations established by Fish and Game Code section 2075.5(e). 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: whether the petitioned action is warranted or is not warranted. Here with respect to white shark, the Commission made the finding under Section 2075.5(e) that the petitioned action is not warranted.

The Commission was guided in making this determination by various 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.)

As established by published appellate case law in California, the term “range” for purposes of CESA means the range of the species within California (*California Forestry Association v. California Fish and Game Commission, supra*, 156 Cal. App.4th at p. 1540, 1549-1551.).

NOTICE OF FINDINGS - White Shark

The Commission was also guided in making its determination regarding white shark by Title 14, section 670.1, subdivision (i)(1)(A), of the California Code of Regulations. This provision provides, in pertinent part, that a species shall be listed as endangered or threatened under CESA if the Commission determines that the continued existence of the species 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 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. Yet, the Commission made its determination regarding white shark mindful of this policy direction, acknowledging that “[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 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 12-month status review of the candidate species 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 BASIS FOR THE COMMISSION'S FINDINGS

The factual and scientific bases for the Commission's finding that designating white shark as a threatened or endangered species under CESA is not warranted are set forth in detail in the Commission's administrative record of proceedings. The evidence in the administrative record in support of the Commission's determination includes, but is not limited to, the Department's 2013 Petition Evaluation and 2014 Status Review, and other information specifically presented to the Commission and otherwise included in the Commission's administrative record as it exists up to and including the Commission meeting in Fortuna, California on June 4, 2014. The administrative record also includes these findings.

The Commission finds the substantial evidence highlighted in the preceding paragraph, along with other evidence in the administrative record, supports the Commission's determination that the continued existence of white shark in the State of California is not in serious danger of becoming extinct or threatened by on or a 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.

The Commission also finds that the same evidence constitutes sufficient scientific information to establish that designating white shark as a threatened or endangered species under CESA is not warranted. The Commission finds in this respect that white shark is not in serious danger of becoming extinct throughout all, or a significant portion, of its range in California. Similarly, the Commission finds that white shark is not presently threatened and it is unlikely to become an endangered species in the foreseeable future in the absence of special protection and management efforts required by CESA.

The following Commission findings highlight in more detail some of the scientific and factual information and other evidence in the administrative record of proceedings that support the Commission's determination that designating white shark as a threatened or endangered species under CESA is not warranted:

1. The first attempt to estimate the NEP white shark population consisted of two independent Photo-ID studies in Central CA and Mexico. The Petitioners combined these results into a non-peer reviewed estimate of 339 adults and sub-

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adults in the NEP. Although a population of apex predators is expected to be relatively small, the Department concluded that this estimate likely underestimates the population. The Department found the limited geographic range of these studies and the short time span of the central California study problematic in particular, in addition to other factors. This conclusion is supported by several scientific publications, including a peer reviewed assessment of the population conducted by National Marine Fisheries Service scientists that estimates 3,000 total individuals of all life stages (e.g., Domeier 2012b; Dewar et al. 2013). This estimate utilized augmented datasets from both photo-ID studies and accounted for biases found in the original studies.

2. Historically, the largest threat to white sharks—primarily young-of-the-year (YOY) and juveniles—in the NEP has been incidental take in set gill net fisheries. Commercial fishing records indicate a peak in white shark interactions in the mid-1980s. Since this peak, protections for white shark have progressively increased, and commercial gill net effort off California has dropped to a fraction of its historic size and the geographic area open to fishing has been dramatically reduced by state and federal regulations (Cal. Fish & G. Code, §§ 5517, 8575, 8575.5, 8599, 8610.3, 8664.8; Cal. Code Regs., tit. 14, §§ 28.06, 104.1).
3. Interactions with commercial set gill net gear in California have started to increase over the past ten years even as fishing effort has continued to decline. Current research suggests this trend could signal an increase in the population of young white sharks in the SCB (e.g., Lowe et al. 2012; Lyons et al. 2013).
4. Prior to 2010 there were essentially no observed white shark attacks on California sea lions by marine mammal researchers in the northern Channel Islands. In 2011, approximately 136 bite marks were recorded and over 300 were recorded in 2012 (e.g., Dewar et al. 2013). Similarly, over the past five years, researchers have documented a dramatic increase in the number of California southern sea otter mortalities linked to white shark bites in Monterey Bay, north of Santa Cruz, and in San Luis Obispo County (e.g., M. Harris, CDFW-OSPR pers. comm.). While it is not definitive that these increases are due to an increase in the NEP white shark population, there have not been notable decreases in attacks in other locations (e.g., Dewar et al. 2013). Therefore, it is reasonable to infer there may be more sharks foraging on marine mammals and sharks moving to different forage areas.
5. Recent research in the SCB has found that young white sharks can carry a significantly high level of persistent toxins such as PCBs, DDT, and mercury in their tissues (e.g., Mull et al. 2012; Mull et al. 2013). Despite these high levels of contaminants, young white sharks do not seem to show any deleterious effects and there is no evidence that these toxic loads affect their ability to survive.
6. Recent models of climate change suggest a potential increase in the availability of suitable habitat for adult white shark (e.g., Hazen et al. 2012). An increase in water temperature could expand the white sharks range into areas that are

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currently too cold for the species to utilize, but this remains speculative and limited across the population's life stages.

7. In addition to large size, even at birth, utilization of shallow nearshore habitat during the first three years of life likely provides some level of protection for YOY and juveniles from large predators (e.g., Pyle et al. 1999), and it is unlikely that predation is a significant threat to the population.
8. White sharks are larger, in all life stages, than most of the predators in which they share habitat, reducing the risk from competition with other species. In addition, their ability to feed on a range of prey make it unlikely the population would be susceptible to catastrophic decline from the absence of a specific prey species (e.g., Klimley 1985; Carlisle et al. 2012; Domeier 2012a; Dewar et al. 2013; Kim et al. 2012).

IV. ADDITIONAL CONSIDERATIONS INFORMING THE COMMISSION'S FINAL DETERMINATION

The Commission's determination that designating white shark as a threatened or endangered species under CESA is not warranted; it is informed by various additional considerations. In general, the Fish and Game Code contemplates a roughly twelve-month long CESA listing process before the Commission, including multiple opportunities for public and Department review and input and peer review (See generally Fish & G. Code, § 2070 et seq.; Cal. Code Regs., tit. 14, § 670.1.). From the initial receipt of the Petition in August 2012 through the Commission's decision on June 4, 2014 that listing is not warranted, the Department and the Commission received numerous comments and other significant public input regarding the status of white shark from a biological and scientific standpoint and with respect to the petitioned action under CESA. The Commission, as highlighted below, was informed by and considered all of these issues, among others, in making its final determination that designating white shark as a threatened or endangered species under CESA is not warranted (Fish & G. Code, § 2075.5, subd. (e)(1); Cal. Code Regs., tit. 14, § 670.1, subd. (i)(2).).

V. SCIENTIFIC DETERMINATIONS REGARDING THE STATUS OF THE NORTHEASTERN POPULATION OF WHITE SHARK

CESA defines an endangered species as one "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.). CESA defines a threatened species as one "that, although not presently threatened with extinction, is likely to become an endangered

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species in the foreseeable future in the absence of special protection and management efforts required by [CESA]" (Id., § 2067).

Pursuant to CESA's implementing regulations, a "species shall be listed as endangered or threatened ... if the Commission determines that its continued existence is in serious danger or is threatened by anyone 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" (Cal. Code Regs., tit. 14, § 670.1, subd. (i)(1)(A).).

Present or threatened Modification or Destruction of Habitat

- White sharks, like other apex predators, can accumulate contaminants over their lifespan. However, high tissue levels of elemental and organic contaminants have not been found to cause deleterious effects in NEP white sharks. Environmental monitoring data have shown that contaminant inputs have greatly been reduced off California through federal, state, and local regulatory efforts, reducing risks from habitat degradation (e.g., Mull et al. 2012; Mull et al. 2013).
- Similar to other large marine species, white sharks may be susceptible to ingestion and entanglement by marine debris, but risks to the population appear to be low. There have been no documented entanglements involving white sharks in the NEP (e.g., Taylor 2010). Additionally, lamnid sharks have the capability of evacuating their stomachs, which may reduce ingestion risks (e.g., Kerstetter et al. 2004; Brunnschweiler et al. 2011).
- Recent models of climate change suggest a potential increase in the availability of suitable habitat for adult white shark, but this remains speculative and limited across the population's life stages (e.g., Hazen et al. 2012). White sharks are highly migratory and range across large expanses of the NEP, and there is evidence indicating that white sharks are able to deal with wide variations in temperature and dissolved oxygen concentration (e.g., Boustany et al. 2002; Nasby-Lucas et al. 2009; Siebel 2011; Nasby-Lucas et al. 2012). At this time there is not sufficient scientific information to assess the specific potential or actual impacts of ocean warming, acidification or de-oxygenation on the population of white sharks inhabiting the NEP.
- Based on the best scientific information available, the Commission finds that the continued existence of the NEP population of white shark is not in serious danger or threatened by present or threatened modification or destruction of habitat.

Overexploitation

- White sharks in the NEP are widely protected on the west coast through state, federal, and international efforts directly through take prohibitions for this species, as well as through regulation of fisheries and sharks generally that provide

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protections indirectly (Cal. Fish & G. Code, §§ 5517, 8575, 8575.5, 8599, 8610.3, 8664.8; Cal. Code Regs., tit. 14, §§ 28.06, 104.1).

- White sharks have been a protected species under California law since 1994 (Cal. Fish & G. Code, §§ 5517, 8599).
- Interactions are also known to occur in Mexican commercial gill net fisheries. However, prohibitions on take of white shark have become progressively stringent, reducing risk, although limited resources for monitoring and enforcement exist (e.g., DOF 2002, 2007, 2014; Barreira 2007).
- Nearshore set gill net fisheries account for over 80 percent of documented interactions with white shark off California (e.g., Lowe et al. 2012). Catch records of incidental white shark take by gill net gear off California declined steadily from 1990 until 2005, indicating gill net area closures implemented during the 1990s were effective in reducing incidental take of juvenile white shark in the nearshore waters of the SCB (e.g., Lowe et al. 2012; CDFW 2014).
- The recent increase in interactions with gill net gear is likely due to an increase in the population of YOY and juvenile white sharks in the SCB (e.g., Lowe et al. 2012; Lyons et al. 2013).
- Based on the best scientific information available, the Commission finds that the continued existence of the NEP population of white shark is not in serious danger or threatened by overexploitation.

Predation

- White sharks are apex predators and generally considered to be at the top of the food chain during most life history stages. However, available interaction data show some white shark predation by orcas and larger sharks (e.g., Pyle et al. 1999). In addition to large size, even at birth, utilization of shallow nearshore habitat during the first three years of life likely provides some level of protection for YOY and juveniles from large predators.
- Based on the best scientific information available, the Commission finds that the continued existence of the NEP population of white shark is not in serious danger or threatened by predation.

Competition

- Competition for prey (mainly fish for juveniles and pinnipeds for adults) between white sharks and other species in their habitat is not well understood. There may be competition from other large predator species (e.g., Dewar et al. 2013), but there is no indication this poses a significant population risk. White sharks are generalist feeders and are considered resilient to changes in prey abundance and distribution. Populations of their prey species are healthy and likely to support predator populations.

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- Based on the best scientific information available, the Commission finds that the continued existence of the NEP population of white shark is not in serious danger or threatened by competition.

Disease

- All species of sharks may develop disease; and tumors have recently been documented in single white shark in Australia (e.g., Robbins et al. 2013). However, like other shark species, white sharks have a generalized immune system and other adaptations that make disease rare (e.g., Compagno 2001; Ebert 2003).
- Based on the best scientific information available, the Commission finds that the continued existence of the NEP population of white shark is not in serious danger or threatened by disease.

Other Natural Occurrences or Human-Related Activities

- Strikes by commercial shipping vessels are a potential risk for white sharks. The frequency and severity of ship strikes are not well known, even for marine mammals, due to failures to report collisions, delayed death post impact, inability to locate carcasses after an impact, and the difficulty of determining the actual cause of death. There is little documentation on the frequency and effects of ship strikes on white sharks. However, the risk of ship strikes to white sharks in the NEP may be reduced by the recent relocation of shipping lanes adjacent to the Gulf of the Farallones, Channel Islands, and Cordell Banks National Marine Sanctuaries adopted by the International Maritime Organization (e.g., Drake 2013; NOAA 2012). While the full risk of ship strikes are still unknown they do not appear to pose a significant risk to the population at this time.
- Based on the best scientific information available, the Commission finds that the continued existence of the NEP population of white shark is not in serious danger or threatened by other natural occurrences or human-related activities.

Summary of Key Findings

Based on the criteria described above, the best scientific information available to the Commission indicates that white shark is not currently in serious danger of becoming extinct in California within the next few decades, nor in the foreseeable future in the absence of special protection and management under CESA.

The current size of the NEP population is uncertain. While there are no historic estimates for comparison, independent trends in incidental catch in fisheries and increases in attacks on marine mammals suggest a stable or increasing population which is supported by genetic analysis indicating a robust population.

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Incidental take of juvenile white sharks in set gill net fisheries is a potential risk factor for this population. However, this risk has been reduced considerably as these fisheries have become more restricted through regulation and declining effort. Based on trends in commercial fisheries and existing regulations, the Department does not consider future impacts of commercial gill net fishing to be an immediate threat to the continued existence of the NEP population of white sharks in California.

The Department evaluated other factors, such as contaminants and non-point source pollution, predation, disease, competition, climate change, and availability of prey. Based on the Department's analysis, none of these factors is considered to be a serious threat to the continued existence of the NEP white shark population.

Based on the best scientific information available, the Department concludes the continued existence of the NEP population of white shark is not in serious danger or threatened. Minimizing impacts to individuals could be achieved by managing interactions with commercial and recreational fisheries. Currently California gill net fisheries are heavily regulated and do not appear to be increasing in effort now, nor does it appear likely they will in the near future. Interactions should continue to be monitored but are likely not a threat to the increasing population. Further, the Department generated the following recommendations to prioritize conservation, research, regulation and monitoring activities.

- Increase coordination with other fisheries agencies to establish continuity in management goals, enforcement, and conformance in regulations. Encourage studies designed to reduce lethal interactions with fishing operations, especially with nearshore gill net fisheries that are more likely to have interactions with YOY and juvenile white sharks. Research should include exploration of gear and method modifications (soak time, etc.) that reduce lethal interactions.
- Increase observer coverage on commercial fishing vessels, especially those participating in the nearshore gill net fisheries.
- Implement regulation of recreational tourism (cage diving, viewing, etc.).
- Implement a public outreach and education program, especially in the shore based sector of the recreational fishery. The program should inform constituents about the presence of YOY and juvenile white sharks in the SCB, and how they can help protect this species through appropriate fishing practices and by avoiding interaction with the species.
- Increase monitoring and enforcement of recreational tourism in areas where interactions with white sharks are high.
- Support research specifically focused on juvenile and sub-adult white shark movements through the SCB, Mexico, and other areas within the species' range.

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- Encourage the expansion of efforts to determine current population and abundance trends. Efforts should include:
 - The continuation of photo-ID studies in Guadalupe Island and central California, including a comparison of the two databases, consideration of alternate methods of identification (e.g., Computer identification via DARWIN; Towner et al. 2013), and expansion of spatial and temporal scope to additional pinniped rookeries and seasons.
 - The expansion of genetic research to include comparison of samples from both aggregation sites and throughout range, and identification of parentage.
 - Support continued life history research of all life stages of white shark. Including migration, habitat use and range, feeding ecology, and reproduction.
 - Expand the range and scope of tagging studies to include:
 - ◇ Areas outside of the two main aggregation sites,
 - ◇ Increased focus on mature females,
 - ◇ Increased acoustic tagging of YOY and juvenile white sharks in SCB and Mexican nursery areas,
 - ◇ Increased deployment of acoustic sensors from Mexico to Washington.
- Continue current efforts to determine the effects of persistent environmental pollutants, and environmental changes related to climate change, such as ocean acidification, on large shark species and their preferred prey species.
- Encourage research and awareness of less common factors, such as predation and disease, across all life stages.
- Encourage the Pacific Fishery Management Council to recommend that U.S. delegates to international regulatory bodies and regional fisheries management organizations support measures to make white sharks a prohibited species. Specifically, the U.S. delegates to entities including the Inter-American Tropical Tuna Commission and the Western Central Pacific Fisheries Commission.

VI. FINAL DETERMINATION BY THE COMMISSION

The Commission has weighed and evaluated all information and inferences for and against designating white shark as a threatened or endangered species under CESA. This information includes scientific and other general evidence in the Petition, the Department's 2012 Petition Evaluation, the Department's 2014 peer-reviewed Status Review, and the Department's related recommendations based on the best available science, written and oral comments received from the public and the scientific community, and other evidence included in the Commission's administrative record of

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proceedings. Based on the evidence in the administrative record, the Commission has determined that the best scientific information available indicates that the continued existence of white shark in California is not in serious danger or threatened in the foreseeable future by present or threatened modifications or destruction of white shark habitat, overexploitation, predation, competition, disease, or other natural occurrences or human-related activities (See generally Fish & G. Code, §§ 2062, 2067; Cal. Code Regs., tit. 14, § 670.1, subd. (i)(1)(A)). The Commission finds, for the same reason, that there is not sufficient scientific information at this time to indicate that the petitioned action is warranted (Fish & G. Code, §§ 2070, 2075.5.). The Commission finds that designating white shark as a threatened or endangered species under CESA is not warranted and that, with adoption of these findings, for purposes of its legal status under CESA shall revert to its status prior to the filing of the Petition (Fish & G. Code, § 2075.5, subd. (e)(1); Cal. Code Regs., tit. 14, § 670.1, subd., (i)(2).)

Sonke Mastrup
Executive Director
Fish and Game Commission
Dated: August 6, 2014

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† Marked references have not been peer reviewed.

Personal Communications

M. Harris, California Department of Fish and Wildlife-Office of Spill Prevention and Response.



Ben Rosenfield
Controller
Monique Zmuda
Deputy Controller

August 22, 2014

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

The Honorable Board of Supervisors
Room 244, City Hall
San Francisco, CA 94103

Re: Fiscal Years 2014-2015 and 2015-2016 Budget Certification

Dear Ladies and Gentlemen:

Charter Section 9.115 and Administrative Code Section 3.14 require that each department head certify that the funding provided in the budget as adopted by the Board of Supervisors is adequate for their department to meet the service levels and operations proposed for the fiscal year. This certification takes the form of a letter addressed to the Mayor, Board of Supervisors, and Controller, and must be issued within 30 days of the Board's adoption of the budget.

At this time, all departments have submitted budget certification letters for both fiscal years, with the following departments qualifying their statements:

- Adult Probation has qualified certification for Fiscal Years 2014-15 and 2015-16 based upon concerns over state realignment which may increase caseloads and affect staffing level requirements and operating practices.
- City Attorney expects that client departments that use services above budgeted levels will reimburse the City Attorney for those services. Additionally, the department expects to request appropriation authority for attorney's fees recovered from non-City sources.
- City Planning has experienced unprecedented application growth over the past two fiscal years. If application volume and fee revenue growth exceed the growth assumed in the budget, the department may request a supplemental appropriation.
- The Courts qualified certification for Fiscal Years 2014-15 and 2015-16 based upon factors outside of their control such as the volume of serious felony cases and the number of private defense cases.
- The Fire Department has qualified certification for Fiscal Years 2014-15 and 2015-16 based upon potential changes to the City's ambulance service system and required resource levels.
- The Sheriff does not anticipate requesting supplemental appropriations, barring unforeseen circumstances such as changes to the jail population, or changes to state funding for Court security.
- The San Francisco Public Utility Commission is evaluating the status of two on-going projects, the Rim Fire Recovery Local Match and the Pacific Rod and Gun Club Remediation, which may require supplemental funding.

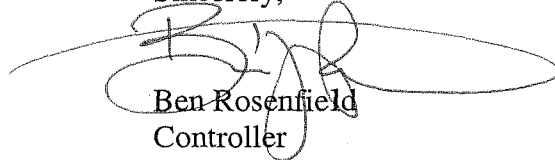
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AK

10

All departmental budget certifications assume the release of appropriated reserves placed by the Controller's Office, the Mayor's Office, and the Board of Supervisors.

If you have any questions about this material, please contact me at (415) 554-7500.

Sincerely,



Ben Rosenfield
Controller

cc: Mayor's Budget Director
Budget Analyst

Bos-11, B/F Clerk

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4 page

2014 AUG 27 AM 9:26

EB

Memo

DATE: August 26, 2014
TO: Clerk of the Board of Supervisors
CC: Steven Lucich, Controller's Office
FROM: Fannie Yeung, Grants Analyst, SFPD *NY*
RE: Grant Budget Revision
2012 Forensic DNA Backlog Reduction Program (PCFDDBR-13PC)

In accordance with Administrative Code Section 10.170-1(F), this memo serves to notify the Board of Supervisors of a Federal or State grant line item budget revision in excess of 15% requiring funding agency approval.

Attached is a copy of budget revision documentation submitted to the funding agency.

11



US DEPARTMENT OF JUSTICE
OFFICE OF JUSTICE PROGRAMS

GRANT ADJUSTMENT NOTICE

Grantee Information					
Grantee Name:	San Francisco City/County Police Department	Project Period:	10/01/2012 - 12/31/2014	GAN Number:	005
Grantee Address:	850 BRYANT STREET ROOM 511 SAN FRANCISCO, 94103	Program Office:	NIJ	Date:	08/13/2014
Grantee DUNS Number:	12-080-2983	Grant Manager:	Alan Spanbauer		
Grantee EIN:	94-6000417	Application Number(s):	2012-90236-CA-DN		
Vendor #:	946000417	Award Number:	2012-DN-BX-0034		
Project Title:	FY2012 Forensic DNA Backlog Reduction Program - City of San Francisco	Award Amount:	\$358,153.00		

Budget Modification			
* All editable Budget fields must contain a numeric value.			
Categories	Approved Budget	Requested Changes to Budget	Revised Budget
A. Personnel	\$34549	\$8399	\$42948
B. Fringe Benefits	\$2747	\$667	\$3414
C. Travel	\$7573	\$-3451	\$4122
D. Equipment	\$161796	\$-8090	\$153706
E. Supplies	\$0	\$0	\$0
F. Construction	\$0	\$0	\$0
G. Contractual	\$84898	\$1450	\$86348
H. Other	\$66590	\$1025	\$67615
TOTAL DIRECT COST	\$358153	\$0	\$358153
Total Direct Costs = (Sum of lines A-H)			
INDIRECT COST	\$0	\$0	\$0

TOTAL PROJECT COST	\$358153	\$0	\$358153
Total Project Costs = Total Direct Costs + Indirect Cost Total Project Costs = Federal Funds Approved + Non-Federal Funds + Program Income			
FEDERAL FUNDS APPROVED	\$358153		\$358153
NON-FEDERAL FUNDS APPROVED	\$0	\$0	\$0
PROGRAM INCOME	\$0	\$0	\$0
*Required Justification for Budget Modification			
(A) PERSONNEL - There were cost savings from equipment purchases and travel which were moved to personnel overtime and on-site training.			
(B) FRINGE - The increase in overtime led to			
Attachments:			
Filename:	User:	Timestamp:	
DNA Budget Detail Worksheet and Narrative - Rev. 8-4-14.xlsx	SFPDNIJ	08/06/2014 12:51 PM	
Print			
Audit Trail:			
Description:	Role:	User:	Timestamp:
Approved-Final	OCFMD - Financial Analyst	porterd	08/13/2014 12:23 PM
Submitted	PO - Grant Manager	SFPDNIJ	08/06/2014 1:25 PM
Draft	EXTERNAL - External User	SFPDNIJ	08/06/2014 12:54 PM
Draft	EXTERNAL - External User	SFPDNIJ	08/06/2014 12:50 PM

(BOS)

From: Wong, Melinda [Melinda.Wong@sfdpw.org]
Sent: Monday, August 25, 2014 5:00 PM
To: Board of Supervisors (BOS)
Subject: CMD 12B and 14B Waiver Request Form
Attachments: DPW_Justification Letter for HRC 12B Waiver_Gartner 2014.pdf; GARTNER 12B-201 8-22-14 (Signed).pdf

Hello Board of Supervisors' Clerk,

Please find attached the signed waiver request and justification letter for the Gartner membership. The waiver request was submitted today, 8/25/2014 to CMD.

Please let me know if you need any additional information or have any questions.

Thank you,

Melinda Wong
Department of Public Works
Information Technology
City and County of San Francisco
Direct: (415) 558-4429 | melinda.wong@sfdpw.org



CITY AND COUNTY OF SAN FRANCISCO HUMAN RIGHTS COMMISSION

S.F. ADMINISTRATIVE CODE CHAPTERS 12B and 14B WAIVER REQUEST FORM (HRC Form 201)

FOR HRC USE ONLY
Request Number: _____

► Section 1. Department Information

Department Head Signature: *[Signature]*

Name of Department: Public Works

Department Address: 1 Dr. Carlton Drive, S.F. CA. 94102

Contact Person: Ephrem Naizghi

Phone Number: 415-558-4401

Fax Number: 415-558-4444

► Section 2. Contractor Information

Contractor Name: Ventura County

Contact Person: Sandra.Nanalis@ventura.org

Contractor Address: 800 South Victoria Ave., L#1100. Ventura, CA. 93009

Vendor Number (if known): C05981

Contact Phone No.:(805) 654-3855

► Section 3. Transaction Information

Date Waiver Request Submitted: 08-25-2014

Type of Contract: Subscription

Contract Start Date: 09-01-2014
\$5,425.66

End Date: 04-30-2015

Dollar Amount of Contract:

► Section 4. Administrative Code Chapter to be Waived (please check all that apply)

- Chapter 12B
- Chapter 14B *Note:* Employment and LBE subcontracting requirements may still be in force even when a 14B waiver (type A or B) is granted.

► Section 5. Waiver Type (Letter of Justification *must* be attached, see Check List on back of page.)

- A. Sole Source
- B. Emergency (pursuant to Administrative Code §6.60 or 21.15)
- C. Public Entity
- D. No Potential Contractors Comply – Copy of waiver request sent to Board of Supervisors on:
- E. Government Bulk Purchasing Arrangement – Copy of waiver request sent to Board of Supervisors on:
8/25/14
- F. Sham/Shell Entity – Copy of waiver request sent to Board of Supervisors on:
- G. Local Business Enterprise (LBE) (for contracts in excess of \$5 million; see Admin. Code §14B.7.1.3)
- H. Subcontracting Goals

HRC ACTION	
12B Waiver Granted: _____	14B Waiver Granted: _____
12B Waiver Denied: _____	14B Waiver Denied: _____
Reason for Action: _____	
HRC Staff: _____	Date: _____
HRC Staff: _____	Date: _____
HRC Director: _____	Date: _____

DEPARTMENT ACTION – This section must be completed and returned to HRC for waiver types D, E & F.

CHECK LIST

You must complete each of the steps below before submitting this form:

- Attempt to get the contractor to comply with Administrative Code requirements. (Applies to Chapter 12B only.)
- Include a letter of justification explaining:
 - The purpose of the contract.
 - Your department's efforts to get the contractor to comply (for Chapter 12B waivers).
 - Why the contract fits the type of waiver being requested (for example, why it is a sole source).
- Answer all questions in Sections 1-3.
- Indicate (in Section 4) which Administrative Code Chapter(s) need to be waived.
- Indicate (in Section 5) which waiver type is being requested.
- For waiver types D, E and F, submit a copy of this form to the Clerk of the Board of Supervisors and indicate where requested on the form the date this was done.

ADDITIONAL INFORMATION

Contract Duration: Contracts entered into pursuant to a Chapter 12B waiver should be constructed for the shortest reasonable duration so that future contracts may be awarded to a Chapter 12B compliant contractor.

Chapter 14B. Sole Source, Emergency and LBE Waivers: Only the bid discounts and departmental good faith outreach efforts requirements of Chapter 14B may be waived. All other provisions of this Chapter still will be in force even if this type of waiver has been granted.

Chapter 14B. Subcontracting Waivers: Only the subcontracting goals may be waived. All other provisions of this Chapter still will be in force even if this type of waiver has been granted.

Waiver Types D, E and F: These waiver types have additional requirements:

1. The contracting department must notify the Board of Supervisor's that it has requested a waiver of this type.
2. The department must notify the HRC that it has used a waiver granted under one of these provisions. Such notification should take place within five days of the date of use by submitting to the HRC a copy of the approved waiver with the "Department Action" box completed.
3. Departments exercising waiver authority under one of these provisions must appear before a Board of Supervisors committee and report on their use of such waiver authority.

All modifications to waived contracts that increase the dollar amount of the contract must have prior HRC approval.

- ✓ **Additional copies** of this form may be downloaded at the Forms Center on the City's intranet at: <http://intranet/>.
- ✓ **Read the Quick Reference Guide to HRC Waivers for more information;** copies are available at the Forms Center on the City's intranet at: <http://intranet/>.
- ➔ **Send completed waiver requests to:** HRC, 25 Van Ness Ave., Suite 800, San Francisco, CA 94102-6033.

City and County of San Francisco



Edward Lee, Mayor
Mohammed Nuru, Director
Julia Dawson, Financial Management

Ephram Naighi, IT Director
30 Van Ness, #4400
San Francisco, CA 94102

PH 415.550-4401
www.sfdpw.org

Human Rights Commission
25 Van Ness Ave, Suite 800
San Francisco, CA 94102
RE: DPW Justification for 12B Waiver for Ventura County Contract

August 22, 2014

To Whom It May Concern,

The Department of Public Works wishes to use a Ventura County contract pay for its subscription for Gartner Group, LLC. Core Research Services.

The purpose of the contract is to acquire Gartner information technology research, consulting, and professional services and training.

Gartner has a contract with Ventura County for a highly discounted government bulk purchasing rate which is no longer commercially available. Ventura extends this discounted rate to California agencies for a minimal processing fee. DPW wishes to take advantage of this discount.

Regards,

A handwritten signature in black ink, appearing to read "Ephrem Naizghi".

Ephrem Naizghi, IT Director
Department of Public Works
Ephrem.Naizghi@sfdpw.org
415-558-4578

Sept. 9, 2014 Communications Page

From the Clerk of the Board, agencies that have submitted a 2014 Local Agency Biennial Conflict of Interest Code Review Report:

General Services Agency – City Administrator
Planning Department

Subject: FW: Conflict of Interest Code Review - Past Due Reminder
Attachments: Attachment for Request for Change, 8-14R.pdf

From: Khaw, Lynn
Sent: Thursday, August 28, 2014 11:45 AM
To: Nevin, Peggy
Cc: Bukowski, Kenneth (ADM)
Subject: RE: Conflict of Interest Code Review - Past Due Reminder

**2014 Local Agency Biennial Notice
Conflict of Interest Code Review Report**

Name of Agency: Office of the City Administrator
Mailing Address: City Hall, RM 362, 1 Dr. Carlton B. Goodlett Pl.
Contact Person: Lynn Khaw Office Phone No: (415) 554-6296
E-mail: lynn.khaw@sfgov.org

This agency has reviewed its conflict-of-interest code and has determined that:

An amendment is required. The following amendments are necessary:
(Check all that apply.)

- Include new positions (including consultants) that must be designated.
- Revise disclosure categories.
- Revise the titles of existing positions.
- Delete positions that have been abolished.
- Delete positions that no longer make or participate in making governmental decisions.
- Other (describe) See attachment for changes

No amendment is required.

The agency's code accurately designates all positions that make or participate in the making of governmental decisions; the disclosure categories assigned to those positions accurately require the disclosure of all investments, business positions, interests in real property, and sources of gifts and income that may foreseeably be affected materially by the decisions made by those holding the designated positions; and the code includes all other provisions required by Government Code Section 87302.


Signature of Chief Executive Officer

8/28/14
Date

Complete this notice regardless of how recently your code was approved or amended.

Please return this notice no later than August 4, 2014, via e-mail (PDF) or inter-office mail to:

Clerk of the Board of Supervisors
ATTN: Peggy Nevin
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102
E-mail: peggy.nevin@sfgov.org



OFFICE OF THE CITY ADMINISTRATOR



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

Attachment 2014 Local Agency Biennial Notice, Conflict of Interest Code Review Report

Under Sec. 3.1-251. General Services Agency – City Administrator

Deletion:

Central Shops

The following positions do not participate in making governmental decisions:

- **Principal Administrative Analyst**
- **Principal Clerk**
- **Auto Service Worker**

Contract Monitoring Division

- **Representative** (This position doesn't exist anymore. It has been eliminated from the budget.)

Real Estate Division

- **Senior Stationary Engineer** (This position does not participate in making governmental decisions.)

Move a Position from Section 3.1-253 to Section 3.1-251

The following position is stated under *Sec. 3.1-253. General Services Agency – Technology, Department of*, under Executive/Administration:

Director of COIT

Please move this position to *Sec. 3.1-251. General Services Agency – City Administrator* (The Director of COIT is now under the central/main office of the City Administrator)

Subject: 2014 Biennial Notice - Conflict of Interest Code Review - Response Required
Attachments: Conflict of Interest - Planning list.pdf

From: Ionin, Jonas (CPC)
Sent: Tuesday, August 26, 2014 12:45 PM
To: Nevin, Peggy; Rahaim, John (CPC)
Cc: Shen, Andrew (CAT)
Subject: RE: 2014 Biennial Notice - Conflict of Interest Code Review - Response Required

Jonas P. Ionin,
Director of Commission Affairs

Planning Department | City & County of San Francisco
1650 Mission Street, Suite 400, San Francisco, CA 94103
Direct: 415-558-6309 | Fax: 415-558-6409

jonas.ionin@sfgov.org
www.sfplanning.org



**2014 Local Agency Biennial Notice
Conflict of Interest Code Review Report**

Name of Agency: Planning Department
Mailing Address: 1650 Mission Street, Suite 400
Contact Person: Jonas P. Ionin Office Phone No: 415-558-6309
E-mail: jonas.ionin@sfgov.org

This agency has reviewed its conflict-of-interest code and has determined that:

An amendment is required. The following amendments are necessary:
(Check all that apply.)

- Include new positions (including consultants) that must be designated. _____
- Revise disclosure categories.
- Revise the titles of existing positions.
- Delete positions that have been abolished.
- Delete positions that no longer make or participate in making governmental decisions.
- Other (describe) _____

No amendment is required.

The agency's code accurately designates all positions that make or participate in the making of governmental decisions; the disclosure categories assigned to those positions accurately require the disclosure of all investments, business positions, interests in real property, and sources of gifts and income that may foreseeably be affected materially by the decisions made by those holding the designated positions; and the code includes all other provisions required by Government Code Section 87302.



Signature of Chief Executive Officer

8/26/14

Date

Complete this notice regardless of how recently your code was approved or amended.

Please return this notice no later than August 4, 2014, via e-mail (PDF) or inter-office mail to:

Clerk of the Board of Supervisors
ATTN: Peggy Nevin
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102
E-mail: peggy.nevin@sfgov.org

CLASS	Description	Working Title
	Planning Commissioners	
	Historic Preservation Commissioners	
0923	Manager II	Assistant Director of Current Planning
0923	Manager II	Deputy ERO/Deputy Director of Environmental Planning
0931	Manager III	Finance & IT Manager
0931	Manager III	Director of Commission Affairs
0932	Manager IV	Environmental Review Officer
0952	Deputy Director II	Director, Current Planning
0952	Deputy Director II	Senior Advisor for Special Projects
0953	Deputy Director III	Director, Administration
0953	Deputy Director III	Director, Citywide Planning
0964	Department Head IV	Planning Director
1314	Public Relations Officer	Communications Manager
5502	Project Manager I	
5275	Planner Technician	
5277	Planner I	General
5278	Planner II	General
5278	Planner II	Enforcement Planner
5283	Planner V	Senior Policy Advisor
5283	Planner V	Zoning Administrator
5283	Planner V	Planner V – Transportation Environmental Planner
5291	Planner III	General
5291	Planner III	Planner/Historic Preservation Technical Specialist
5291	Planner III	Enforcement Planner
5291	Planner III	Manager of Commission Affairs
5291	Planner III	Architect
5291	Planner III	Urban Designer
5291	Planner III	Planner/Historic Preservation Compliance
5293	Planner IV	General
5293	Planner IV	Housing Implementation Specialist
5293	Planner IV	Preservation Coordinator
5293	Planner IV	Manager, Information Analysis Reporting Group
5293	Planner IV	Senior Preservation Planner
5293	Planner IV	Assistant Zoning Administrator
5293	Planner IV	Team Leader
5298	Planner III - Environmental Review	
5298	Planner III - Environmental Review	Transportation Environmental Planner
5299	Planner IV - Environmental Review	
9382	Govt & Public Affairs Manager	
9775	Senior Community Development Specialist II	

BOARD of SUPERVISORS



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

DATE: August 25, 2014

FILE NO. 140797

TO: Members of the Board of Supervisors

FROM: *AC* Angela Calvillo, Clerk of the Board

SUBJECT: 2013-2014 Civil Grand Jury Report "Rising Sea Levels...At Our Doorstep"

We are in receipt of the following required responses to the San Francisco Civil Grand Jury report released June 25, 2014, entitled: **Rising Sea Levels...At Our Doorstep**. Pursuant to California Penal Code, Sections 933 and 933.05, the City Departments shall respond to the report within 60 days of receipt, or no later than August 24, 2014.

For each finding the Department response shall:

- 1) agree with the finding; or
- 2) disagree with it, wholly or partially, and explain why.

As to each recommendation the Department shall report that:

- 1) the recommendation has been implemented, with a summary explanation; or
- 2) the recommendation has not been implemented but will be within a set timeframe as provided; or
- 3) the recommendation requires further analysis. The officer or agency head must define what additional study is needed. The Grand Jury expects a progress report within six months; or
- 4) the recommendation will not be implemented because it is not warranted or reasonable, with an explanation.

The Civil Grand Jury Report identified the following City Departments to submit responses (attached):

Mayor's Office, received August 22, 2014, submitted a consolidated response for:

- a. City Administrator
- b. City Controller
- c. Planning Department
- d. Building Inspection Department
- e. Department of Emergency Management
- f. Department of Environment
- g. Department of Public Works
- h. Port of San Francisco
- i. Public Utilities Commission
- j. San Francisco International Airport

(Received August 22, 2014, for Findings 1 through 12 and Recommendations 1a through 1d, 2a, 2b, 3 through 8, 9a through 9c, 10a, 10b, 11a through 11d, 12a, and 12b)

These departmental responses are being provided for your information, as received, and may not conform to the parameters stated in California Penal Code, Section 933.05 et seq. The Government Audit and Oversight Committee will consider the subject report, along with the responses, at an upcoming hearing and will prepare the Board’s official response by Resolution for the full Board’s consideration.

c:

Honorable Cynthia Ming-mei Lee, Presiding Judge
Elena Schmid, Foreperson, 2013-2014 San Francisco
Civil Grand Jury
Antonio Guerra, Mayor’s Office
Roger Kim, Mayor’s Office
Naomi Kelly, City Administrator
Ben Rosenfield, Controller
Asja Steeves, Controller
Jon Givner, Deputy City Attorney
Rick Caldeira, Legislative Deputy
Severin Campbell, Budget and Legislative Analyst
Matt Jaime, Budget and Legislative Analyst
John Rahaim, Planning Department
AnMarie Rodgers, Planning Department

Tom Hui, Department of Building Inspection
Carolyn Jayin, Department of Building Inspection
Anne Kronenberg, Department of Emergency Management
Deborah Raphael, Department of Environment
Guillermo Rodriguez, Department of Environment
Mohammad Nuru, Department of Public Works
Fuad Sweiss, Department of Public Works
Frank Lee, Department of Public Works
Monique Moyer, Port of San Francisco
Elaine Forbes, Port of San Francisco
Aaron Starr, Planning Department
Harlan, Kelly, Jr, Public Utilities Commission
Juliet Ellis, Public Utilities Commission
Cathy Widener, San Francisco International Airport



August 22, 2014

The Honorable Cynthia Ming-mei Lee
Presiding Judge
Superior Court of California, County of San Francisco
400 McAllister Street
San Francisco, CA 94102

Dear Judge Lee:

Pursuant to Penal Code sections 933 and 933.05, the following is the official City and County of San Francisco response to the 2013-2014 Civil Grand Jury report, *Rising Sea Levels... At Our Doorstep*.

Included is the consolidated reply of the Office of the Mayor and the following departments: City Planning, Building Inspection, Emergency Management, Environment, Office of the City Administrator, Office of the Controller, Port of San Francisco, Public Works, San Francisco International Airport, and San Francisco Public Utilities Commission.

The City and County of San Francisco's response to the Civil Grand Jury's findings and recommendations are as follows:

Finding 1:

The City does not have a citywide comprehensive plan that addresses the rising sea level issue.

Agree. The City has a draft comprehensive plan for addressing sea level rise for City assets. At the direction of the Mayor in the summer of 2013, a Sea Level Rise (SLR) Committee made up of representatives from seven City departments and two consulting firms, (Moffatt & Nichol and AECOM,) produced draft "Guidance for Incorporating Sea Level Rise Into Capital Planning in San Francisco: Assessing Vulnerability, Risk, and Adaptation." This draft Guidance was presented to the City Administrator, Department heads, and the Capital Planning Committee on May 12 and is currently undergoing review by City agencies. The draft Guidance includes findings on the state of the science, expected and possible sea level rise through 2100, and assessment of storm surge and wave action effecting water levels. It further provides a comprehensive approach for departments to follow to ensure City assets and capital improvement programs are resilient to the anticipated effects of sea level rise.

Recommendation 1a:

The City should prepare and adopt a risk assessment in preparation for developing a comprehensive plan regarding the rising sea level issue.

Recommendation has not been implemented but is underway. The draft Guidance referenced in the response to Finding 1 provides for comprehensive assessment of the vulnerability of City assets to sea level rise. In addition, it provides a framework that can be used in assessing risk associated with development along San Francisco's shoreline and in addressing that risk, thereby providing a road map for preparation of a risk assessment.

Recommendation 1b:

The City should adopt a citywide comprehensive plan for adaptation to rising sea levels, especially along its shores and its floodplains, which should include a provision that the plan be reviewed and reassessed every five years. The plan should include the provision that construction projects approval should take into account the anticipated lifespan of each project and the risks faced as outlined in said plan. Special consideration should be given to those anticipated to survive for more than thirty years.

Recommendation has not been implemented but is underway. The draft Guidance currently under City-wide review provides a framework for development of a comprehensive plan to address adaptation for City assets to the potential effects of sea level rise and states that the Guidance, the science behind SLR projections, and the approach outlined will need to be revisited periodically as new information becomes available. The Guidance requires consideration of asset life cycle in implementation. In addition, CEQA provides the Planning Department with authority to require that projects be designed to minimize and mitigate potential hazards related to sea level rise and takes into account the asset life cycle in its evaluation.

Recommendation 1c:

The City should build infrastructure systems that are resilient and adaptable to rising sea levels. The City, through its planning and building departments, should require that any construction project vulnerable to future shoreline or floodplain flooding be designed to be resilient to sea level rise at the 2050 projection, e.g., 16 inches, if the construction is not expected to last longer than 2050. For construction intended to last longer than 2050, it is recommended that the City require that the project be designed to address sea level rise projections for the longer term.

Recommendation will not be implemented because it is not warranted or reasonable. The City agrees with the statement that it should build infrastructure systems that are resilient and adaptable to rising sea levels. It disagrees, however, with some of the specifics in the recommendations that follow. Requiring any construction project be designed to be resilient to the existing 16 inch rise 2050 projection does not take into account other factors that should influence scenario selection, including exposure to storm surge or wave action, asset lifespan and location, and consequence of failure of a project. The Draft Guidance prepared by the Mayor's Sea Level Rise Committee described under Findings 1 above will address this issue.

Looking beyond 2050, while it is the case that assets with life cycles extending into the late 21st century must consider longer term SLR projections, it may be unwise – and expensive – to require *immediate* measures to adapt to wide-ranging, highly uncertain SLR projections further out in time. Consideration of adaptive management approaches, the adaptive capacity of assets, and revisiting of SLR science as the decades unfold are clear components of the draft Guidance that will provide the basis of City policy going forward.

Moreover, the Planning Department already evaluates whether proposed projects would expose people or structures to a significant risk of loss, injury or death due to flooding as a result of future sea level rise as part of the environmental review process required under the California Environmental Quality Act (CEQA). CEQA provides the City with an effective means to ensure that development in areas vulnerable to sea level rise is designed to address related flood hazards.

Recommendation 1d:

The City departments that would necessarily be involved in adaptation to rising sea levels, such as

Department of Public Works, Public Utilities Commission, Municipal Transportation Agency, the Port, should coordinate their projects with each other and with utility companies, such as PG&E, Comcast, and AT&T, to minimize inconvenience to the public, and to businesses, and further to avoid repetition of efforts and inefficient use of funds, labor, and time.

Recommendation has been implemented. Currently, City departments coordinate projects with each other and with various utility companies according to procedures established many years ago. In fact, under the lead of DPW various city departments and utility companies have recently invested in implementing an online mapping system that allow all members to view each other projects and facilitate coordination of all projects within the Right-of-Way.

Finding 2:

The City's Planning Code has no provisions addressing the impacts associated with rising sea levels. Without appropriate provisions within the City's Planning Code, there are no effective means to insure sustainable development on land vulnerable to rising sea levels.

Disagree in part. The City agrees with the statement that the Planning Code does not include provisions addressing impacts associate with sea level rise. However, the Planning Department evaluates whether proposed projects would expose people or structures to a significant risk of loss, injury or death due to flooding as a result of future sea level rise as part of the environmental review process required under the California Environmental Quality Act (CEQA). CEQA provides the City with an effective means to ensure that development in areas vulnerable to sea level rise is designed to address related flood hazards. As such, we disagree with the conclusion that without provisions in the Planning Code addressing sea level rise there are no effective means to insure sustainable development on land vulnerable to rising sea levels.

Recommendation 2a:

The City should amend its Planning Code to include maps showing the areas in the City that are most at risk from the impacts of sea level rise. The Planning Code should be amended to prohibit development in said at-risk areas unless there is compliance with the provisions of the City's Building Code and the Port's Building Code (if applicable to the project) outlined in Recommendation 3 below. The amendment should include a provision that the amended sections of the Code regarding the impact of rising sea levels be reviewed and reassessed every five years.

The recommendation requires further analysis. The SFPUC and Port have published maps depicting areas along San Francisco's bay and ocean shorelines that are potentially vulnerable to future flooding due to projected sea level rise through 2100. The Planning Department considers these maps in evaluating potential flood hazards for projects located in areas vulnerable to sea level rise under CEQA. In addition, the Federal Emergency Management Service is currently preparing a pilot study analyzing future coastal flood risks that account for sea-level rise as part of the California Coastal Analysis and Mapping Project Open Pacific Coast Study. The Planning Department will consider this study in evaluating sea level rise hazards for projects located in affected areas under CEQA. CEQA provides the Planning Department with sufficient authority to require projects to be designed to minimize and mitigate potential hazards related to sea level rise, and because maps of areas that are vulnerable to impacts from sea level rise have already been developed, amendments to the Planning Code to include such maps or to enforce flood resilient building standards for development in the affected areas may not be warranted. However, the City is currently evaluating whether to develop new policies addressing sea level rise. Such policies may include amendments to the Planning Code. As such, the recommended planning code amendments require further analysis.

Recommendation 2b:

The Planning Code should be amended to discourage permanent development in at-risk areas where public safety cannot be protected regarding the impact of rising sea levels.

The recommendation requires further analysis. CEQA provides the Planning Department with sufficient authority to require projects to be designed to minimize and mitigate potential hazards related to sea level rise. However, as stated above, the City is currently evaluating whether to develop new policies addressing sea level rise. Such policies may include amendments to the Planning Code. As such, the recommended planning code amendments require further analysis.

Finding 3:

The City's Building Code and the Port's Building Code have no provisions addressing the impacts associated with rising sea levels. Without appropriate provisions within the City's Building Code and the Port's Building Code, there are no effective means to control construction methods that would insure a project's resistance to the impacts of rising sea levels.

Disagree in part. The City agrees with the statement that the City's Building Code and the Port's Building Code do not include provisions addressing impacts associated with sea level rise. However, the Planning Department evaluates whether proposed projects would expose people or structures to a significant risk of loss, injury or death due to flooding as a result of future sea level rise as part of the environmental review process required under the California Environmental Quality Act (CEQA). CEQA provides the City with an effective means to ensure that development in areas vulnerable to sea level rise is designed to address related flood hazards. As such, we disagree with the conclusion that without provisions in the City's and Port's Building Codes addressing sea level rise there are no effective means to insure sustainable development on land vulnerable to rising sea levels.

Recommendation 3:

The City's Building Code and the Port's Building Code should be amended to include: (1) provisions addressing the impacts associated with sea level rise, especially when combined with sudden storm surges and king tides, (2) construction methods that would ensure a project's resistance to and protection from the impacts of rising sea levels, especially when combined with sudden storm surges and king tides; (3) amendments written to protect the most vulnerable systems, including but not necessarily limited to, electrical, telecommunications, and fire protection systems; (4) a provision that the sections of the Codes regarding the impact of rising sea levels should be reviewed and reassessed every five years.

The recommendation requires further analysis. Although CEQA provides the City with sufficient authority to require projects to be designed to minimize and mitigate potential hazards related to sea level rise, City departments are working with one another and with regional and state agencies to evaluate and develop consistent guidance and policies to address sea level rise. This includes researching adaptation and resiliency measures implemented by other municipalities, including building and planning code changes; and considering incorporating similar changes to the City's codes. The sea level rise projections will continue to evolve as new science and prediction methods become available. Therefore, any future implementation of new building code provisions will require specific, prescriptive changes that account for flexibility. Further analysis and coordination between the scientific community and affected agencies must be performed to develop consistent, effective, and practical policies, including possibly building or planning code changes, to address sea level rise.

Finding 4:

BCDC has the final say on any permit within its jurisdiction.

Disagree in part. BCDC does not have the final say on *any* permit within its jurisdiction. BCDC has jurisdiction over the land area lying between the Mean High Water Line of the Bay shoreline and a line drawn parallel to and 100 feet from the Bay shoreline. BCDC permits the following activities within its jurisdiction: 1) Placement of solid material, building or repairing docks, pile-supported or cantilevered structures, disposing of material or mooring of a vessel for a long period in San Francisco Bay or in certain tributaries that flow into the Bay; 2) Dredging or extracting material from the Bay bottom; 3) Substantially changing the use of any structure or area; 4) Constructing, remodeling or repairing a structure; or 5) Subdividing property or grading land.

Recommendation 4:

The City should consult with BCDC at the onset of development plans within BCDC's jurisdiction to ensure equitable and efficient results without necessitating surplus expenditures and time.

The recommendation has been implemented. The City consults with BCDC throughout the planning and environmental review processes on projects located within BCDC's regulatory jurisdiction.

Finding 5:

A comprehensive risk assessment of Ocean Beach, with mitigation recommendations made to the City regarding rising sea levels, was completed by SPUR, with City, State of California and U.S Corps of Engineers involvement, resulting in the Ocean Beach Master Plan, dated May, 2012.

Agree.

Recommendation 5:

The City should consider implementation of recommendations that are most pertinent to the City set forth in the Ocean Beach Master Plan, May 2012.

The recommendation has been implemented. The City has considered implementation of the most pertinent recommendations set forth in the Ocean Beach Master Plan. SFPUC, MTA, DPW, and the Planning Department are actively working with SPUR, the California Coastal Commission other state and federal agencies and community stakeholders to implement the Ocean Beach Master Plan recommendations concerning coastal erosion hazards at Ocean Beach between Sloat and Skyline Boulevards.

Finding 6:

A number of measures can be taken now by the Public Utilities Commission to minimize the impact of sea level rise, especially when combined with future king tides and sudden surges.

Agree.

Recommendation 6:

The City should build, through the Public Utilities Commission, larger sewer pumps, sewer pipes, and sewer transport storage boxes surrounding the city in the near future to accommodate king tides, sudden surges, and sea level rise.

Recommendation has not been implemented but is underway. The SFPUC levels of service incorporate climate change as a requirement for all projects implemented through the \$6.9B Sewer System Improvement Program (SSIP). A comprehensive Climate Change Adaptation Plan is currently being developed as part of the SSIP. Within this planning effort the SFPUC has conducted research of industry best science, has developed Sea Level Rise inundation maps for San Francisco, and is researching what climate science is telling us about future storm intensity. These factors, with conditions unique to the Bayside and Westside, including the impact of King Tides, will inform the planning and design decisions for critical sewer assets.

Finding 7:

Salt water backflows have already infiltrated the City's wastewater treatment plants, both in the Bayside and Oceanside plants. Salt water kills organisms in the system that clean wastewater and damages wastewater treatment equipment. As a result of sea level rise, bay and ocean saltwater backflow into the wastewater treatment systems will dramatically increase, causing serious problems for the wastewater treatment processes.

Agree.

Recommendation 7:

The City should, as an interim measure, retrofit outfalls in the wastewater treatment system with backflow prevention devices to prevent salt water intrusion into the collection systems resulting from high tides, sudden surges, and rising sea level. Local pump stations should also be installed to raise the flow to sewer discharge structures with higher elevations.

Recommendation has been partially implemented and is ongoing. The projects associated with the SFPUC's SSIP include the installation of new backflow prevention devices on Combined Sewage Discharge outfalls on the Bayside that are impacted by high tides, sudden surges and rising sea level. SFPUC is presently piloting an installed device to serve as backflow preventer at one location and continuing design analysis to address all locations. Saltwater backflows do not occur at the Oceanside Plant and are not expected to be an issue in the future. Regarding pump stations, the SFPUC will monitor actual sea level rise and identify adaptation strategies as-needed.

Finding 8:

The Southeast Wastewater Treatment Plant (Bayside), built in 1952, is aging and needs restoration.

Agree.

Recommendation 8:

The City should retrofit the Southeast Wastewater Treatment Plant to accommodate future king tides, sudden surges, and sea level rise.

Recommendation has not been implemented but is underway. Over the next 20 years, through proposed projects associated with the SSIP, the SFPUC plans to implement over \$2.5 billion related to improvements to the Southeast Wastewater Treatment Plant. These projects are all informed by predicted sea level rise elevations including king tides and surges.

Finding 9:

The San Francisco Airport (SFO) is located slightly above sea level and therefore vulnerable to flooding from

heavy rainfall, king tides, and rising sea levels. A number of measures can be taken now by SFO to minimize the impact of sea level rise, especially when combined with future king tides and sudden surges.

Agree in part and disagree in part. SFO agrees that it is minimally vulnerable to flooding from future heavy rainfall and king tides. Currently, the Airport has a system of seawalls which protects Airport property from daily tidal fluctuations, including the highest tides of the year called King Tides; and seawalls also protect the property against regular storm events. There are some known minor deficiencies in the seawall system that we are addressing which could pose some risk during extreme storm events. In addition to the seawalls, the Airport has an internal drainage and pump station system to evacuate any rain or ground water which accumulates on the Airfield. The entire airfield operational system of runways, taxiways, lighting systems and navigational aids is constructed with the understanding of operations occurring outdoors during inclement and wet weather. Therefore, SFO is not unduly vulnerable to today's heavy rainfalls and king tides. SFO is currently taking measures to review and develop a plan to mitigate any outstanding deficiencies in the seawall system related to long-term sea level rise.

Recommendation 9a:

SFO should increase the height of its existing seawalls along its runways to accommodate rising sea levels.

The recommendation has not been implemented but will be within a set timeframe as provided. A shoreline protection feasibility study is being conducted by Moffatt and Nichol that will provide recommendations to SFO on immediate improvements needed to protect SFO from combined impacts of a 100 year flood and sea level rise. Immediate implementation including environmental review and permitting, design and construction will take place in the next 6-8 years to address a 100 year flood event. SFO is also planning on long term improvements to the entire seawall system to address sea level rise. Long term strategies, with implementation 10 to 15 years in duration, include upgrading of drainage pump stations to handle larger storm events and building seawalls with robust foundations that will allow future extensions to accommodate additional sea level rise.

Recommendation 9b:

SFO should continue to improve measures to eliminate standing water on its runways to ensure they remain sufficiently above sea level.

The recommendation will not be implemented because it is not warranted. SFO does not have an ongoing problem with standing water on our taxiways or runways. Occasionally, we have had temporary small pockets of standing water on our in-field or turf areas, but it only takes a short time for the pump stations to catch up with the rainfall and drain these locations. Over the last ten years, SFO has spent \$26.4 million on pump station and storm drainage improvements, including \$18.8 million spent on our on-going Runway Safety Area program. As part of our on-going capital improvement plan, SFO is planning on investing \$22 million in storm drainage and pump station improvements over the next 5 years. SFO believes the combination of upgrading our storm drain pump stations and fortifying the perimeter seawalls is the best way to protect the runways from sea level rise.

Recommendation 9c:

The northern section of SFO should be analyzed by SFO engineers to determine how best to protect its wastewater treatment plant and other infrastructure in that section from sea level rise (e.g. construction of sea walls).

The recommendation is being implemented. SFO engineers are analyzing the best ways to protect the north field area, including the wastewater treatment plant and other infrastructure, as part of the feasibility study mentioned above.

Finding 10:

The Port of San Francisco is built on landfill, and its seawall lies beneath many buildings along the bay. Many piers are in poor condition. A number of measures can be taken now by the Port to minimize the impact of sea level rise, especially when combined with future king tides and sudden surges.

Agree.

Recommendation 10a:

The Port should begin planning and create a timeline for construction of flood control barriers in the low spots along the edges of the piers to prevent waterfront flooding associated with sea level rise.

The recommendation is being implemented. The Port is currently scoping the level of effort for earthquake retrofit and flood protection improvements to the San Francisco seawall. It is anticipated between 2014 and 2017 an earthquake vulnerability assessment as well as retrofit design concepts will be developed and funding secured. Between 2017 and 2030, individual sections of the retrofit will be designed and constructed.

Recommendation 10b:

To assist with the cost of protective measures to address sea level rise, the Port Commission should establish a reserve fund as part of its leasing policy whereby a surcharge is assessed as part of the rent or as a separate line item in each lease.

The recommendation will not be implemented because it is not warranted. The Port is currently seeking alternate funding sources from federal and state grant programs as well as including consideration of sea level rise in projects identified in the capital planning process. The U.S. Army Corps of Engineers is evaluating the San Francisco Seawall to determine if there is a federal interest in retrofitting the seawall, which could lead to federal matching funds through the federal Water Resources Development Act. By resolution 0125-13, the Board of Supervisors adopted “Guidelines for the Establishment and Use of an Infrastructure Financing District with Project Areas on Land under the Jurisdiction of the San Francisco Port Commission” which state:

“Any portion of the City’s share of tax increment that the City allocated to the waterfront district from the project area but that is not required to fund eligible project-specific public facilities will be re-allocated to the City’s General Fund or to improvements to the City’s seawall and other measures to protect the City against sea level rise or other foreseeable risks to the City’s waterfront.”

Infrastructure Financing District (IFD) law generally authorizes certain classes of public facilities to be financed through IFDs. The Legislature has broadened the types of authorized public facilities for waterfront districts to include (1) structural repairs and improvements to piers, seawalls, and wharves, and installation of piles, (2) shoreline restoration, and (3) improvements, which may be publicly owned, to protect against potential sea level rise. The Port is in the process of planning and implementing IFDs on Port property at Seawall Lot 337 in Mission Bay and at Pier 70, and will likely pursue legislative authorization to form IFDs in other areas of the waterfront.

Finding 11:

The City has not set aside funds for the cost of adaptation to sea level rise.

Agree. While the City has not specifically set aside funds for the cost of adaptation to sea level rise, that does not restrict the ability of the City to spend funds in the future. On an annual basis, the Mayor and the Board of Supervisors have the ability to allocate funds towards sea level rise if they wish to do so. It should be noted that the City has been very strategic in planning and funding capital improvement projects. The Capital Planning Program regularly develops a ten-year capital expenditure plan for city-owned facilities and infrastructure and the draft Guidance referred to above will address SLR in the development of this Capital Plan. The Capital Plan allows the City to take a long-range view of all needed infrastructure improvements and prioritize funding for the most critical projects. The Mayor and the Board of Supervisors allocate funding for the City's capital plan on an annual basis.

Recommendation 11a:

The City should start a reserve fund for adaptation for rising sea levels, a portion of which could be obtained from a surcharge on development planned for areas vulnerable to said eventuality.

Recommendation will not be implemented because it is not warranted. A reserve fund for sea level rise adaptation is unnecessary since the Mayor and the Board of Supervisors allocate capital funds on an annual basis. If policymakers did want to set aside funds, a reserve fund is not the only way of reserving City resources. Depending on the policy objective, a project, baseline, or Charter requirement could be more appropriate. However, any creation of a new reserve would need to be balanced against the loss of allocation flexibility for both the Mayor and the Board of Supervisors. Based on the language of the recommendation, it is assumed that the Jury is asking for a surcharge on all development, public or private. It should be noted that the Sea Level Rise Committee is in the process of creating guidelines for public development. A surcharge on private development has not been analyzed.

Recommendation 11b:

The City should assess costs of both implementation of adaptation strategies and potential losses from failing to do so.

Recommendation has been partially implemented. As part of the 2014 San Francisco Hazard Mitigation Plan, the City identified both natural and human-made hazards facing the City. The document formulated a plan to reduce losses from those hazards and established a process for implementing the plan. However, the 2014 HMP is not a comprehensive sea level rise plan, nor was it intended to be. It should be noted that the 2014 HMP includes the cost of several mitigation strategies either directly or closely related to sea level rise. The following are all high-priority mitigation actions that the City intends to implement during the five-year lifespan of the 2014 HMP, assuming funding availability.

- Implement Phase I of the SFPUC's Sewer System Improvement Program (SSIP), including stormwater management, flood control, and green infrastructure projects. Funding source: bond financing: \$75,000,000 approved over the next five years.
- Continue the Great Highway Long-Term Stabilization program to respond to continuing beach erosion impacts along the Great Highway at Ocean Beach south of Sloat Boulevard. Estimated project timeframe: 4-5 years. Potential funding source: SFMTA and Federal Highway Administration (FHWA). Estimated cost: \$3,000,000 - \$5,000,000.

- Upgrade segments of the San Francisco International Airport (SFO) shoreline protection system. Address gaps in the system that could allow the entry of floodwater; and address openings for stormwater drainage that do not have closure devices, which could allow the entry of floodwaters. Upgrade seawalls to address sea level rise. Estimated project timeframe: 5 years. Potential funding source: Capital Planning/Federal Government. Estimated cost: \$60,000,000.
- Upgrade storm drainage outfall pump stations 1A, 1B, and 1C to protect the SFO airfield from 100-year floods and sea level rise. Estimated project timeframe: 1-2 years. Potential funding source: TBD. Estimated cost: \$3,500,000.

The 2014 HMP does include a brief hazard profile for sea level rise as part of the HMP's climate change section, but does not contain an analysis of the city's vulnerability to sea level rise. This is because the 2014 HMP was completed before the Sea Level Rise Committee chose sea level rise maps for the City and agreed on the level of sea level rise they believe will impact the City. Future versions of the HMP will incorporate the more recent work of the Sea Level Rise Committee by updating the sea level rise hazard profile and by including a vulnerability analysis for sea level rise.

Recommendation 11c:

The City should explore applying for grants offered by Congress' Pre-Disaster Mitigation Program. Receipt of grants is based upon risk assessments indicating that potential savings would exceed the cost of implementation. The City should explore available matching funds from the Army Corps of Engineers and other federal sources.

Recommendation implemented. The City has taken the necessary steps to qualify for and receive federal funding. Having a FEMA approved HMP makes San Francisco eligible for federal hazard and flood mitigation grant funding before and after a Presidentially-declared disaster. Additionally, the Port has explored various opportunities with the US Army Corps of Engineers (USACE). In December, 2012, the Port has asked the USACE to conduct a study under the River and Harbor Act to determine feasibility of federally-assisted improvements to the San Francisco seawall as a storm and flood protection structure. In May 2014, the Corps kicked off a Federal Interest Determination for a project under the Continuing Authorities Program (CAP) Section 103 Shoreline Protection. This funding source is for smaller projects that result in implementation, not study. The federal spending limit is \$3 million and the cost share is 65% Federal and 35% local.

In 2010, the Port asked USACE for seawall assistance through the Water Resources and Development Act (WRDA) for maintenance and repair, liquefaction hazard mitigation, and flood protection. While the request has yet to find any success, the Port continues to actively pursue this funding option.

Recommendation 11d:

The City should request an insurance premium estimate from FEMA and then compare that estimate with the funding it could acquire from FEMA for mitigation and adaptation against future flooding.

Recommendation will be implemented in the future. Staff is currently pursuing all available opportunities to work with FEMA on sea level rise mitigation measures. A FEMA sea level rise workshop specifically for the City and County of San Francisco will be conducted this September.

Finding 12:

Rising sea levels is a regional problem. What one community does to protect its shorelines may have a negative impact on a neighboring community.

Response

Agree.

Recommendation 12a:

The City should, through its Mayor and Board of Supervisors, coordinate its efforts with other cities and organizations in the bay area by establishing a working group to address the impact of rising sea levels. This has been successfully accomplished by four counties on the east coast of Florida, as an example.

The recommendation has been partially implemented. The City's Sea Level Rise Committee reached out to a number of other jurisdictions, including those in the Bay Area, to assess SLR strategies being pursued in other locations. Committee members are presenting the City's draft Guidance in a number of regional forums and are exploring regional cooperation and collaboration opportunities. SFO in particular has focused on developing regional collaboration and SFO has reached out to stakeholders and neighboring communities to begin a dialog on adaptation strategies. SFO jointly applied with San Mateo County for a climate ready grant from the State Coastal Conservancy and successfully won the grant to extend its current feasibility study to include San Bruno and Colma Creeks which empty into the bay immediately north of SFO. A working group including stakeholders from SFO, San Mateo County, BCDC, California State Coastal Conservancy, South San Francisco, San Bruno, Caltrans and SamTrans will begin meeting in August 2014 to address impacts of sea level rise on the peninsula.

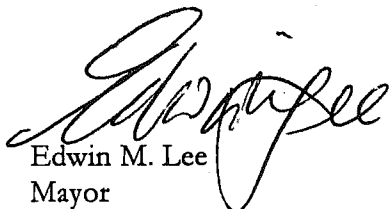
Recommendation 12b:

That the City create a local working group of community citizens and stakeholders to feed into the regional group.

The recommendation requires further analysis. We agree that community and stakeholder involvement in the process of adapting to sea level rise is essential. City agencies to date have spent the bulk of their time focused on technical issues such as what we know about sea level rise science, the state of the art in planning infrastructure resilience, and other technical subjects. As we get up to speed, we will turn our attention to greater involvement from communities, the private sector, and stakeholders as adaptation planning moving forward. The exact nature the outreach and involvement has not yet been determined.

Thank you again for the opportunity to comment on this Civil Grand Jury report.

Sincerely,


Edwin M. Lee
Mayor



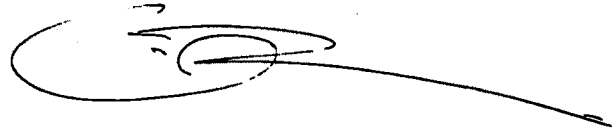
Naomi Kelly
City Administrator



Monique Zmuda
Deputy Controller
Controller



Tom C. Hui
Director
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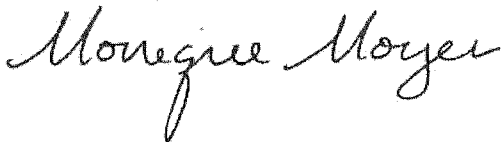
Gil Kelley
Director of Citywide Planning
City Planning



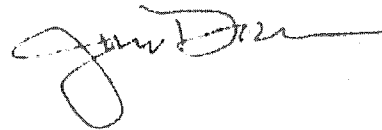
Anne Kronenberg
Executive Director
Emergency Management



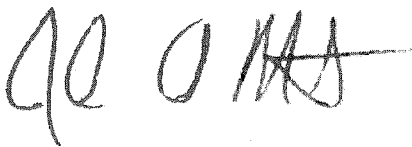
Deborah Raphael
Director
Environment



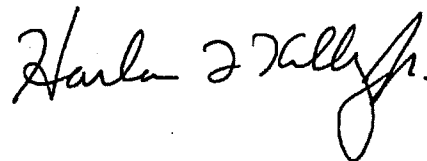
Monique Moyer
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Harlan L. Kelly Jr.
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