

FILE NO. 160849

Petitions and Communications received from July 18, 2016, through July 25, 2016, for reference by the President to Committee considering related matters, or to be ordered filed by the Clerk on August 2, 2016.

**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 Board President Breed, submitting requests to notice special meetings of the Board of Supervisors on July 28 at 8:30 a.m., July 28 at 8:40 a.m., July 29 at 10:30 a.m., and July 29 at 10:35 a.m. Copy: Each Supervisor. (1)

From Office of the City Administrator, submitting Disaster Emergency Response and Recovery Fund Annual Report. Copy: Each Supervisor. (2)

From Clerk of the Board, reporting that the following departments have submitted their Sole Source Contracts Report for FY 2015-2016: (3)

- Office of the City Administrator
- Airport
- Adult Probation Department
- Department of Building Inspection
- Department of Child Support Services
- Department of Elections
- Port
- Public Works
- Office of the Treasurer and Tax Collector

From Clerk of the Board, reporting that the following agencies have submitted a 2016 Local Agency Biennial Conflict of Interest Code Review Report: (4)

- Board of Appeals
- Department of Child Support Services
- Department of Emergency Management
- Department of Elections
- Health Plan
- Citizens General Obligation Bond Oversight Committee
- Police Department

From CCSF Civil Grand Jury, submitting report entitled "Drinking Water Safety in San Francisco: A reservoir of good practice". Copy: Each Supervisor. (5)

From CCSF Civil Grand Jury, submitting report entitled "San Francisco Building and Fire Safety Inspection: A Tale of Two Departments: Department of Building Inspection and San Francisco Fire Department". Copy: Each Supervisor. (6)

From Office of the Controller, submitting memorandum on its audit of the Department of Public Works' 2011 Road Repaving and Street Safety General Obligation Bond Program expenditures. (7)

From Department of Public Health, Office of Contract Management, regarding FY 2016-2017 S.F. Admin Code 12B Waiver Request. Copy: Each Supervisor. (8)

From Office of the Mayor, regarding Mayor's Office Memberships for FY 2016-2017. Copy: Each Supervisor. (9)

From Office of the Mayor, pursuant to Charter Section 3.100, designating Supervisor Mark Farrell as Acting-Mayor from July 21, 2016 at 2:20 p.m. to July 26, 2016 at 2:00 p.m., and Supervisor Katy Tang as Acting-Mayor from July 26, 2016 at 2:01 p.m. to July 29, 2016 at 10:39 a.m. Copy: Each Supervisor. (10)

From Office of the Mayor, pursuant to Charter Section 3.100(18) submitting Notice of Appointment to the following Board: Recreation & Park Commission. (11)

Gloria Bonilla, term ending June 27, 2020

Tom Harrison, term ending June 27, 2020

Kat Anderson, term ending June 27, 2020

From Police Department, submitting Executive Summary Use of Force and Arrest Report January 1, 2016 – March 31, 2016. Copy: Each Supervisor. (12)

From Public Utilities Commission, regarding CleanPowerSF. Copy: Each Supervisor. (13)

From Recreation and Park Department, submitting pursuant to Admin. Code 10.100-305, Annual Report on Gifts up to \$10,000 FY 2015-2016. Copy: Each Supervisor. (14)

From State Fish and Game Commission, submitting notice of proposed regulatory action relating to Nongame Animals General Provisions. Copy: Each Supervisor. (15)

From State Fish and Game Commission, submitting notice of proposed regulatory action relating to Upland Game Bird Special Hunt Drawing and Application Fee. Copy: Each Supervisor. (16)

From State Fish and Game Commission, submitting notice of proposed extension of existing emergency regulations relating to Dungeness crab and rock crab fisheries. Copy: Each Supervisor. (17)

From West Area California Public Utilities Commission, regarding Notification Letter for various Verizon Facilities. Copy: Each Supervisor. (18)

From Bob Carson, regarding L Taraval. Copy: Each Supervisor. (19)

From Library Users Association, regarding Library funding on reserve. Copy: Each Supervisor. (20)

From concerned citizens, regarding Accessory Dwelling Units. File No. 160252. 6 letters. Copy: Each Supervisor. (21)

From concerned citizen, regarding maintenance of street trees. File Nos. 160381, 160582. Copy: Each Supervisor. (22)

From Michelle Petri, regarding styrofoam recycling. File No. 160383. Copy: Each Supervisor. (23)

From Bob Planthold, regarding proposed Charter Amendment for Public Advocate. File Nos. 160583, 160824. Copy: Each Supervisor. (24)

From Amy Crumpacker, regarding proposed Charter Amendment for Housing and Development Commission. File No. 160588. Copy: Each Supervisor. (25)

From concerned citizens, regarding proposed Charter Amendment for Municipal Transit Agency. File No. 160589. 3 letters. Copy: Each Supervisor. (26)

From concerned citizens, regarding project at 901-16th Street and 1200-17th Street. File No. 160683. 6 letters. Copy: Each Supervisor. (27)

From concerned citizens, regarding proposed ordinance to be submitted voters amending the Planning Code to require Conditional Use authorization for conversion of Production, Distribution, and Repair Use, Institutional Community Use, and Arts Activities Use and replacement space. File No. 160698. 5 letters. Copy: Each Supervisor. (28)

From Health Service System, regarding 2017 Health Service System Rates and Benefits package. File No. 160747. Copy: Each Supervisor. (29)

From concerned citizens, regarding Live Scan and background checks. File No. 160759. 2 letters. Copy: Each Supervisor. (30)

From Bay Area Council, regarding November transportation measure. File No. 160796. Copy: Each Supervisor. (31)

From Supervisor Yee, regarding appointment of Judge Quentin I. Kopp to the Ethics Commission. File No. 160834. Copy: Each Supervisor. (32)

From Shadi Zughayar, regarding a Type-21 ABC license for 507 Columbus Avenue. File No. 160836. (33)

From concerned citizens, regarding Support at Home program. 2 letters. Copy: Each Supervisor. (34)

From concerned citizens, regarding Public Convenience and Necessity request for a Type 48 license at 65 Post Street. File No. 160249. (35)

President, Board of Supervisor  
District 5



City and County of San Francisco

BOS-11, COB, LEG DP  
BOS-09S, Dep. City At  
BOS IT, BOS LEG  
CPAP

LONDON N. BREED

RECEIVED  
7/25/2014  
Ch

MEMORANDUM

**DATE:** July 25, 2016  
**TO:** Angela Calvillo, Clerk of the Board  
**FROM:** President London Breed  
**SUBJECT:** Request to Notice A Special Meeting of the Board of Supervisors

Please be advised that as President of the Board of Supervisors, I have submitted a request to notice a special meeting of the Board of Supervisors on July 28th, 2016 at 8:30 am in the Legislative Chamber room 250 to consider the following items, and any duplicated items with similar subject matter, for a majority vote:

- File 160381 - Charter Amendment and Business and Tax Regulations Code - City Responsibility and Parcel Tax for Street Trees
- File TBD: Modifying Time for Submission of Charter Amendment under Rule 2.22.7 - City Responsibility and Parcel Tax for Street Trees (File No. 160381)

Thank you for ensuring an agenda is posted within 24 hours of the meeting convening and noticing all necessary media outlets and the general public.

Please let me know if there are any questions.

Sincerely,

A handwritten signature in cursive script that reads "London Breed".

President London Breed  
Board of Supervisors  
City & County of San Francisco



President, Board of Supervisor  
District 5



BOS-11, CoB, Leg Dep  
Ops, Dep. City atty  
BOS-IT, BOS-Log.  
CPAG

City and County of San Francisco

LONDON N. BREED

RECEIVED  
7/25/2016  
eh

MEMORANDUM

**DATE:** July 25, 2016  
**TO:** Angela Calvillo, Clerk of the Board  
**FROM:** President London Breed  
**SUBJECT:** Request to Notice A Special Meeting of the Board of Supervisors

Please be advised that as President of the Board of Supervisors, I have submitted a request to notice a special meeting of the Board of Supervisors on July 28th, 2016 at 8:40 am in the Legislative Chamber room 250 to consider the following items, and any duplicated items with similar subject matter, for a majority vote:

- File 160586 - Charter Amendment – Department of Police Accountability
- File TBD: Modifying Time for Submission of Charter Amendment under Rule 2.22.7 – Department of Police Accountability (File No. 160586)
- 160583 – Charter Amendment – Public Advocate; Department of Police Accountability
- File 160588 – Charter Amendment – Housing and Development Commission
- File 160827 - Agreements - Access to Fiber-Optic Facilities - Bay Bridge Consortium and Pacific Bell

Thank you for ensuring an agenda is posted within 24 hours of the meeting convening and noticing all necessary media outlets and the general public.

Please let me know if there are any questions.

Sincerely,

*London Breed*

President London Breed  
Board of Supervisors  
City & County of San Francisco

City Hall • 1 Dr. Carlton B. Goodlett Place • San Francisco, California 94102-4689 • (415) 554-7630  
Fax (415) 554 - 7634 • TDD/TTY (415) 554-5227 • E-mail: London.Breed@sfgov.org

President, Board of Supervisor  
District 5



City and County of San Francisco

BOS-11, COB, LEGD  
BOS-095, Dep Citycl  
BOS-IT, BOS LEG.  
CPAG

LONDON N. BREED

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7/25/2016  
Ch

MEMORANDUM

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**SUBJECT:** Request to Notice A Special Meeting of the Board of Supervisors

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Please be advised that as President of the Board of Supervisors, I have submitted a request to notice a special meeting of the Board of Supervisors on July 29th, 2016 at 10:30 am in the Legislative Chamber room 250 to consider the following items, and any duplicated items with similar subject matter, for a majority vote:

- File 160381 - Charter Amendment and Business and Tax Regulations Code - City Responsibility and Parcel Tax for Street Trees
- File 160582 – Charter Amendment – City Responsibility for Maintaining Street Trees

Thank you for ensuring an agenda is posted within 24 hours of the meeting convening and noticing all necessary media outlets and the general public.

Please let me know if there are any questions.

Sincerely,

*London Breed*

President London Breed  
Board of Supervisors  
City & County of San Francisco

President, Board of Supervisor  
District 5



BOS-11, COB, Leg. Dep  
BUS-OPS, Dep. Cityatt.  
BOS-IT, BOS-LEG  
City and County of San Francisco CPAG

LONDON N. BREED

RECEIVED  
7/25/2016  
en

MEMORANDUM

**DATE:** July 25, 2016  
**TO:** Angela Calvillo, Clerk of the Board  
**FROM:** President London Breed  
**SUBJECT:** Request to Notice A Special Meeting of the Board of Supervisors

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Please be advised that as President of the Board of Supervisors, I have submitted a request to notice a special meeting of the Board of Supervisors on July 29th, 2016 at 10:35 am in the Legislative Chamber room 250 to consider the following items, and any duplicated items with similar subject matter, for a majority vote:

- File 160586 – Charter Amendment – Department of Police Accountability

Thank you for ensuring an agenda is posted within 24 hours of the meeting convening and noticing all necessary media outlets and the general public.

Please let me know if there are any questions.

Sincerely,

*London Breed*

President London Breed  
Board of Supervisors  
City & County of San Francisco



7.15.16 Report to the Board of Supervisors

**Report from the Controller and City Administrator  
THE SAN FRANCISCO DISASTER AND EMERGENCY RESPONSE AND RECOVERY FUND.**

	FY15-16 Q1		FY15-16 Q2		FY15-16 Q3		FY15-16 Q4		FY15-16 Total	
	Sources	Uses	Sources	Uses	Sources	Uses	Sources	Uses	Sources	Uses
SF Disaster Fund - Animal Care	\$0	\$0	\$115	\$0	\$0	\$0	\$10	\$0	<b>\$125</b>	<b>\$0</b>
SF Disaster Fund - Housing & Relief	\$0	\$0	\$115	\$0	\$0	\$0	\$50	\$0	<b>\$165</b>	<b>\$0</b>
SF Disaster Fund - Public Infrastructure	\$0	\$0	\$15	\$0	\$0	\$0	\$25	\$0	<b>\$40</b>	<b>\$0</b>
SF Disaster Fund - Unspecified	\$0	\$0	\$15	\$0	\$75	\$0	\$17	\$0	<b>\$107</b>	<b>\$0</b>
<b>SF Disaster Fund - Total</b>	<b>\$0</b>	<b>\$0</b>	<b>\$260</b>	<b>\$0</b>	<b>\$75</b>	<b>\$0</b>	<b>\$102</b>	<b>\$0</b>	<b>\$437</b>	<b>\$0</b>

**ADM FY15-16 Sole Source Contract Report to Board of Supervisors - July 22, 2015**

Document No/Sfx	Vendor Name	Vendor No	Purpose	Index Code Code	Subobject Code	Original Balance
DPAD1600064501	DATA ARTS	95784	Online application system	700024	02799	40,375
DPPR1600010801	COMCAST OF CA/COLORADO/WASHINGTON I INC	72660	Business cable subscription	701001	03571	3,000
DPPR1600022601	PACIFIC GAS & ELECTRIC CO	14087	Central Shops - sole San Francisco supplier of CNG.	701001	04799	54,000
POPR1600002001	HI-TECH EMERGENCY VEHICLE SERVICE INC	09230	Fire vehicle specialized maintenance	701001	02921	15,054
DPPR1600021201	GCS ENVIRONMENTAL EQUIPMENT SERVICES INC	78487	Central Shops specialized parts	701001	04331	200,000
DPPR1600029601	ALTEC INDUSTRIES INC	01764	Central Shops specialized parts	701001	04331	20,000
DPPR1600014201	MUNICIPAL MAINTENANCE EQUIPMENT	28110	Central Shops OEM parts.	701001	04331	95,000
DPPR1600024301	CHARGEPOINT INC	87936	Electric vehicle charging stations maintenance	701001	02999	970
DPAD1600040701	BELL AND HOWELL LLC	84494	REPROMAIL proprietary equipment maintenance	701101	02799	127,000
DPAD1600040401	CANON SOLUTIONS AMERICA INC	83771	REPROMAIL proprietary equipment maintenance	701101	02999	159,000
DPAD1600011201	COMCAST OF CA/COLORADO/WASHINGTON I INC	72660	Business cable subscription	705029	03571	400
DPAD1600069901	VERINT AMERICAS INC	97790	CRM software maintenance	705029	02761	193,981
DPRE1600011101	COMCAST OF CA/COLORADO/WASHINGTON I INC	72660	Business cable subscription	70RE25VN	03571	400
DPRE1600124401	SHIP ART INTERNATIONAL	16960	Specialized art transportation	70RELLAHILL	03521	38,631
DPRE1600011001	COMCAST OF CA/COLORADO/WASHINGTON I INC	72660	Business cable subscription	70REHOJ	03571	400
DPRE1600045301	CHARGEPOINT INC	87936	Electric vehicle charging stations maintenance	70REPROPMGT	04921	485
DPAD1600003001	COMCAST OF CA/COLORADO/WASHINGTON I INC	72660	Business cable subscription	70TIDA	03571	2,000
DPAD1600005101	CHARGEPOINT INC	87936	Electric vehicle charging stations maintenance	70TIDA	03599	840
DPCM1600006101	RANDOX LABORATORIES-US LTD	85575	Office of Chief Medical Examiner - RANDOX EVIDENCE IMMUNASSAY	745008	04431	39,463
DPCM1600006301	RANDOX LABORATORIES-US LTD	85575	Office of Chief Medical Examiner - RANDOX EVIDENCE IMMUNASSAY	745008	04431	92,081
POCM1600000201	RADIOLOGICAL SPECIALISTS INC	93330	Specialized 3D x-ray equipment	745008	06071	501,438
POCM1600000202	RADIOLOGICAL SPECIALISTS INC	93330	Maintenance for proprietary equipment	745008	02999	60,000
POCM1600000203	RADIOLOGICAL SPECIALISTS INC	93330	Maintenance for proprietary equipment	745008	02899	5,060
DPCM1600013401	VENTURE LABS INC	69130	Office of Chief Medical Examiner - ELISA KITS	745008	04431	8,156
DPCM1600015001	VENTURE LABS INC	69130	Office of Chief Medical Examiner - ELISA KITS	745008	04431	10,875
DPCM1600001901	NMS LABS INC	33169	Office of Chief Medical Examiner - specialized toxicology testing	745008	02789	40,000
DPCM1600018001	VENTURE LABS INC	69130	Office of Chief Medical Examiner - ELISA KITS	745008	04431	5,438

August 2, 2016 – Communications Page

From the Clerk of the Board, the following departments have submitted their reports regarding Sole Source Contracts for FY2015-2016:

Office of the City Administrator  
San Francisco International Airport  
San Francisco Adult Probation Department  
Department of Building Inspection  
Department of Child Support Services  
Department of Elections  
Port of San Francisco  
San Francisco Public Works  
Office of the Treasurer and Tax Collector

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**From:** Nguyen, Adam (ADM)  
**Sent:** Tuesday, July 26, 2016 4:29 PM  
**To:** Board of Supervisors, (BOS)  
**Cc:** Bukowski, Kenneth (ADM); Martinez, Norman  
**Subject:** FW: 2015- 2016 Sole Source Contracts Memo - Response Required  
**Attachments:** ADM FY15-16 Sole Source Contract Report to BOS.xlsx

**Importance:** High

Dear Board of Supervisors –

Please find ADM's response attached.

Adam Nguyen  
Budget and Planning Director  
Office of the City Administrator  
1 Dr. Carlton B. Goodlett Place, Rm 356  
San Francisco, CA 94102  
(415) 554-4563  
[adam.nguyen@sfgov.org](mailto:adam.nguyen@sfgov.org)

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**From:** Board of Supervisors, (BOS)  
**Sent:** Friday, June 24, 2016 10:17 AM  
**To:** MYR-ALL Department Heads  
**Cc:** MYR-All Department Head Assistant  
**Subject:** 2015- 2016 Sole Source Contracts Memo - Response Required

Dear Department Heads:

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

Regards,

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

DPCM1600011101	RANDOX LABORATORIES-US LTD	85575	Office of Chief Medical Examiner - RANDOX EVIDENCE IMMUNASSAY	745008	02941	21,600
DPCM1600002201	AGILENT TECHNOLOGIES INC	52700	Office of Chief Medical Examiner - specialized equipment maintenance	745008	02999	22,026
DPAN1600018401	EARTH ISLAND INSTITUTE	74298	Coyote education and outreach	765005	02751	40,000

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**From:** Cynthia Avakian (AIR)  
**Sent:** Tuesday, July 19, 2016 10:57 AM  
**To:** Board of Supervisors, (BOS)  
**Cc:** Gosiengfiao, Rachel (BOS)  
**Subject:** Dept. 27 - Report Sole Source Contracts FY15-16  
**Attachments:** Dept 27-Airport Sole Source Contracts Annual Report 15-16.pdf

Ms. Calvillo,

Attached please find a copy of SFO's Report Sole Source Contracts FY15-16. If you have any questions about the report, please let me know.

Thanks,

Cynthia Avakian  
Director, Contracts  
San Francisco International Airport  
P. O. Box 8097, San Francisco, CA 94128  
E-mail: [cynthia.avakian@flysfo.com](mailto:cynthia.avakian@flysfo.com)  
Phone: (650) 821-2014



San Francisco International Airport

July 19, 2016

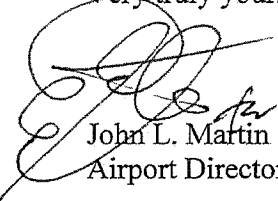
Ms. Angela Calvillo  
Clerk of the Board of Supervisors  
City Hall, Room 244  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

Dear Ms. Calvillo:

Pursuant to San Francisco Administrative Code Section 67.24(e), attached is the Airport's annual report on sole source contracts for Fiscal Year 2015-2016. This list is composed of contracts and agreements that needed sole source waivers from the City's Human Rights Commission (HRC), Contract Monitoring Division (CMD) and/or the Office of Contract Administration (OCA).

If you have any questions, please contact Cynthia Avakian of the Airport's Contracts Administration Unit at (650) 821-2014.

Very truly yours,

  
John L. Martin  
Airport Director

Attachment

AIRPORT COMMISSION CITY AND COUNTY OF SAN FRANCISCO

EDWIN M. LEE  
MAYOR

LARRY MAZZOLA  
PRESIDENT

LINDA S. CRAYTON  
VICE PRESIDENT

ELEANOR JOHNS

RICHARD J. GUGGENHIME

PETER A. STERN

JOHN L. MARTIN  
AIRPORT DIRECTOR

Post Office Box 8097 San Francisco, California 94128 Tel 650.821.5000 Fax 650.821.5005 www.flysfo.com

**Airport Commission Summary of Sole Source Contracts FY 15-16**

	<b>TERM START</b>	<b>TERM END</b>	<b>VENDOR NAME</b>	<b>AMOUNT</b>	<b>REASON FOR WAIVER</b>
1	FY 15-16		3M	\$600.00	Training
2	1/30/15	1/30/20	Airport Research & Development Foundation (ARDF)	\$2,500,000.00	Government Fees, Fines, Licenses
3	1/1/15	12/30/20	Airports Council International	\$479,355.00	Airport Service Quality Survey
4	FY 15-16		Alibris	\$2,000.00	seminars)
5	FY 15-16		AMAC	\$7,500.00	Membership
6	FY 15-16		American Institute of Certified Public Accountants	\$1,845.00	Conference, Membership
7	4/1/16	3/31/17	American Planning Association	\$2,941.75	Membership
8	FY 15-16		American Society of Civil Engineers	\$397.00	Subscriptions
9	7/1/13	6/30/16	Anderson Audio Visual-East Bay LLC	\$42,350.00	Equipment, Maintenance, Repair, Parts
10	FY 15-16		APCO International	\$120.00	Membership
11	2/15/07	2/15/17	Bank of New York Trust Company NA	\$1,700,000.00	Consulting
12	FY 15-16		Bay Area Air Quality Management District	\$92,592.00	Government Fees, Fines, Licenses
13	FY 15-16		Bay Area Clean Water Agencies	\$5,802.00	Government Fees, Fines, Licenses
14	FY 15-16		Bay Area Council	\$68,100.00	Conference, Membership, Studies
15	7/1/15	6/30/17	Bay Area Rapid Transit	\$400,000.00	Government Fees, Fines, Licenses
16	8/31/06	10/15/19	Bay Area Toll Authority	\$2,214,000.00	Government Fees, Fines, Licenses
17	FY 15-16		BCDC	\$934.75	Government Fees, Fines, Licenses
18	FY 15-16		Board of Equalization	\$434.00	Government Fees, Fines, Licenses
19	11/25/13	11/24/18	Boys and Girls Club San Mateo County	\$3,900.00	Noise Monitoring Site Permits
20	7/1/12	6/30/17	Bruel & Kjaer EMS Inc.	\$1,520,000.00	Agreement
21	FY 15-16		Bureau of National Affairs	\$2,000.00	Publications & Subscriptions
22	FY 15-16		Burton's Fire, Inc.	\$250,000.00	Equipment, Maintenance, Repair, Parts
23	FY 15-16		CA Debt and Investment Advisory Comission	\$300.00	Conference
24	FY 15-16		CA Department of Public Health	\$3,083.75	Government Fees, Fines, Licenses
25	9/1/15	6/30/17	CA Department of Transportation	\$250,000.00	Lease Reimbursement
26	FY 15-16		CA Department of Transportation	\$40,000.00	Government Fees, Fines, Licenses
27	FY 15-16		CA Water Environment Assoc.	\$160.00	Conference
28	FY 15-16		Cal CPA Education	\$399.00	Membership
29	FY 15-16		CalChamber	\$115.00	Publications & Subscriptions
30	FY 15-16		CalCPA Education Foundation	\$4,990.00	Training
31	FY 15-16		CA-Nevada Section American Water Works Association	\$565.00	Conference
32	2/15/15	6/30/18	Chevron USA	\$15,000.00	Credit Card for emerg. Repairs & fueling
33	FY 15-16		City College of San Francisco	\$285.00	Training
34	9/25/13	6/30/18	City of Brisbane	\$600.00	Noise Monitoring site permits
35	7/1/14	6/30/15	City of Burlingame-Water/Sewer Fees	\$5,000.00	Government Fees, Fines, Licenses
36	9/25/13	6/30/18	City of Daly City	\$1,200.00	Government Fees, Fines, Licenses
37	9/25/13	6/30/18	City of Millbrae	\$1,200.00	Government Fees, Fines, Licenses
38	FY 15-16		City of Millbrae	\$3,000.00	Government Fees, Fines, Licenses
39	9/25/13	6/30/18	City of Pacifica	\$600.00	Noise Monitoring Site Permits



**Airport Commission Summary of Sole Source Contracts FY 15-16**

	<b>TERM START</b>	<b>TERM END</b>	<b>VENDOR NAME</b>	<b>AMOUNT</b>	<b>REASON FOR WAIVER</b>
40	9/25/13	6/30/18	City of San Bruno	\$600.00	Noise Monitoring Site Permits
41	FY 15-16		City of South San Francisco	\$150,000.00	Government Fees, Fines, Licenses
42	10/1/15	9/30/17	City of South San Francisco	\$9,715,000.00	Government Fees, Fines, Licenses
43	FY 15-16		CLE International	\$2,780.00	Conference
44	FY 15-16		Continuing Education of the Bar	\$3,500.00	Publications & Subscriptions
45	FY 15-16		County of San Mateo	\$13,000.00	Online Subscription Services
46	7/1/13	6/30/18	County of San Mateo (Palcare)	\$3,450,000.00	Childcare facility
47	11/1/14	10/31/19	Department of Homeland Security- Customs and Border Protection (CBP)	\$9,000,000.00	Reimbursement Fee Agreement Program and CBP only Contractor
48	FY 15-16		Department of Motor Vehicles	\$300.00	Training
49	FY 15-16		Dept. Health Services (Env. Lab. Accreditation Prog.)	\$3,009.00	Government Fees, Fines, Licenses
50	10/1/15	9/30/17	Dept. of Consumer Affairs CA Board of Accountancy	\$50.00	Membership
51	FY 15-16		DFW Training Research Center	\$60,850.00	Training
52	7/1/15	6/30/17	Dioo, LLC	\$36,000.00	Online Subscription Services
53	FY 15-16		E&M Electric & Machinery Inc.	\$16,622.82	Software/Hardware Purchase or Upgrade
54	6/20/11	12/31/15	Engineered Arresting Systems Corp.	\$420,000.00	EMAS Design Services
55	2/16/15	2/6/17	Engineering News Record	\$125.00	Publications & Subscriptions
56	FY 15-16		Enviance Inc	\$49,925.00	Agreement
57	2/15/13	2/14/18	Federal Aviation Administration	\$0.00	Government Fees, Fines, Licenses
58	3/31/11	6/30/16	Federal Aviation Administration Lease	\$4,519,373.19	Government Fees, Fines, Licenses
59	10/1/12	9/30/20	Federal Aviation Administration Lease	N/A	Lease Reimbursement
60	7/1/15	6/30/35	Federal Aviation Administration Lease	\$1.00	Lease Reimbursement
61	12/1/15	11/30/20	Fitch Ratings Inc.	\$275,000.00	Publications & Subscriptions
62	FY 15-16		Fred Pryor Seminars/Careertrack	\$159.00	Conference
63	FY 15-16		Friends of the Commission on the Status of Women	\$3,500.00	Conference
64	FY 15-16		Garratt-Callahan	\$270,000.00	Equipment, Maintenance, Repair, Parts
65	3/1/15	2/28/18	GCR Inc.	\$99,700.00	Agreement
66	1/1/13	12/30/17	GCR Inc.	\$1,500,000.00	Agreement
67	FY 15-16		Green Technology	\$265.00	Conference
68	FY 15-16		Hach Company	\$34,092.00	Equipment, Maintenance, Repair, Parts
69	FY 15-16		Harvard University	\$2,275.00	Conference
70	FY 15-16		Henry Stewart Publication	\$425.00	Publications & Subscriptions
71	FY 15-16		HSQ Technology	\$50,000.00	Equipment, Maintenance, Repair, Parts
72	11/25/13	12/31/15	IER Inc.	\$4,000,000.00	Fabricate and install CUSS kiosks
73	FY 15-16		Insurance Educational Assn.	\$1,167.00	Training
74	2/1/13	6/30/17	Intergraph Corp.	\$930,000.00	Agreement
75	FY 15-16		Intergraph Corp.	\$111,824.05	Agreement
76	FY 15-16		Int'l Assoc of Chiefs of Police	\$150.00	Membership
77	FY 15-16		Int'l Association of Plumbing and Mechanical Officials	\$710.00	Conference, Membership, Publications & Subscriptions
78	FY 15-16		Int'l Risk Management Institute	\$5,036.88	Publications & Subscriptions

**Airport Commission Summary of Sole Source Contracts FY 15-16**

	<b>TERM START</b>	<b>TERM END</b>	<b>VENDOR NAME</b>	<b>AMOUNT</b>	<b>REASON FOR WAIVER</b>
79	FY 15-16		Int'l. Air Transport Assoc.	\$10,000.00	Publications & Subscriptions
80	FY 15-16		IPMA-HR	\$783.00	Membership
81	FY 15-16		JB Systems, dba Mainsaver	\$28,682.00	Agreement
82	7/2/12	6/30/17	LDM	\$300,000.00	Agreement
83	FY 15-16		LeighFisher	\$925.00	Publications & Subscriptions
84	3/1/14	2/28/18	Management Concepts	\$50,000.00	Training
85	11/25/13	11/25/16	McGraw Hill - Aviation Week & Space Tech	\$239.00	Publications & Subscriptions
86	8/29/13	8/29/16	McGraw Hill - ENR	\$199.00	Publications & Subscriptions
87	FY 15-16		Metropolitan Electrical Construction	\$100,000.00	Equipment, Maintenance, Repair, Parts
88	12/1/15	11/30/20	Moody's Investors Service Inc.	\$500,000.00	Publications & Subscriptions
89	FY 15-16		National Emergency Number Association	\$137.00	Membership
90	FY 15-16		National Fire Protection Association	\$5,656.00	& Training
91	FY 15-16		Nixon Egli Equipment Company	\$150,000.00	Equipment, Maintenance, Repair, Parts
92	7/1/14	6/30/17	OAG Aviation Worldwide	\$97,800.00	Publications & Subscriptions
93	FY 15-16		Office of State Fire Marshall	\$1,000.00	Government Fees, Fines, Licenses
94	FY 15-16		Oracle America	\$4,129,547.23	Software/Hardware Purchase or Upgrade
95	7/1/11	6/30/17	Passur Aerospace Inc.	\$923,803.00	Publications & Subscriptions
96	7/1/14	6/30/17	Passur Aerospace Inc.	\$575,199.00	Publications & Subscriptions
97	7/1/15	6/30/17	Pitney Bowes	\$50,000.00	Postage and Postal Box Fees
98	FY 15-16		Port of Oakland	\$1,000.00	Training
99	4/1/12	4/1/20	Presidio Trust	\$7,500,000.00	Wetlands Mitigation Program
100	2/10/14	2/9/17	Quantum Secure	\$1,294,665.00	Communication Software Upgrade
101	FY 15-16		Radiation Detection Company	\$1,000.00	Equipment, Maintenance, Repair, Parts
102	FY 15-16		Realm Communications Group	\$180,000.00	Equipment, Maintenance, Repair, Parts
103	FY 15-16		Regional Monitoring Program c/o SFEI	\$8,886.00	Government Fees, Fines, Licenses
104	FY 15-16		Remotec	\$48,184.12	Equipment, Maintenance, Repair, Parts
105	FY 15-16		Risk & Insurance Management Society	\$1,935.00	Conference, Membership
106	10/1/15	9/30/21	Robert Kuo Consulting	\$600,000.00	Consulting Services
107	FY 15-16		Safari Books Online	\$72,643.20	Publications & Subscriptions
108	7/1/15	6/30/17	SAI	\$60,000.00	Agreement
109	FY 15-16		SAMCEDA	\$15,000.00	Membership
110	5/24/11	5/24/16	San Bruno Park School District	\$10,000.00	Bus Transportation
111	10/1/15	9/30/16	San Francisco Business Times	\$3,038.00	Subscriptions
112	FY 15-16		San Francisco Estuary Institute	\$7,062.00	Government Fees, Fines, Licenses
113	FY 15-16		San Mateo County Clerk	\$300.00	Government Fees, Fines, Licenses
114	FY 15-16		San Mateo County DPW	\$15,000.00	Government Fees, Fines, Licenses
115	FY 15-16		San Mateo County Environmental Health	\$49,822.00	Government Fees, Fines, Licenses
116	10/1/13	10/1/18	San Mateo County First Chance Program	\$40,000.00	Government Fees, Fines, Licenses
117	FY 15-16		San Mateo County Mosquito & Vector Control District	\$40,000.00	Government Fees, Fines, Licenses

**Airport Commission Summary of Sole Source Contracts FY 15-16**

	<b>TERM START</b>	<b>TERM END</b>	<b>VENDOR NAME</b>	<b>AMOUNT</b>	<b>REASON FOR WAIVER</b>
118	7/1/08	6/30/18	San Mateo County Transit District	\$2,130,000.00	Owl Bus Service
119	9/25/13	6/30/18	San Mateo Harbor District	\$600.00	Government Fees, Fines, Licenses
120	12/1/14	11/30/19	Scheidt & Bachmann	\$3,750,000.00	Agreement
121	FY 15-16		Schneider Electric	\$7,194.66	Agreement
122	3/1/15	2/28/17	Social Bicycles, Inc.	\$23,680.00	Software
123	FY 15-16		Society for Human Resource Management	\$3,910.00	Conference, Membership
124	10/21/14	10/23/15	SourceMedia	\$3,075.00	Subscriptions
125	9/25/13	6/30/18	SSF Unified School Distict	\$600.00	Noise Monitoring site permits
126	12/1/15	11/30/20	Standard & Poor's Rating Services	\$125,000.00	Publications & Subscriptions
127	FY 15-16		State Board of Equalization	\$8,000.00	Government Fees, Fines, Licenses
128	FY 15-16		State Water Resource Control Board	\$82,245.29	Government Fees, Fines, Licenses
129	FY 15-16		Texas A&M Engineering	\$1,810.00	Training
130	FY 15-16		The Booth Company	\$6,750.00	Publications & Subscriptions
131	FY 15-16		The New York Times	\$977.60	Online Subscription Services
132	FY 15-16		The Recorder	\$503.88	Publications & Subscriptions
133	9/1/15	9/1/17	The Wall Street Journal	\$2,715.71	Publications & Subscriptions
134	FY 15-16		Thomas G Dragges	\$28,749.14	seminars)
135	7/1/15	6/30/18	Thresher Communications Productivity Inc.	\$340,323.23	Software/Hardware Maintenance Agreement
136	9/25/13	6/30/18	Town of Hillsborough	\$600.00	Noise Monitoring site permits
137	FY 15-16		Tractel Inc. Swingstage Div. West	\$50,000.00	Equipment, Maintenance, Repair, Parts
138	FY 15-16		Tradewind Scientific Company	\$10,000.00	Equipment, Maintenance, Repair, Parts
139	9/1/06	10/15/19	Transportation Corridor Agencies	\$375,000.00	License for FasTrak Trademark
140	10/1/15	9/30/20	U.S. Drug Enforcement Administration	\$2,158,818.00	Lease Reimbursement
141	1/1/16	12/31/16	U.S. Travel Association	\$61,550.00	Membership
142	FY 15-16		UC Regents/UC Berkeley	\$11,950.00	Training
143	7/1/15	6/30/17	United Parcel Service	\$30,000.00	Postage and Postal Box Fees
144	10/1/12	9/30/21	US Coast Guard Lease	\$1.00	Government Fees, Fines, Licenses
145	12/30/15	12/31/16	US Government Printing Office	\$1,804.00	Publications & Subscriptions
146	10/16/15	10/15/16	US Green Building Council	\$5,000.00	Membership
147	6/1/13	5/12/18	US Organization	\$175,000.00	Grant agreement for 24/7 operation
148	FY 15-16		US Postal Service	\$2,257.00	Postage and Postal Box Fees
149	5/1/15	4/30/18	Ventura County	\$473,688.00	Publications & Subscriptions
150	10/1/14	10/31/18	Verint Video Solutions, Inc.	\$550,000.00	Agreement
151	4/1/12	3/30/20	VII Pac Shores Holdings, LLC	\$3,550,000.00	Wetlands Mitigation Program
152	7/1/15	7/1/18	Windsor Tel Com Computer Services	\$150,000.00	Agreement
153	FY 15-16		Wolters Kluwer Law & Business CCH	\$5,401.00	Publications & Subscriptions
154	FY 15-16		WRIPAC	\$1,700.00	Training
			<b>Total FY 2015-2016 Sole Source Contracts</b>	<b>\$75,348,218.25</b>	

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**From:** Lim, Diane (ADP)  
**Sent:** Thursday, July 21, 2016 1:23 PM  
**To:** Gosiengfiao, Rachel (BOS); Calvillo, Angela (BOS)  
**Cc:** Martinez, Veronica (ADP)  
**Subject:** 2015- 2016 Sole Source Contracts- Adult Probation Department Response

Dear Clerk of the Board,

In compliance with Sunshine Ordinance Section 67.24 (e), the Adult Probation Department is reporting that we did not enter into any sole source contracts in Fiscal Year 2015-16.

Should you have any questions please contact me at 415-553-1058

---

Diane Lim  
Director of Finance and Administrative Services  
San Francisco Adult Probation Department  
415-553-1058 Phone  
415-575-8895 Fax

---

**From:** Hui, Tom (DBI)  
**Sent:** Friday, July 22, 2016 2:41 PM  
**To:** Board of Supervisors, (BOS)  
**Cc:** Madison, Taras (DBI); Calvillo, Angela (BOS)  
**Subject:** RE: 2015- 2016 Sole Source Contracts Memo - Response Required  
**Attachments:** DBI Sole Source FY2015-16.pdf

Honorable Board of Supervisors,

Attached please find the Sole Source Contracts memo for DBI.

Should you have any questions, please do not hesitate to contact my office.

Thank you.

Tom C. Hui, S.E., C.B.O.  
Director  
許子湯, 局長  
City & County of San Francisco  
Department of Building Inspection  
1660 Mission Street, Sixth Floor  
San Francisco CA 94103  
415-558-6131 Phone  
415-558-6225 Fax  
Email: [Tom.Hui@sfgov.org](mailto:Tom.Hui@sfgov.org)  
Web: [www.sfdbi.org](http://www.sfdbi.org)



[Subscribe](#) to our DBI e-Newsletter

**From:** Board of Supervisors, (BOS)  
**Sent:** Friday, June 24, 2016 10:17 AM  
**To:** MYR-ALL Department Heads <[MYR-All.DepartmentHeads@sfgov.org](mailto:MYR-All.DepartmentHeads@sfgov.org)>  
**Cc:** MYR-All Department Head Assistant <[MYR-All.DepartmentHeadAssistant@sfgov.org](mailto:MYR-All.DepartmentHeadAssistant@sfgov.org)>  
**Subject:** 2015- 2016 Sole Source Contracts Memo - Response Required

Dear Department Heads:

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

Regards,



**MEMORANDUM**

**DATE:** July 22, 2016  
**TO:** Angela Calvillo, Clerk of the Board  
**FROM:** *Tom C. Hui* Tom C. Hui, S.E., C.B.O.  
Director  
**SUBJECT:** Sole Source Contracts for Fiscal Year 2015-2016

Per your request, please see below for Fiscal Year 2015-2016 Sole Source Contracts:

Term	Vendor	FY 2015-16 Amount	Reason
8/1/14-7/31/15	Oracle America Inc.	\$86,559.12	Only vendor that can provide this particular software license and maintenance (Per Admin Code 21.30)
8/1/15-7/31/16	Oracle America, Inc.	\$89,155.90	Only vendor that can provide this particular software license and maintenance (Per Admin Code 21.30)
7/1/15 - 6/30/18	Selectron Technologies, Inc.	\$51,045	Only vendor that can provide this particular software license and maintenance (Per Admin Code 21.30)

If you have any questions, please contact Taras Madison at (415) 558-6239 or via email at [taras.madison@sfgov.org](mailto:taras.madison@sfgov.org).

cc: *(r* Taras Madison, Deputy Director of Administrative Services, DBI

**OFFICE OF THE DIRECTOR**  
1660 Mission Street – San Francisco CA 94103  
Office (415) 558-6131 – FAX (415) 558-6225  
Email: Tom.Hui@sfgov.org

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2016 JUL 25 AM 9:20  
BY *W*

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**From:** Arevalo, Rosa (CSS)  
**Sent:** Friday, July 22, 2016 9:52 AM  
**To:** Board of Supervisors, (BOS)  
**Cc:** Beckett, Caroline (CSS); Ngwe, Mary (CSS)  
**Subject:** RE: 2015- 2016 Sole Source Contracts Memo - Response Required  
**Attachments:** SOLE SOURCE CONTRACT LIST.PDF

**Importance:** High

Rachel,

Please find attached the annual list of Sole Source Contracts list for Fiscal Year 2015-2016.

Thank you,

*Rosa Arevalo*

City and County of San Francisco  
Department of Child Support Services  
Finance Division  
617 Mission Street  
San Francisco, CA 94105  
(415) 356-2879

---

**From:** Beckett, Caroline (CSS)  
**Sent:** Friday, June 24, 2016 11:25 AM  
**To:** Ngwe, Mary (CSS); Arevalo, Rosa (CSS)  
**Subject:** FW: 2015- 2016 Sole Source Contracts Memo - Response Required

Good morning,

Please provide me with the requested information regarding sole source.

Thank you.

Carol Beckett | Assistant Director | San Francisco Department of Child Support Services | 617 Mission Street, San Francisco, CA 94105 | 415-356-2929 | [caroline.beckett@sfgov.org](mailto:caroline.beckett@sfgov.org)

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**From:** Board of Supervisors, (BOS)  
**Sent:** Friday, June 24, 2016 10:17 AM  
**To:** MYR-ALL Department Heads  
**Cc:** MYR-All Department Head Assistant  
**Subject:** 2015- 2016 Sole Source Contracts Memo - Response Required

Dear Department Heads:

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

Regards,

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





**CITY AND COUNTY OF SAN FRANCISCO  
DEPARTMENT OF CHILD SUPPORT SERVICES**

617 Mission Street, San Francisco, CA 94105-3503 Tel. (415) 356-2700  
Child Support Automated Information System 1-888-823-2734



**EDWIN M. LEE**  
MAYOR

**KAREN M. ROYE**  
DIRECTOR

July 22, 2016

Clerk of the Board of Supervisors  
City and County of San Francisco  
City Hall Room 244  
Attn: Rachel Gosiengfiao

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

RE: Sole Source Contracts for Fiscal Year 2015-2016

As required by San Francisco Sunshine Ordinance Section 67.24(e), I am submitting the annual list of Sole Source Contracts list for Fiscal Year 2015-2016. If you have any questions on this report, please contact me at (415) 356-2879.

VENDOR	VENDOR NUMBER
CHILD SUPPORT DIRECTORS ASSOCIATION	60328
NATIONAL CHILD SUPPORT ENFORCEMENT ASSOCIATION	43307
E-OSCAR	78237
FUHR SOFTWARE, INC. - LOBBY CENTRAL	97306
SONITROL	17323
SUPERIOR COURT ALAMEDA COUNTY	C05974
UNITED STATES POSTAL SERVICE	39275

Sincerely,

Rosa Arevalo, Finance Department  
Department of Child Support Services  
617 Mission Street  
San Francisco, CA 94105  
(415) 356-2879

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**From:** Arntz, John (REG)  
**Sent:** Thursday, July 21, 2016 4:22 PM  
**To:** Board of Supervisors, (BOS)  
**Subject:** RE: 2015- 2016 Sole Source Contracts Memo - Response Required

Hello. The Department of Elections did not enter into a new sole-source contract during FY 15/16. The Department has the following sole-source contract from a previous fiscal year:

Runbeck Election Services, BPRG 14000003.

Thanks,  
-John.

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



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

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

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**From:** Board of Supervisors, (BOS)  
**Sent:** Friday, June 24, 2016 10:17 AM  
**To:** MYR-ALL Department Heads <MYR-All.DepartmentHeads@sfgov.org>  
**Cc:** MYR-All Department Head Assistant <MYR-All.DepartmentHeadAssistant@sfgov.org>  
**Subject:** 2015- 2016 Sole Source Contracts Memo - Response Required

Dear Department Heads:

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

Regards,

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



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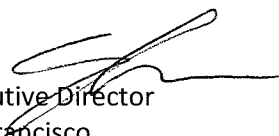
**MEMORANDUM**

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Date: July 22, 2016

To: Angela Calvillo  
Clerk of the Board

From: Elaine Forbes   
Interim Executive Director  
Port of San Francisco

Subject: Sole Source Contracts for Fiscal Year 2015-16

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**SOLE SOURCE CONTRACTS**

Sunshine Ordinance Section 67.24(e) requires that at the end of each fiscal year, each City Department provide the Board of Supervisors with a list of all sole source contracts entered into during the past fiscal year. The list shall be made available for inspection and copying. Below is the list of sole source contracts that the Port entered into for FY 2015-16:

<b>Sole Source Agreements Executed in FY 2015-16</b>			
<b>Term</b>	<b>Vendor</b>	<b>Amount</b>	<b>Reason</b>
8/15-8/16	DLT Solutions	\$36,609	Auto CAD subscription renewal
5/16	Cleantec	\$215,787	Trash compactors and software
6/16-5/17	Oracle America	\$168,751	Oracle program licenses
1/16-12/16	Transport IT Services	\$39,226	Oracle Financials software support and updates
8/16-8/17	DLT Solutions	\$17,112	AutoDesk Building Design software
<b>TOTAL</b>		<b>\$477,485</b>	

Please contact me or Boris Delepine of my staff at 274-0443 should you have any questions.

cc: John Woo, Acting Port Deputy Director, Finance & Administration

BY   
2016 JUL 25 AM 10:54  
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**From:** Camillo, Stacey (DPW)  
**Sent:** Friday, July 22, 2016 3:27 PM  
**To:** Board of Supervisors, (BOS)  
**Cc:** Beasley, Yolanda (DPW); Dawson, Julia (DPW); Robertson, Bruce (DPW); Alfonso, Carlo (DPW); Nuru, Mohammed (DPW)  
**Subject:** 2015- 2016 Sole Source Contracts Memo  
**Attachments:** Memo to Board and re Sole Source Contracts FY1516.pdf

Good afternoon,

Please see the attached.

Best regards,



**Stacey Camillo, J.D.**

Division Manager Contract Administration

San Francisco Public Works | City and County of San Francisco

1155 Market Street, 4th Floor | San Francisco, CA 94103 | (415) 554-4886 (o) | (415) 554-6232 (f)

[sfpublicworks.org](http://sfpublicworks.org) · [twitter.com/sfpublicworks](https://twitter.com/sfpublicworks)



Edwin M. Lee  
Mayor

Mohammed Nuru  
Director

San Francisco Public Works  
1 Dr. Carlton B. Goodlett Pl.  
Room 348  
San Francisco, CA 94102  
tel 415-554-6920

[sfpublicworks.org](http://sfpublicworks.org)  
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[twitter.com/sfpublicworks](https://twitter.com/sfpublicworks)  
[twitter.com/mrcleansf](https://twitter.com/mrcleansf)

Date: July 22, 2016  
To: Board of Supervisors  
Attention Clerk of the Board  
From: Mohammed Nuru, Director  
Subject: Sole Source Contracts for Fiscal Year 2015/2016

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Pursuant to Section 67.24(e) of the Sunshine Ordinance, the San Francisco Department of Public Works (DPW) has the following active sole source contracts:

1. Leica Equipment Maintenance Agreement dated June 3, 2104, with Leica Geosystems, Inc. for \$454,165;
2. San Francisco General Hospital Pneumatic Tube System Connectivity Project dated November 2, 2015, with Pneumatic Tube Product Company for \$445,750.35;
3. Library Digitizing & Maintenance Services, dated February 8, 2016, with Stallworth Enterprises, Inc. for \$35,160; and
4. Design Services related to San Francisco General Hospital Building 5 Seismic Retrofit, dated May 24, 2016, with SOHA Engineers for \$1,425,000.

In addition and in conformance with the requirements of Administrative Code Section 8.16, the San Francisco Department of Public Works has submitted two copies of this report to the San Francisco Public Library.

ec: Julia Dawson, Deputy Director, Finance Management & Administration  
Stacey Camillo, Division Manager, Contract Administration

---

**From:** Wu, Kimmie (TTX)  
**Sent:** Thursday, July 21, 2016 10:14 AM  
**To:** Board of Supervisors, (BOS)  
**Cc:** Shah, Tajel  
**Subject:** TTX - Sole Source Contracts  
**Attachments:** Book1.xlsx

Hi,

As requested, attached is a list of the Office of the Treasurer & Tax Collector's sole source contracts for FY2015-16.

Regards,

Kimmie Wu  
Budget Manager  
Office of the Treasurer & Tax Collector  
City & County of San Francisco  
415-554-4513

Vendor	Term	Additional Sole Source Amount Approved in FY15-16	Purpose
21 Tech	5/31/13 - 6/30/18	\$ 506,451.21	Developer for business tax system and professional services
Alarm Program Systems LLC	10/30/15-10/31/16	\$ 86,340.00	Non-professional licensing services subscription and maintenance
Columbia Ultimate Business Systems	7/1/10 - 6/30/16	\$ 258,513.00	Software support and maintenance for Rrevenue Plus Collection System (RPCS)
CXM Solutions, Inc	12/24/15 - 12/23/16	\$ 27,868.30	Professional services and software license fee to upgrade Qmatic solution for customer flow management
Opex	9/1/11-6/30/20	\$ 40,985.06	Hardware maintenance
Thomson Reuters (Manatron)	6/21/13 - 6/30/18	\$ 444,050.00	Proprietary tax collection software support

From the Clerk of the Board, agencies that have submitted a 2016 Local Agency Biennial Conflict of Interest Code Review Report:

- Board of Appeals
- Department of Child Support Services
- Department of Emergency
- Department of Elections
- San Francisco Health Plan
- Citizens General Obligation Bond Oversight Committee
- San Francisco Police Department



---

**From:** Roye, Karen (CSS)  
**Sent:** Wednesday, July 13, 2016 11:30 AM  
**To:** Gosiengfiao, Rachel (BOS)  
**Cc:** Beckett, Caroline (CSS)  
**Subject:** Re: 2016 Biennial Notice - Conflict of Interest Code Review - Response Required

Good morning Rachel,

Thank you for reaching out to the department. We do have one change. The department has reorganized its finance unit, substituting a "Finance Manager" to a Accounting Supervisor. The position is responsible and oversees contracting and all procurement for the department and should therefore be included as required to report.

Thank you for your service,  
Karen

**Karen M. Roye**  
IV-D Director/Department Head  
LCSA - San Francisco Department of Child Support Services  
617 Mission Street  
San Francisco, CA 94105-3503, Tel: 415-356-2919

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Sent from my iPhone

On Jul 12, 2016, at 8:49 PM, Gosiengfiao, Rachel (BOS) <[rachel.gosiengfiao@sfgov.org](mailto:rachel.gosiengfiao@sfgov.org)> wrote:

Good evening, Karen,

Please see attached the 2016 Biennial Notice – Conflict of Interest Code Review Memo, Review Report, City Attorney Memo and San Francisco Campaign and Governmental Conduct Code, Section 3.1-158 – Child Support Services.

Regards,

Rachel Gosiengfiao  
Executive Assistant  
Board of Supervisors  
1 Dr. Carlton B. Goodlett Place, City Hall, Room 244  
San Francisco, CA 94102-4689  
Phone: (415) 554-7703 | Fax: (415) 554-5163  
[rachel.gosiengfiao@sfgov.org](mailto:rachel.gosiengfiao@sfgov.org) | [www.sfbos.org](http://www.sfbos.org)

**Please complete a Board of Supervisors Customer Service Satisfaction form by clicking [here](#).**

---

**From:** Goldstein, Cynthia (PAB)  
**Sent:** Wednesday, July 13, 2016 8:23 AM  
**To:** Gosiengfiao, Rachel (BOS)  
**Subject:** RE: 2016 Biennial Notice - Conflict of Interest Code Review - Response Required  
**Attachments:** Conflict of Interest Code Review Report 2016.pdf

Thanks, Rachel. The Review Report for the Board of Appeals is attached.

Cynthia

---

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

**From:** Gosiengfiao, Rachel (BOS)  
**Sent:** Tuesday, July 12, 2016 5:36 PM  
**To:** Goldstein, Cynthia (PAB) <[cynthia.goldstein@sfgov.org](mailto:cynthia.goldstein@sfgov.org)>  
**Subject:** 2016 Biennial Notice - Conflict of Interest Code Review - Response Required

Good evening, Cynthia,

Please see attached the 2016 Biennial Notice – Conflict of Interest Code Review Memo, Review Report, City Attorney Memo and San Francisco Campaign and Governmental Conduct Code, Section 3.1-130 – Board of Appeals.

Regards,

Rachel Gosiengfiao  
Executive Assistant  
Board of Supervisors  
1 Dr. Carlton B. Goodlett Place, City Hall, Room 244  
San Francisco, CA 94102-4689  
Phone: (415) 554-7703 | Fax: (415) 554-5163  
[rachel.gosiengfiao@sfgov.org](mailto:rachel.gosiengfiao@sfgov.org) | [www.sfbos.org](http://www.sfbos.org)

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*Disclosures: Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's*

**2016 Local Agency Biennial Notice  
Conflict of Interest Code Review Report**

Name of Agency: Board of Appeals  
Mailing Address: 1650 Mission Street, Suite 304 San Francisco, CA 94103  
Contact Person: Cynthia Goldstein Title: Executive Director  
Office Phone No: 415-575-6881  
E-mail: cynthia.goldstein@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*

7-13-16

\_\_\_\_\_  
*Date*

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

Please return this notice no later than **August 31, 2016**, via e-mail (PDF) or inter-office mail to:

Clerk of the Board  
Board of Supervisors  
ATTN: Rachel Gosiengfiao  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102  
E-mail: rachel.gosiengfiao@sfgov.org

**2016 Local Agency Biennial Notice  
Conflict of Interest Code Review Report**

Name of Agency: Department of Emergency Management  
Mailing Address: 1011 Turk Street  
Contact Person: William Lee Title: Deputy Director of Admin & Support  
Office Phone No: 415-558-3866  
E-mail: william.lee@sfgov.org


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

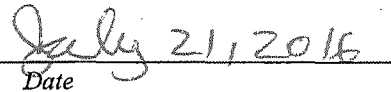
**An amendment is required. The following amendments are necessary:**  
(Check all that apply.)

- 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

  
\_\_\_\_\_  
Date

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

Please return this notice no later than **August 31, 2016**, via e-mail (PDF) or inter-office mail to:

Clerk of the Board  
Board of Supervisors  
ATTN: Rachel Gosiengfiao  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102  
E-mail: [rachel.gosiengfiao@sfgov.org](mailto:rachel.gosiengfiao@sfgov.org)

**EFFECTIVE:** 07/21/2016

**SEC. 3.1-218. EMERGENCY MANAGEMENT, DEPARTMENT OF.**

<b>Designated Positions</b>	<b>Disclosure Categories</b>	
Executive Director	1	
Deputy Director of Administration and Support	1	
Deputy Director of Emergency Communications	1	
Deputy Director of Emergency Services	1	
Assistant DES Deputy Director	1	
Human Resources Manager REVISE TITLE	1	
Assistant Deputy Director of Administration and Support	1	
Manager, Project Management Office	1	
Chief Information Officer	1	
Resilience & Recovery Manager	1	
UASI Assistant General Manager	1	
UASI General Manager	1	
UASI Whole Community & Communications Project Manager	1	
UASI Regional Program Manager	1	
UASI Regional Grants Manager	1	
UASI Chief Financial Officer	1	
UASI Resiliency & Recovery Project Manager	1	
Operations Manager	1	
Public Safety Communication Program Manager	1	
UASI Risk Management and Information Sharing Project Manager - ADD NEW POSITION	1	

---

**From:** Kuzina, Nataliya  
**Sent:** Friday, July 22, 2016 4:01 PM  
**To:** Gosiengfiao, Rachel (BOS)  
**Subject:** RE: 2016 Biennial Notice - Conflict of Interest Code Review - Response Required  
**Attachments:** Elections\_Conflict of Interest Code Review Report.pdf

Hi, Rachel,

Attached is a signed copy of the Conflict of Interest Code Review Report completed by Elections.

Thanks, and have a good weekend!

-Nataliya

---

Nataliya Kuzina, Deputy Director  
San Francisco Department of Elections  
1 Dr. Carlton B. Goodlett Place  
City Hall, Room 48  
San Francisco, CA 94102  
(415) 554-5683  
[sfelections.org](http://sfelections.org)



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

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

---

**From:** Gosiengfiao, Rachel (BOS)  
**Sent:** Wednesday, July 13, 2016 3:08 PM  
**To:** Kuzina, Nataliya  
**Subject:** FW: 2016 Biennial Notice - Conflict of Interest Code Review - Response Required

Hi, Nataliya,

Please see attached the 2016 Biennial Notice – Conflict of Interest Code Review Memo, Review Report, City Attorney Memo and San Francisco Campaign and Governmental Conduct Code, Section 3.1-215 – Elections

Regards,

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

**2016 Local Agency Biennial Notice  
Conflict of Interest Code Review Report**

Name of Agency: Department of Elections  
Mailing Address: 1 Dr. Carlton B. Goodlett Pl. Room 48  
Contact Person: Natalie Kurine Title: Deputy Director  
Office Phone No: (415) 554-5683  
E-mail: natalie.kurine@sfgov.org

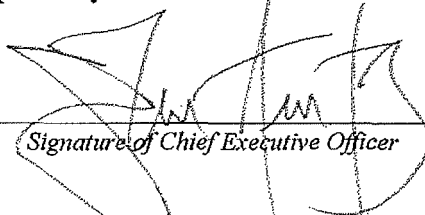
This agency has reviewed its conflict-of-interest code and has determined that:

**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

7/22/16  
\_\_\_\_\_  
Date

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

Please return this notice no later than **August 31, 2016**, via e-mail (PDF) or inter-office mail to:

Clerk of the Board  
Board of Supervisors  
ATTN: Rachel Gosiengfiao  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102  
E-mail: rachel.gosiengfiao@sfgov.org

---

**From:** Huggins, Valerie <vhuggins@sfhp.org>  
**Sent:** Wednesday, July 20, 2016 8:43 AM  
**To:** Gosiengfiao, Rachel (BOS)  
**Subject:** RE: 2016 Biennial Notice - Conflict of Interest Code Review - Response Required  
**Attachments:** Conflict of Interest Code Review Report.pdf

Good morning, Rachel,  
Please see attached.

Thank you.

**Valerie Huggins**

**SAN FRANCISCO**  
**HEALTH PLAN** 

Executive Assistant to John F. Grgurina, Jr., CEO  
San Francisco Health Plan  
Administration

**Main Office Location:**  
50 Beale Street, 12<sup>th</sup> Floor  
San Francisco, CA 94105

**Mailing Address:**  
P.O. Box 194247  
San Francisco, CA 94119-4247  
✉ [vhuggins@sfhp.org](mailto:vhuggins@sfhp.org) ☎ 1(415) 615-4235

 Please consider the environment before printing this e-mail

---

**From:** Gosiengfiao, Rachel (BOS) [mailto:[rachel.gosiengfiao@sfgov.org](mailto:rachel.gosiengfiao@sfgov.org)]  
**Sent:** Tuesday, July 19, 2016 3:53 PM  
**To:** Huggins, Valerie  
**Subject:** FW: 2016 Biennial Notice - Conflict of Interest Code Review - Response Required

Good afternoon, Valerie Huggins:

Please see attached the 2016 Biennial Notice – Conflict of Interest Code Review Memo, Review Report, City Attorney Memo and San Francisco Campaign and Governmental Conduct Code, Section 3.1-260 – Health Authority

Regards,

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



2016 Local Agency Biennial Notice

Conflict of Interest Code Review Report

Name of Agency: San Francisco Health Plan
Mailing Address: P.O. Box 194247, San Francisco, CA 94119
Contact Person: Valerie Huggins Title: Executive Assistant
Office Phone No: 415-615-4235
E-mail: vhuggins@sphp.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.)

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

[X] 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 John F. Crayton
Signature of Chief Executive Officer

7/20/16
Date

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

Please return this notice no later than August 31, 2016, via e-mail (PDF) or inter-office mail to:

Clerk of the Board
Board of Supervisors
ATTN: Rachel Gosiengfiao
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102
E-mail: rachel.gosiengfiao@sfgov.org

---

**From:** Lane, Maura (CON)  
**Sent:** Friday, July 15, 2016 9:40 AM  
**To:** Gosiengfiao, Rachel (BOS)  
**Subject:** FW: Scanned Document  
**Attachments:** biennial notice.pdf

CGOBOC Notice. Thanks.

M

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

**From:** [conscanner@sfgov.org](mailto:conscanner@sfgov.org) [mailto:[conscanner@sfgov.org](mailto:conscanner@sfgov.org)]  
**Sent:** Friday, July 15, 2016 9:37 AM  
**To:** Lane, Maura (CON)  
**Subject:** Scanned Document

There are total of 1 page(s) of this scan.

**2016 Local Agency Biennial Notice  
Conflict of Interest Code Review Report**

Name of Agency: Citizens General Obligation Bond Oversight Committee  
Mailing Address: Room 316, Controller's Office  
Contact Person: Maura Lane Title: Exec. Asst. to the Controller  
Office Phone No: 415-544-7502  
E-mail: maura.lane@sfgov.org

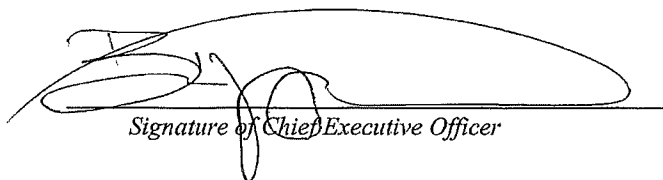
This agency has reviewed its conflict-of-interest code and has determined that:

**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

7/15/2016  
Date

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

Please return this notice no later than **August 31, 2016**, via e-mail (PDF) or inter-office mail to:

Clerk of the Board  
Board of Supervisors  
ATTN: Rachel Gosiengfiao  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102  
E-mail: rachel.gosiengfiao@sfgov.org

---

**From:** Thompson, Bernadette (POL)  
**Sent:** Tuesday, July 26, 2016 2:22 PM  
**To:** Gosiengfiao, Rachel (BOS)  
**Cc:** Waaland, Kathryn (POL)  
**Subject:** 2016 Local Agency Biennial Notice  
**Attachments:** 2016 Local Agency Biennial Notice.Signed.pdf

Ms. Gosiengfiao,

Please see attached notice from the San Francisco Police Department.

*Bernadette T. Thompson*  
LEGAL DIVISION  
SAN FRANCISCO POLICE DEPARTMENT  
HEADQUARTERS  
Legal Division  
1245 3rd Street  
San Francisco, CA 94158  
(415) 837-7183  
Bernadette.T.Thompson@sfgov.org

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**2016 Local Agency Biennial Notice  
Conflict of Interest Code Review Report**

Name of Agency: SAN FRANCISCO POLICE DEPARTMENT

Mailing Address: 1245 3<sup>RD</sup> STREET

Contact Person: LT WAALAND Title: OIC LEGAL DIVISION

Office Phone No: 415-837-7394

E-mail: KATHRYN.WAALAND@SFGOV.ORG

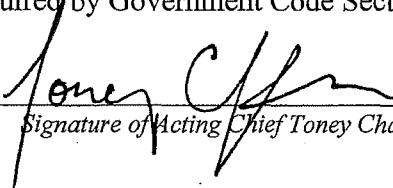
This agency has reviewed its conflict-of-interest code and has determined that:

**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 Acting Chief Toney Chaplain

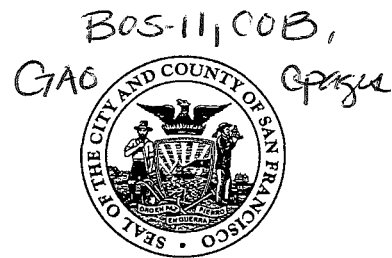
7/25/16  
\_\_\_\_\_  
Date

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

Please return this notice no later than **August 31, 2016**, via e-mail (PDF) or inter-office mail to:

Clerk of the Board  
Board of Supervisors  
ATTN: Rachel Gosiengfiao  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102  
E-mail: rachel.gosiengfiao@sfgov.org

CITY AND COUNTY OF SAN FRANCISCO  
CIVIL GRAND JURY



July 14, 2016

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

2015 JUL 14 PM 12:43  
AK  
BOARD OF SUPERVISORS  
SAN FRANCISCO

Dear Ms. Calvillo,

The 2015 – 2016 Civil Grand Jury will release its report entitled, "Drinking Water Safety in San Francisco: A reservoir of good practice" to the public on Tuesday, July 19, 2016. Enclosed is an advance copy of this report. Please note that by order of the Presiding Judge of the Superior Court, Hon. John K. Stewart, this report **is to be kept confidential until the date of release (July 19th)**.


California Penal Code §933 (c) requires a response to be submitted to the Presiding Judge no later than 90 days. California Penal Code §933.5 states that for each finding in the report, the responding person or entity shall indicate one of the following: (1) agree with the finding; or (2) disagree with it, wholly or partially, and explain why.

Further, as to each recommendation, your response must either indicate:

- 1) That the recommendation has been implemented, with a summary of how it was implemented;
- 2) That the recommendation has not been, but will be, implemented in the future, with a timeframe for implementation;
- 3) That the recommendation requires further analysis, with an explanation of the scope of that analysis and a timeframe for discussion, not more than six months from the release of the report; or
- 4) That the recommendation will not be implemented because it is not warranted or reasonable, with an explanation.

Please provide your response to Presiding Judge Stewart at the following address:  
400 McAllister Street, Room 008  
San Francisco, CA 94102-4512

Respectfully,



Jay Cunningham, Foreperson  
2015 – 2016 Civil Grand Jury

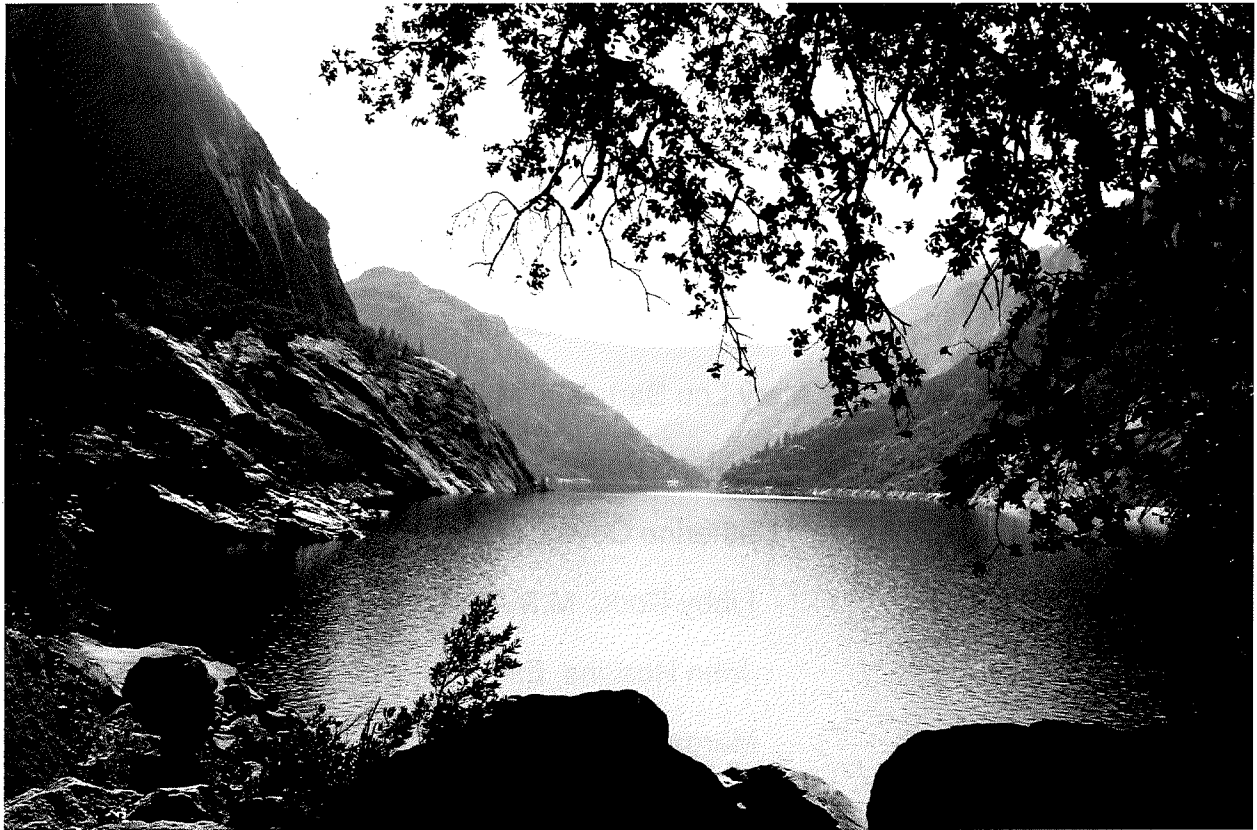
City Hall, Room 482  
1 Dr. Carlton B. Goodlett Pl, San Francisco, CA 94102  
Phone: 415-554-6630

5

# DRINKING WATER SAFETY IN SAN FRANCISCO

*A RESERVOIR OF GOOD PRACTICE*

June 2016



Hetch Hetchy Reservoir

Photo: Sheldon Bachus



City and County of San Francisco  
Civil Grand Jury, 2015-2016

## ***Members of the Civil Grand Jury***

Jay Cunningham, Foreperson

Alison Ileen Scott, Esq., Foreperson Pro Tem

Arti M. Sharma, M.S., Recording Secretary

Sheldon Bachus

Richard Baker-Lehne

Mary Lou Bartoletti, M.B.A.

Jean Bogiages

Catherine Covey, M.D.

Libby Dodd, M.B.A.

John Hoskins, Esq.

Margaret Kuo, M.S.

David Lal

Andrew Lynch

Wassim J. Nassif

Patti Schock

Michael Skahill, Ph.D.

David Stein

Charles Thompson

Eric S. Vanderpool, Esq.



## **THE CIVIL GRAND JURY**

The Civil Grand Jury is a government oversight panel of volunteers who serve for one year. It makes findings and recommendations resulting from its investigations.

Reports of the Civil Grand Jury do not identify individuals by name. Disclosure of information about individuals interviewed by the jury is prohibited. California Penal Code, section 929

## **STATE LAW REQUIREMENT**

### **California Penal Code, section 933.05**

Each published report includes a list of those public entities that are required to respond to the Presiding Judge of the Superior Court within 60 to 90 days as specified.

A copy must be sent to the Board of Supervisors. All responses are made available to the public.

For each finding, the response must:

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

As to each recommendation the responding party must 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.

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## SUMMARY

This report focuses on San Francisco's water system and its management by the San Francisco Public Utilities Commission (SFPUC). We found a good water supply/demand outlook and a low risk of lead and other contaminants.

The SFPUC collects, test, monitors, treats and distributes our water. It also champions our responsible usage. Thanks to excellent practices, the drinking water SFPUC delivers to our premises is in adequate supply, well-monitored, high-quality and safe.

## BACKGROUND

San Francisco tourists, commuters, and over 2.6 million residents and businesses in the Bay Area receive their drinking water from our San Francisco Public Utilities Commission. As our local water company, SFPUC delivers 60 million gallons of water per day (mgd) to San Francisco. As a regional utility, it has 26 wholesale customers and delivers them an additional 128 mgd through a vast gravity-powered infrastructure, greater in square miles than San Francisco itself. Most of our drinking water comes from Sierra snowpack flowing down into reservoirs along the Tuolumne River, with Hetch Hetchy being the most famous.<sup>1</sup>

This Civil Grand Jury toured the entire SFPUC water system and followed the path our water takes from Hetch Hetchy reservoir in Yosemite National Park all the way to San Francisco, including various key treatment facilities in between. The SFPUC hosted the tour for available San Francisco Civil Grand Jury members.

While the US Environmental Protection Agency (US EPA) sets water quality baselines, states can and do exceed them. California certainly does set higher standards, and as a result our State Water Resources Control Board (SWRCB) has authority and sets policies for process control and monitoring. SFPUC delivers a monthly water quality report to the SWRCB. The SFPUC reports that it tested drinking water quality along its transmission and distribution lines over 90,090 times in 2015.<sup>2</sup> It owns and operates a vast array of test equipment in several facilities, including a mobile lab. Some contaminants, once measured in parts per million, are now measured in parts per quadrillion.<sup>3</sup>

The US EPA regulates at least 87 drinking water contaminants classified as microorganisms, disinfection byproducts, disinfectants, inorganic chemicals, organic chemicals, and radionuclides.<sup>4</sup> The SWRCB further regulates additional contaminants, including monitoring contaminants of emerging concern (CECs), unregulated organic and synthetic chemicals identified by the US EPA that may potentially pose future threats.<sup>5</sup> However, due to the proven quality of San Francisco's water from the Sierra, the SFPUC has received monitoring waivers for

---

<sup>1</sup> *SFPUC Annual Report Fiscal Year 2014-15*,

<http://www.sfwater.org/modules/showdocument.aspx?documentid=8207> Note: The mgd amounts and customers stated have been updated for us by SFPUC.

<sup>2</sup> *SFPUC Annual Water Quality Report 2015*, <http://sfwater.org/index.aspx?page=634>

The stated amount of 90,090 tests is in addition to the treatment process control monitoring performed by certified operators and online instruments.

<sup>3</sup> One part per million is one part in  $10^6$ . It is equivalent to one drop of water diluted into 50 liters (13.2 gallons). One part per quadrillion is 1 in  $10^{15}$ . While challenging to comprehend, one part per quadrillion is equivalent one-twentieth of a drop of water diluted into 1,000 Olympic-size swimming pools. Source: wikipedia.org

<sup>4</sup> US EPA *Table of Regulated Drinking Water Contaminants*,

<https://www.epa.gov/ground-water-and-drinking-water/table-regulated-drinking-water-contaminants>

<sup>5</sup> For information about the US EPA's Unregulated Contaminant Monitoring Rule (UCMR), see the US EPA web page at <http://water.epa.gov/lawsregs/rulesregs/sdwa/ucmr/ucmr3/>. The intent of the rule is to provide baseline occurrence data that US EPA can combine with toxicological research to make decisions about potential future drinking water regulations.

certain contaminants, because it has been demonstrated they do not occur in our water supply.<sup>6</sup> We were told there are additional waivers that apply to local area water sources.

The SFPUC does more than monitor our water, it also treats it. SFPUC reports:

Water treatment, including disinfection by ultraviolet light and chlorine, corrosion control by adjustment of the water pH value, fluoridation for dental health protection, and chloramination for maintaining disinfectant residual and minimizing disinfection byproduct formation, is in place to meet the drinking water regulatory requirements.<sup>7</sup>

SFPUC has again received waivers because of the demonstrated quality and source of the water:

[Our] pristine, well protected Sierra water source is exempt from filtration requirements by the US Environmental Protection Agency (US EPA) and State Water Resources Control Board's Division of Drinking Water (SWRCB DDW).<sup>8</sup>

---

<sup>6</sup> *SFPUC Annual Water Quality Report 2015*, <http://sfwater.org/index.aspx?page=634> Because a monitoring waiver was received from the SWRCB for some contaminants, they can be checked annually or less.

<sup>7</sup> *SFPUC Drinking Water Sources and Treatment*, <http://sfwater.org/modules/showdocument.aspx?documentid=7388>

<sup>8</sup> *Ibid.*

## **OBJECTIVES**

The Civil Grand Jury undertook this investigation to

- assess SFPUC stewardship of our water resources,
- assess SFPUC water safety, and
- identify potential hazards to water safety.

## **SCOPE AND METHODOLOGY**

We gathered the information for this report from interviews of SFPUC officials and technicians, San Francisco Department of Public Health (SFDPH) officials, various City department heads who maintain or monitor our public facilities, and public information. We also visited reservoirs, laboratories, and treatment facilities over a period of 10 months, primarily during the summer of 2015 and the spring of 2016.

We did verify the accreditation of SFPUC laboratories, but we did not audit their proficiency test results or logs. However, we did inquire about the measurements of certain contaminants, as well as general practices and procedures for maintaining quality lab results.

## GENERAL DISCUSSION

The Jury was initially very curious about reconciling our aggressive residential construction with our chronic drought. On the supply side, our tour of the San Francisco Public Utilities Commission (SFPUC) regional water system coincided with the peak of our current drought, and we observed reservoir levels. We also discussed strategic alternatives available. We were eventually satisfied when we were told in June, 2016 that SFPUC has plans to manage up to 8.5 more years of drought without drastic rationing. As well, new drinking water sources are coming online. Our City groundwater is currently not used for drinking. Instead it is used for watering Golden Gate, Presidio and Harding Parks. That will change when the San Francisco Groundwater Supply Project is brought online in the fall of 2016, which will provide up to 4 mgd of drinking water from local wells tapping the City's western aquifer.<sup>9</sup>

On the demand side, we learned the surprising fact that San Francisco has *decreased* its water consumption despite an increase in population.<sup>10</sup> Thanks to conservation programs, more efficient fixtures and enthusiastic public cooperation, a San Franciscan currently uses less than half the water of an average Californian (44 vs. 94 gallons per day).<sup>11</sup> The Jury was satisfied with SFPUC water stewardship (monitoring, treatment, protection and distribution), as well as the near-term supply/demand outlook.

Flint, Michigan's mass lead water contamination tragedy made headlines in January 2016, causing the Jury to wonder whether what happened in Flint could happen here in San Francisco. Our investigation revealed that it could not. In Flint, a water supply source was switched, sending untreated, corrosive water into their lead-laden distribution system which in turn leached lead out of the pipes. The SFPUC reports there are no lead pipes in its main transmission and delivery infrastructure, and no known lead pipes in its service lines (the short lines that run from the main line to a building's water meter). We were told that there probably remain some undiscovered under-street lead service lines and that one or two are found per year.

In delivering water to our buildings, the main water lines usually run under the street. The individual service lines are short runs that branch off from the main line and terminate at the customer water meter. We were assured that it is the policy of the SFPUC to immediately remove any lead service lines when discovered. Because of this, we see little risk of lead contamination to our water supply from SFPUC lines. We discuss lead in water in more detail later in this report.

In fact, due to SFPUC diligent monitoring, treatment, protection and distribution of the water supply, we found little threat of contamination in SFPUC water. SFPUC tests for hundreds of

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<sup>9</sup> SFPUC *San Francisco Groundwater Supply*, [http://sfwater.org/bids/projectDetail.aspx?prj\\_id=322](http://sfwater.org/bids/projectDetail.aspx?prj_id=322)

<sup>10</sup> SFPUC *Water Resources Division Annual Report FY 2014-15*,  
<http://www.sfwater.org/modules/showdocument.aspx?documentid=8207>

"San Francisco reduce(d) total water demand over the last 15 years despite population growth"

<sup>11</sup> Ibid.

contaminants, some of which are analyzed using multiple test methods. The list was examined by the Jury, and due to regulator security concerns it is left unpublished.

In Milwaukee in 1993, the parasite *Cryptosporidium* in drinking water was identified as the cause of illness for hundreds of thousands of people. It also caused several deaths, mostly of people who had AIDS or otherwise compromised immune systems. Given our large HIV+ population, our water quality became of utmost concern. SFDPH confirms the SFPUC water system has not been associated with *any* outbreaks of Cryptosporidiosis (the disease caused by the *Cryptosporidium* parasite). In fact, SFDPH also confirms that SFPUC water has not been associated with *any* outbreaks of waterborne illnesses. *Cryptosporidium* has been documented to State and Federal regulators to be in safe amounts in SFPUC water since 1993. A brief summary can be found in Appendix 1.

In 2008, a [national news article](#) generated concern over chemical contaminants in the water supply.<sup>12</sup> The American Water Works Association Research Foundation tested 20 of the nation's water systems, including San Francisco, for contaminants. Tests were conducted for traces of sixty compounds; those found in medicines, household cleaners and cosmetics. The results were noteworthy because no trace of any of the tested chemicals was found in our drinking water.<sup>13</sup>

It is difficult to substantiate water contaminant information reported by the SFPUC. In fact, we were told that neither the State Water Resources Control Board (SWRCB) nor the US Environmental Protection Agency (US EPA) do it. Instead, SWRCB has set policy that SFPUC labs be accredited by the Environmental Laboratory Accreditation Program (ELAP). To receive accreditation, the labs are regularly inspected. In addition, every six months ELAP uses a third party to prepare special water samples (proficiency samples) for each SFPUC lab to test. The samples are returned to the third party which analyzes the results, and in turn provides results to the SWRCB. Accreditation results are available online.<sup>14</sup> All the labs we inspected are currently accredited.

We inquired about SFPUC lab policies, as well as practices and redundancies to prevent erroneous samples. We were told that sample collectors use vehicles with GPS tracking, and their samples are correlated to SFPUC real-time monitoring stations located across the system. Falsifying a sample is a dismissable offense at SFPUC. All collected samples processed by the lab or the real-time stations are automatically logged into the SFPUC monitoring database. We visited the lab and a real-time monitoring station, and we received an overview of the automated sample logging process.

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<sup>12</sup> Associated Press, *Pharmaceuticals in Water*, 2008

[http://hosted.ap.org/specials/interactives/\\_national/pharmawater\\_update/index.html](http://hosted.ap.org/specials/interactives/_national/pharmawater_update/index.html)

<sup>13</sup> *SF's Tap Water Best in Tests*,

<http://www.sfgate.com/green/article/S-F-s-tap-water-best-in-tests-chemists-say-3291449.php>

<sup>14</sup>This PDF has some listings that are/may be out of date:

[http://www.waterboards.ca.gov/drinking\\_water/certlic/labs/documents/elap\\_certified\\_all\\_labs.pdf](http://www.waterboards.ca.gov/drinking_water/certlic/labs/documents/elap_certified_all_labs.pdf). More current listings can be found searching for "SFPUC" on ELAP's certification lab map:

<http://waterboards.maps.arcgis.com/apps/webappviewer/index.html?id=bd0bd8b42b1944058244337bd2a4ebfa>



We inspected the list of analyzed contaminants (analytes) and inquired about two of the contaminants: Cryptosporidium and Dioxin. Cryptosporidium was intriguing because even neutralized (dead) parasite are counted in the tests. And with Dioxin we were very impressed that chemicals are being monitored at the parts-per-quadrillion sensitivity level ( $10^{-15}$ ). Currently, contaminants below detection limits for reporting are not shown in the annual report, in accord with regulatory guidance. However, the public would benefit if the complete list of analytes that do not present a security issue could be made available online. It would be reassuring if, for example, drugs such as those mentioned in the earlier referenced 2008 news article<sup>15</sup>, were regularly shown not to be present in our water.

### **SFPUC Response To A Backflow Incident**

While it is easy for an outside observer to analyze an obvious problem, such as a water main break, it is up to the SFPUC to report its water system problems. One such problem occurred in March, 2015, when SFPUC operators left a valve open and untreated water was mixed with treated water:

At approximately 4:30 pm on March 3, 2015, raw water derived from San Antonio Reservoir was briefly introduced into the potable portion of the Regional Water System (RWS) through the Alameda Siphon No. 3 located in the Sunol Valley. Within 2 hours the water was conveyed to customer service connections on the west side of the Irvington Tunnels.<sup>16</sup>

This 17 minute error created an undertreated “slug” of water that moved through the SFPUC regional water system.

The response to this incident allowed the Jury to observe SFPUC actions, responses and changes made in the face of a recent accident. The SFPUC, through its constant monitoring, discovered that a problem had occurred and within 17 minutes the problem was contained. The SFPUC documented its tracking of the slug, the notification to the downstream customers, problem resolution, and reported the incident to the SWRCB along with a clear statement to all parties that this was caused by human error. SFPUC outlined steps for improvement which were approved by the State. We studied the incident and inquired about each of the following State directives, listing them in Table 1.

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<sup>15</sup> Associated Press, Pharmaceuticals in Water, 2008

[http://hosted.ap.org/specials/interactives/national/pharmawater\\_update/index.html](http://hosted.ap.org/specials/interactives/national/pharmawater_update/index.html)

<sup>16</sup>This is the SFPUC response to the first directive of the SWRCB -- to report on the incident.

<http://sfwater.org/cfapps/wholesale/uploadedFiles/SAR%20Incident%20Report%206-9-15.pdf>

**Table 1. SFPUC March 3, 2015 Backflow Incident Directives and Responses**

State Directive	SFPUC Response
(Develop an) Emergency Response Action Plan	This is currently in place.
Improve modeling procedures	This has been done and improvements are ongoing.
Provide online Data availability and Training	This has been done and improvements are ongoing.
Additional Data	Two new online monitoring stations are scheduled for 2017.
Staff Training	The primary cause of this incident was an operator's failure to follow established procedures. We were told the remedial training has been done.
Online Data Verification/Calibration	The problem revealed some equipment was not maintained sufficiently to provide the needed accuracy. This has been addressed.

This table was compiled by the Jury with information from SFPUC and SWRCB.

In its report, SFPUC also detailed its communication to customers while the water slug moved through its system, as well as additional preventative measures it is pursuing now.<sup>17</sup> The regulators have shown no further concern regarding this incident. We were satisfied with the timely and comprehensive response by the SFPUC not only to the incident, but also to the State's directives.

### **SFPUC Response to Water Quality Complaints**

Unlike contaminants, complaints are easy to analyze. The SFPUC, as our local water company, receives complaints through our 311 system. People can call 311, visit SF311.org, or use the 311 mobile app at any time to report all non-emergency issues regarding water.

We examined SF OpenData<sup>18</sup> and derived a list of complaints that 311 received and referred to SFPUC Water Quality Division for 2016. We met with SFPUC officials, and reviewed all 311 water complaints for April, 2016. Our result are shown in Table 2.

<sup>17</sup> Ibid. See "Additional Preventative Measures" on page 8.

<sup>18</sup> SF OpenData is a repository of the City's published data. <http://data.sfgov.org/>

**Table 2. Water Quality Complaints from 311, April, 2016.**

<b>311 Water Complaint</b>	<b>Number of Complaints</b>	<b>Causes</b>
Bad Taste	2	Inconclusive
Black Particles	5	Customer rubber degradation
Cloudy/Milky	9	Plumbing shut down, hydrant hit, or inconclusive
Dirty	16	Nearby construction, water shutdown or SFFD/hydrant activity
Discolored	45	SFPUC water main break, water heater, P.G. & E. construction, other construction, street cleaning, hydrant usage, plumbing shutdown, customer plumbing issue, or inconclusive
Illness	1	Inconclusive
Odor	4	Water heater or internal plumbing issue
<b>TOTAL</b>	<b>82</b>	<b>Total with Cause Identified: 50 (61%) Total Inconclusive: 32 (39%)</b>

This table was compiled by the Jury with information from SF Open Data and SFPUC.

Of the 82 logged complaints, all were resolved. There were 50 (61%) cases resolved with causes identified as being in or nearby to the customer's premises, including an SFPUC water main break.

The remaining 32 (39%) were deemed inconclusive. The problem might have been resolved, or the customer's perception of the problem/cause changed. An inconclusive result means that although the problem was addressed, SFPUC could not identify a specific cause of the problem. Illness complaints are referred to the SFDPH for investigation.

As a result of these complaints, the SFPUC collected 27 water samples. We were told that all samples met US EPA and SWRCB drinking water standards.

We were satisfied with SFPUC tracking and resolution of 311 water quality complaints.

### **Lead In Drinking Water**

As mentioned earlier, we have little concern about lead in SFPUC water, and here we present the technical data to substantiate this.

SWRCB sets an Action Level for Lead in water at 15 ppb (parts per billion), over which corrective action should be taken. The US EPA mandates that lead be tested at consumer taps. These taps reside inside buildings with water traveling through local pipes and fixtures. The SFPUC regularly tests 59 taps in San Francisco to monitor the level of lead in its water, and found none over the Action Level.

In 2009, the California Environmental Protection Agency (Cal EPA), which is not a regulator, set a public health goal (PHG) of a lead level in our drinking water to be at or less than 0.2 parts per billion (ppb). The PHG level is 75 times lower (0.2 vs. 15) than the current SWRCB Action Level, showing how ambitious is the goal. Cal EPA states that it sets the PHG down to a level “at which no known or anticipated adverse effects on health will occur, with an adequate margin of safety.”<sup>19</sup>

How do SFPUC lead levels compare with regulator and PHG values?

Every three years the SFPUC releases a report comparing its water to the various PHGs, the most recent being 2013.<sup>20</sup> In it, SFPUC reports:

Lead [was] exceeding the PHG [Public Health Goal] in customer tap water samples only; it was non-detected in raw and treated water.

SFPUC source water has non-detectable\* levels of lead and meets this stringent public health goal for lead safety set by Cal EPA. However, once it travels into our buildings it does not, although the tap samples remain under the regulatory Action Level.

Table 3 shows the various lead levels.

Again, we have little concern about lead in SFPUC water. The report concludes the “probable lead source in these tap samples may be attributed to the plumbing components at these residences”.<sup>21</sup> Now we can discuss our pipes and fixtures.

**Table 3. Lead in SFPUC Drinking Water<sup>22</sup>**

SWRCB State Regulator Lead Action Level	Cal EPA Lead Public Health Goal (PHG)	SFPUC Lead in raw or treated water measured at the source <sup>23</sup>	SFPUC Tap Testing Lead-In-Water Range	Number of SFPUC monitored taps that tested above the Action Level
15 ppb	0.2 ppb	Non-detectable*	Less than 1 ppb to 10.3 ppb	0

“ppb” is parts per billion. This table was compiled by the Jury using the SFPUC 2015 Annual Water Quality Report and the SFPUC 2013 Public Health Goals Report.

\*Non-detectable contaminants were considered to have no PHG exceedance during the reporting period 2010-12.<sup>24</sup> However, lead levels under 1 ppb may be reported as undetected, based on a threshold set by the State regulator.

<sup>19</sup> Cal EPA, Public Health Goals for Chemicals in Drinking Water: Lead, 2009,

<http://oehha.ca.gov/media/downloads/water/chemicals/phg/leadfinalphg042409.pdf>

<sup>20</sup> SFPUC 2013 Public Health Goals Report, page 11,

<http://sfwater.org/cfapps/wholesale/uploadedFiles/2013%20PHG%20Report%20Full%20v6-20-13.pdf>

<sup>21</sup> Ibid, Page 12, *SFPUC Water Sample Results*

<sup>22</sup> SFPUC Annual Water Quality Report, 2015 <http://sfwater.org/index.aspx?page=634>

<sup>23</sup> SFPUC 2013 Public Health Goals Report, page 12, Table 1

<http://sfwater.org/cfapps/wholesale/uploadedFiles/2013%20PHG%20Report%20Full%20v6-20-13.pdf>

<sup>24</sup> Ibid, Page 6, Table 1.

### **Lead In Our Pipes And Fixtures**

Water has to travel through our building pipes and fixtures to reach us. While lead piping is no longer common in San Francisco, buildings plumbed before 1988 used lead solder to connect piping. Old fixtures can also leach lead. Pre-1997 faucets can contain up to 8% lead.<sup>25</sup> The SFPUC lists “internal corrosion of household water plumbing systems” as the major source of lead in drinking water.<sup>26</sup> The plumbing components used in drinking water systems for human consumption in California have only been “lead-free” since 2010.<sup>27</sup>

Even in the presence of these hazards, however, one can obtain safe drinking water by running the tap long enough to replace water in the pipes with fresh water. SFPUC instructs:

If you are concerned about elevated lead levels in your water, flush your tap for 30 seconds to 2 minutes before using the water, whenever the tap has not been used for several hours.<sup>28</sup>

### **No Lead Certification Program**

There are no water quality certification programs for buildings. Without such a program, the burden of tap testing falls on the consumer.

We gave drinking fountains special consideration because our anecdotal evidence kept leading to them. We visited City buildings that disabled fountains and provided bottled water. We were told of others. We also learned that the longer the drinking water sits in the plumbing, the more metals, including lead, can leach into the water. With the combination of long periods between usage and small volumes dispensed, older (pre-2010) drinking fountains might deliver water that has higher contaminants than a high-volume tap, such as a faucet.

What can citizens and facilities managers do about testing their tap water? The SFPUC has a program whereby residents may request a lead-in-water test of their drinking water for a fee of \$25.<sup>29</sup> Participants in US Department of Agriculture’s Women, Infants, and Children (WIC) program may request the test for free.<sup>30</sup>

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<sup>25</sup> Massachusetts Water Resources Authority, *Do faucets contain lead?*  
[http://www.mwra.state.ma.us/04water/html/Lead\\_Faucets.htm](http://www.mwra.state.ma.us/04water/html/Lead_Faucets.htm)

<sup>26</sup> SFPUC Annual Water Quality Report 2015, <http://sfwater.org/index.aspx?page=634>

<sup>27</sup> The plumbing components are considered “lead-free” if the weighted average lead content of the component’s wetted surface area is not more than 0.25%. California AB 1953 “Lead Plumbing” became State law and effective on January 1, 2010. SFPUC Reduction of Lead, *Legislative Action*  
<http://sfwater.org/modules/showdocument.aspx?documentid=8732>

<sup>28</sup> SFPUC *Childhood Lead Prevention Program*, <https://www.sfdph.org/dph/eh/CEHP/Lead/InfoTenant.asp>

<sup>29</sup> SFPUC *Application for Lead Testing Analysis*, <http://sfwater.org/modules/showdocument.aspx?documentid=1175>

<sup>30</sup> WIC-enrolled families, access voucher from WIC office and call (415) 551-3000 for scheduling test. Cost is free.

## FINDINGS

- F.A.1. The Jury was satisfied with San Francisco Public Utilities Commission (SFPUC) water stewardship as well as the near-term drinking water supply/demand outlook. SFPUC is to be commended.
- F.A.2. We see little risk of lead from SFPUC water lines.
- F.A.3. Currently, drinking water contaminants that are below detection limits for reporting are not shown in the annual water quality report, in accord with regulatory guidance.
- F.A.4. There are no water quality certification programs for buildings. Our public buildings, especially drinking fountains, would benefit from displaying a dated, lead-safe seal/sticker from the SFPUC on our drinking water taps.
- F.A.5. The SFPUC Regional Water System has not been associated with any waterborne illnesses, and since 1993 this has been documented monthly. SFPUC is to be commended.

## RECOMMENDATIONS

- R.A.1. No recommendation.
- R.A.2. No recommendation.
- R.A.3. In the interest of transparency, all drinking water contaminants analyzed (analytes) that do not pose a public security issue should be disclosed in the SFPUC Water Quality Annual Report.
- R.A.4. SFPUC should create a water quality certification program for buildings, offering at least a dated, lead-safe seal/sticker on/near the fixture and visible to the consumer.
- R.A.5. No recommendation.

## CONCLUSION

The Jury researched and explored several aspects of our drinking water — quality, safety, supply and demand. We found the SFPUC stewardship of the City's water system and supporting resources to be more than satisfactory.

## REQUEST FOR RESPONSES

### Findings and Required Response Matrix

FINDING	RESPONDER
F.A.1. The Jury was satisfied with San Francisco Public Utilities Commission (SFPUC) water stewardship as well as the near-term drinking water supply/demand outlook. SFPUC is to be commended.	Office of the Mayor, BOS
F.A.2. We see little risk of lead from SFPUC water lines.	Office of the Mayor, BOS
F.A.3. Currently, drinking water contaminants that are below detection limits for reporting are not shown in the annual water quality report, in accord with regulatory guidance.	SFPUC Water Enterprise
F.A.4. There are no water quality certification programs for buildings. Our public buildings, especially drinking fountains, would benefit from displaying a dated, lead-safe seal/sticker from the SFPUC on our drinking water taps.	SFPUC Water Enterprise
F.A.5. The SFPUC Regional Water System has not been associated with any waterborne illnesses, and since 1993 this has been documented monthly. SFPUC is to be commended.	Office of the Mayor, BOS

### Recommendations and Required Response Matrix

RECOMMENDATION	RESPONDER
R.A.1. No recommendation.	
R.A.2. No recommendation.	
R.A.3. In the interest of transparency, all drinking water contaminants analyzed (analytes) that do not pose a public security issue should be disclosed in the SFPUC Water Quality Annual Report.	SFPUC Water Enterprise
R.A.4. SFPUC should create a water quality certification program for buildings, offering at least a dated, lead-safe seal/sticker on/near the fixture and visible to the consumer.	SFPUC Water Enterprise
R.A.5. No recommendation.	

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.



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Note: The amounts of gallons and customers stated in this report were for us by SFPUC.

*Annual Water Quality Report 2015*, <http://sfwater.org/index.aspx?page=634>

Note: The stated amount of 90,090 tests is in addition to the treatment process control monitoring performed by certified operators and online instruments.

*Drinking Water Sources and Treatment*, <http://sfwater.org/modules/showdocument.aspx?documentid=7388>

*San Francisco Groundwater Supply*, [http://sfwater.org/bids/projectDetail.aspx?prj\\_id=322](http://sfwater.org/bids/projectDetail.aspx?prj_id=322)

*Response to the First Directive of the State Water Resources Control Board*

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<https://www.sfdph.org/dph/eh/CEHP/Lead/InfoTenant.asp>

SFPDH *Cryptosporidiosis Fact Sheet*, March 2009

[https://www.sfdph.org/dph/files/EHSdocs/ehsWaterdocs/Cryptosporidiosis\\_Document\\_Collection.pdf](https://www.sfdph.org/dph/files/EHSdocs/ehsWaterdocs/Cryptosporidiosis_Document_Collection.pdf)

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Note: The PDF or its listings may be out of date. More current SFPUC lab listings can be found searching for "SFPUC" on ELAP's certification lab map:

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## APPENDIX 1 - CRYPTOSPORIDIUM

Cryptosporidium treatment in water is worth understanding, especially in San Francisco.

In April 1993, approximately 400,000 people in Milwaukee, Wisconsin became ill from drinking their city's water. While almost all recovered, it was quickly observed that those with compromised immune systems were at serious risk.<sup>31</sup> An intestinal parasite called Cryptosporidium<sup>32</sup> was found to be responsible, and health departments and water utilities had to quickly learn how to kill or neutralize this chlorine-resistant organism.

Cryptosporidium was a known pathogen in the 1950's and first identified in humans in 1976. It is easily spread animal-to-human or human-to-human via contaminated hands and/or water. First associated with traveler's diarrhea, the US Centers for Disease Control (CDC) documented it in 1982 as causing outbreaks of diarrhea in people with compromised immune systems.

The SFPUC water system is not associated with *any* outbreaks of Cryptosporidiosis (the disease caused by the Cryptosporidium parasite). Since 1993, SFPUC has partnered with health agencies which have documented to California Department of Health Services (CDHS) and US EPA that Cryptosporidium in SFPUC drinking water is at safe amounts.<sup>33</sup> This is impressive work by SFPUC in light of the fact that the Cryptosporidium was not regulated at the time—The first regulation was in 1996 as an amendment to the US Safe Drinking Water Act (SDWA).<sup>34</sup>

The multi-agency Bay Area Cryptosporidiosis Surveillance Project (CSP) was formed in 1996. *All* online CSP quarterly or annual reports confirm “No system-wide, drinking water associated cryptosporidiosis outbreaks were detected, nor were any other common exposures identified among cases.”<sup>35</sup> (Wording varies slightly in early reports.) Reports available online begin in 2004, yet contain information dating back to 1996.

In 2011, SFPUC installed ultraviolet (UV) light downstream from its Hetch Hetchy reservoirs to inactivate Cryptosporidium and perform primary disinfection before chlorination.<sup>36</sup> It is useful to know that dead (treated and thus non-viable) Cryptosporidium are not harmful, yet test methods often combine the live and dead into one result.

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<sup>31</sup> Minnesota Department of Health website *Cryptosporidium*,

<http://www.health.state.mn.us/divs/eh/water/factsheet/com/cryptosporidium.html>

<sup>32</sup> Ibid. “The principle source of Cryptosporidium contamination is believed to be animals, both domestic and wild.”

<sup>33</sup> Documenting this in 1993 was performed as a requirement of a filtration waiver application to the California Department of Health Services, which was approved June 17, 1993. It was subsequently approved by the US EPA on October 29, 1993. The SFDPH confirms SFPUC drinking water has had no waterborne outbreaks of disease, and also that since 2003 it has sent SFPUC a monthly notice of such.

<sup>34</sup> SFDPH *Cryptosporidiosis Fact Sheet*. See Page 17 of the PDF.

After the 1996 SWDA amendment, three subsequent US EPA water treatment rules followed in 1998, 2002 and 2006. [https://www.sfdph.org/dph/files/EHSdocs/ehsWaterdocs/Cryptosporidiosis\\_Document\\_Collection.pdf](https://www.sfdph.org/dph/files/EHSdocs/ehsWaterdocs/Cryptosporidiosis_Document_Collection.pdf)

<sup>35</sup> *Cryptosporidiosis Surveillance Project Archive*,

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<sup>36</sup> SFPUC *Questions Regarding Drinking Water Disinfection, June 2013*

<http://www.sfwater.org/modules/showdocument.aspx?documentid=4131>

CITY AND COUNTY OF SAN FRANCISCO  
CIVIL GRAND JURY



July 18, 2016

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2016 JUL 18 AM 11:18  
AK  
BOARD OF SUPERVISORS  
SAN FRANCISCO

Dear Ms. Calvillo,

The 2015 – 2016 Civil Grand Jury will release its report entitled, "San Francisco Building and Fire Safety Inspection: A Tale of Two Departments: Department of Building Inspection and San Francisco Fire Department" to the public on Thursday, July 21, 2016. Enclosed is an advance copy of this report. Please note that by order of the Presiding Judge of the Superior Court, Hon. John K. Stewart, this report **is to be kept confidential until the date of release (July 21st)**.

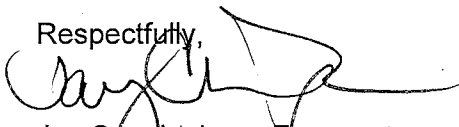
California Penal Code §933 (c) requires a response to be submitted to the Presiding Judge no later than 90 days. California Penal Code §933.5 states that for each finding in the report, the responding person or entity shall indicate one of the following: (1) agree with the finding; or (2) disagree with it, wholly or partially, and explain why.

Further, as to each recommendation, your response must either indicate:

- 1) That the recommendation has been implemented, with a summary of how it was implemented;
- 2) That the recommendation has not been, but will be, implemented in the future, with a timeframe for implementation;
- 3) That the recommendation requires further analysis, with an explanation of the scope of that analysis and a timeframe for discussion, not more than six months from the release of the report; or
- 4) That the recommendation will not be implemented because it is not warranted or reasonable, with an explanation.

Please provide your response to Presiding Judge Stewart at the following address:  
400 McAllister Street, Room 008  
San Francisco, CA 94102-4512

Respectfully,

  
Jay Cunningham, Foreperson  
2015 – 2016 Civil Grand Jury

City Hall, Room 482  
1 Dr. Carlton B. Goodlett Pl, San Francisco, CA 94102  
Phone: 415-554-6630

# FIRE SAFETY INSPECTIONS IN SAN FRANCISCO

*A TALE OF TWO DEPARTMENTS:  
DEPARTMENT OF BUILDING INSPECTION &  
SAN FRANCISCO FIRE DEPARTMENT*

June 2016



City and County of San Francisco  
Civil Grand Jury, 2015-2016

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The Civil Grand Jury is a government oversight panel of volunteers who serve for one year. It makes findings and recommendations resulting from its investigations.

Reports of the Civil Grand Jury do not identify individuals by name. Disclosure of information about individuals interviewed by the jury is prohibited. California Penal Code, section 929

## STATE LAW REQUIREMENT

### California Penal Code, section 933.05

Each published report includes a list of those public entities that are required to respond to the Presiding Judge of the Superior Court within 60 to 90 days as specified.

A copy must be sent to the Board of Supervisors. All responses are made available to the public.

For each finding, the response must:

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

As to each recommendation the responding party must 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.

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## SUMMARY

This is a tale of two departments, the Department of Building Inspection (“DBI”) and the San Francisco Fire Department (“SFFD”). These two departments are tasked with safeguarding our precious housing stock and residents from fire safety hazards. DBI and SFFD inspect our multi-unit residential buildings for compliance with minimum fire safety standards that are outlined in various City Codes (the “Codes”) and ensure that property owners correct violations discovered by these inspections.

Although these two departments work towards a common goal, they do not coordinate their efforts. Between the two, they are unable to inspect all of our multi-unit residential buildings within the timeframes mandated by the Codes, nor do they ensure that all fire safety violations are corrected in a timely manner. We found that fire safety hazards that go undetected or take too long to correct unnecessarily contribute to the risk that our housing stock and its residents will suffer from catastrophic fires that take lives, damage property, and displace tenants. We have seen this over the last two years when 19 major fires and 119 smaller ones caused 10 deaths, over \$40 million in property damage, and displaced nearly 500 residents. And, these figures do not include the five-alarm fire that happened on June 17, 2016, near 29th and Mission Streets just as we were finalizing this report.

We found that DBI and SFFD separately enforce minimum fire safety standards under two different City Codes, respectively, the Housing and Fire Codes. These codes have different requirements with regard to the size of buildings to be inspected and the timeframe for inspecting them. Also, DBI has a well established code enforcement system, whereas the SFFD does not. Although there is much overlap in the items these two departments inspect, there is no coordination in their efforts.

The local press has widely reported that several of the buildings in the Mission District that experienced major fires had documented fire safety hazards that allegedly went uncorrected. In this report, we discuss the reasons for the backlog in routine inspections conducted by DBI and SFFD, along with why their enforcement efforts are not leading to abatement of all fire safety hazards within a reasonable period of time. We also offer recommendations to help alleviate, if not eliminate, some of the inspection backlog and to make enforcement efforts more timely.

## OBJECTIVES, SCOPE, AND METHODOLOGY

The objectives of our investigation were threefold: (1) to determine if there was a backlog in inspections of our multi-unit residential buildings conducted by DBI and SFFD, and if so, why; (2) to ascertain whether fire safety code violations were being corrected in a timely manner, and if not, why; and, (3) to determine if there was sufficient transparency in the inspection and enforcement processes used by DBI and SFFD so that property owners understand what is expected and tenants know the potential risks they face in their homes.

The scope of our investigation was limited to multi-unit apartment buildings and condominiums. We did not investigate inspections and code enforcement related to residential hotels (also known as single room occupancies or SROs). (See Lack of Coordination Between DBI and SFFD, Tables III-1 and III-2, below, for a comparison of the scope of DBI and SFFD's inspections and code enforcement.) This is because individual units in residential hotels are required to have sprinklers. We were told that sprinklers make the possibility of large fires occurring in these buildings much less of a concern. Our investigation did not look into the causes of fires in our City.

Our methodology included conducting numerous interviews with DBI, SFFD and the San Francisco City Attorney's Office. At DBI, we interviewed employees at all levels in the Housing Inspection Services and Management Information Services divisions. At SFFD, we interviewed Engine and Truck Captains, Battalion Chiefs, Bureau of Fire Prevention inspectors, clerks, and managers and Operations Division management. At the City Attorney's Office, we interviewed attorneys who litigate cases against building owners with outstanding violations that were not corrected during the DBI or SFFD code enforcement processes.

Also, we read DBI and SFFD inspection reports and analyzed data related to DBI and SFFD inspections and code enforcement processes. (DBI inspection reports are available online at <http://dbiweb.sfgov.org/dbips>.)

We attended Fire Safety Task Force meetings,<sup>1</sup> reviewed its final recommendations,<sup>2</sup> and analyzed related ordinances (passed<sup>3</sup> and proposed<sup>4</sup>) by the Board of Supervisors. We watched<sup>5</sup> Building Inspection Commission meetings and reviewed meeting minutes and supporting documents.<sup>6</sup> Additionally, we watched<sup>7</sup> Fire Commission meetings and reviewed meeting minutes and supporting documents.<sup>8</sup>

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<sup>1</sup> <http://sfdbi.org/meetings/9>

<sup>2</sup> <http://sfdbi.org/sites/default/files/Fire%20Safety%20Task%20Force%20Final%20Report%2001-19-16.pdf>

<sup>3</sup> <http://www.sfbos.org/ftp/uploadedfiles/bdsupvrs/ordinances16/o0060-16.pdf>

<sup>4</sup> <http://www.sfbos.org/Modules/ShowDocument.aspx?documentid=55782>

<sup>5</sup> [http://sanfrancisco.granicus.com/ViewPublisher.php?view\\_id=14](http://sanfrancisco.granicus.com/ViewPublisher.php?view_id=14)

<sup>6</sup> <http://sfdbi.org/meetings/17>

<sup>7</sup> [http://sanfrancisco.granicus.com/ViewPublisher.php?view\\_id=180](http://sanfrancisco.granicus.com/ViewPublisher.php?view_id=180)

<sup>8</sup> <http://sf-fire.org/meetings/5>

## INTRODUCTION

Our investigation began after we read about three major fires in the Mission District that occurred over a six month period from September 2014 to March 2015. These three fires killed three people, displaced over 60 people, shuttered at least 34 businesses, and caused an estimated \$11.5 million in property damage. We were concerned because local papers reported that the property owners of *all three* buildings had been repeatedly cited for City Code violations.<sup>9</sup> The building at 22nd and Mission Streets had documented fire safety hazards alleged to have been uncorrected prior to the four-alarm inferno that claimed a tenant's life and required firefighters to rescue several others who were stranded on fire escape ladders that could not descend to the ground.<sup>10</sup>

Shortly after this four-alarm fire, a high ranking member of SFFD said, "there does seem to be a lapse in our tracking. The lack of documentation for this building is now evident."<sup>11</sup> A spokesman for DBI told SFGate, "building inspectors say they are overworked and behind in routine safety inspections." "Because of all the construction activity—the building boom—that's been going on for a couple of years, I'm told our inspectors haven't got the ability to get there. They've been busy with other inspections."<sup>12</sup> As mandated by Code, DBI should inspect multi-unit residential buildings at least once every five years and SFFD should conduct annual inspections.

Recently, the Mission District experienced two more fires within a two-day period. On April 21, 2016, SFFD contained a three-alarm fire at two adjacent residential buildings on 17th Street.<sup>13</sup> Twenty-seven residents were displaced as a result of the fire. According to DBI records, the sixteen-unit building at 3525 17th Street had its last routine inspection more than six years ago (January 21, 2010). As a result of this inspection, a notice of violation ("NOV") was issued for missing smoke alarms. This violation was corrected six weeks later. A search of DBI's online records of the six-unit building next door at 3517 17th Street yielded no records of a routine inspection having ever been performed there. While the building at 3517 17th street falls outside SFFD's annual inspection program because it has fewer than nine units, the building at 3525 17th Street has 16 units and was last inspected by SFFD in April 2007.

The very next day, a fire in a three-unit building at 145 San Jose Avenue left 12 tenants homeless.<sup>14</sup> This building had its last routine inspection by DBI almost ten years ago on September 6, 2006. Since this building only had three units, it was not on the list for fire department inspections.

Approximately 65 percent of San Franciscans are renters.<sup>15</sup> This means most San Francisco residents control neither the overall condition of the buildings they live in nor the quality or

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<sup>9</sup> <http://abc7news.com/news/recent-massive-mission-district-fires-raising-questions/565712/>

<sup>10</sup> <http://www.sfgate.com/bayarea/article/Years-of-safety-violations-cited-at-Mission-site-6081870.php>

<sup>11</sup> Ibid.

<sup>12</sup> Ibid.

<sup>13</sup> <http://kron4.com/2016/04/21/fire-crews-battle-two-alarm-fire-in-sfs-mission-district/>

<sup>14</sup> <http://www.sfgate.com/bayarea/article/Firefighters-battling-blaze-in-SF-s-Mission-7296134.php>

<sup>15</sup> <http://sfrb.org/sites/default/files/FileCenter/Documents/1862-sfhousingdatabook.pdf>, page 8.

extent to which fire safety protections are present in the buildings they call home. Older residential buildings constructed of wood are commonplace in our City and unless they have been recently upgraded, do not include the latest in fire deterrent materials or fire safety equipment. Tenants rely on landlords and the City departments that enforce minimum fire safety standards, DBI and SFFD, to ensure their dwellings comply with City Codes. When this does not happen, tenants can lodge a complaint with these same City departments or file a lawsuit against a recalcitrant landlord. However, sometimes, it's just too late!

While San Francisco's economy has been growing by leaps and bounds, so has its population. Forty-five thousand new residents have moved to San Francisco since 2010.<sup>16</sup> However, during this same time period, only 7,500 new housing units have been added.<sup>17</sup> With too many people clamoring for too few places to live, the result for some has been skyrocketing rents. For those who are struggling to afford to live here, one way to continue to call San Francisco home is by crowding into apartments or flats that were intended to house far fewer individuals. Although some of these tenants may live in overcrowded units "illegally," there is a push in our City to make accommodations for those who want to continue to live here rather than displacing them for economic reasons. However commendable these intentions may be, increased fire safety risks (as well as other health/safety risks) have become the unintended byproduct of this overcrowding. The risks associated with overcrowding are evident when tenants resort to using extension cords to bring power to cooking appliances and consumer electronics that are being used in areas where it may not be safe to do so. These fire safety risks are exacerbated when overcrowded units do not include sufficient closet and/or storage space for the inhabitants. As a result, personal items clutter hallways and block exits.

As these incendiary factors converged, amidst growing pressure from tenant and low income advocates, the Board of Supervisors passed Ordinance 90-15 on June 9, 2015. That ordinance created the Emergency Interagency Fire Safety Task Force for Multi-Unit/Use Residential Buildings ("Fire Safety Task Force"). The Fire Safety Task Force was comprised of members from DBI, SFFD, the Public Utilities Commission and the Department of Public Health to review and make recommendations to the Board of Supervisors regarding possible legislation and other solutions that would improve fire safety in multi-residential and multi-use buildings. The Fire Safety Task Force focused on apartment houses containing three or more dwelling units. The Fire Safety Task Force held six public meetings and issued its final report with findings and recommendations on January 19, 2016.<sup>18</sup>

On April 19, 2016, the Board of Supervisors passed legislation aimed at improving code enforcement conducted by DBI and SFFD.<sup>19</sup> (See Appendix, Exhibit 1.) In response, SFFD is in the process of creating a more robust code enforcement process, modeled on the one DBI uses, and staffing a new group of R-2 inspectors, under the Bureau of Fire Prevention, to work on multi-unit residential building (R-2) complaints. (See SFFD Organizational Structure, below.)

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<sup>16</sup> <http://sf.curbed.com/2015/2/4/9995388/sfs-population-is-growing-way-faster-than-its-housing-stock>

<sup>17</sup> Ibid.

<sup>18</sup> <http://sfdbi.org/sites/default/files/Fire%20Safety%20Task%20Force%20Final%20Report%2001-19-16.pdf>

<sup>19</sup> <http://www.sfbos.org/ftp/uploadedfiles/bdsupvrs/ordinances16/o0060-16.pdf>

## I. DEPARTMENT OF BUILDING INSPECTION

### A. Organizational Structure

DBI “oversees the effective, efficient, fair and safe enforcement of the City and County of San Francisco’s Building, Housing, Plumbing, Electrical, and Mechanical Codes, along with the Disability Access Regulations for San Francisco’s more than 200,000 buildings.”<sup>20</sup> DBI operates under the direction and management of the Building Inspection Commission (“BIC”). The BIC sets policy for DBI, hears appeals leading up to the issuance of permits and acts as the Abatement Appeals Board to which Orders of Abatement can be appealed. Per a voter referendum in 1994, the Mayor appoints four commissioners, and the Board of Supervisors appoints three. Each of the seven members represents a particular community interest or expertise, including residential builder, residential landlord, licensed structural engineer, architect, and representatives of non-profit housing, the general public and tenants.<sup>21</sup>

DBI provides three main services: (1) Permit Services; (2) Inspection Services; and (3) Administrative Services. Permit Services “review plans and issue permits to ensure safe structures, and to protect life and property through building code compliance.”<sup>22</sup> Inspection Services “provide timely and quality inspections to meet codes, protect occupants and ensure quality of life.”<sup>23</sup> Administrative Services provides records management, and internal finance and personnel functions. (See Appendix, Exhibit 2.)

**Inspection Services** has five divisions, including the focus of this report--Housing Inspection Services. The first three (Building, Plumbing/Mechanical and Electrical) inspect newly-constructed and existing buildings to ensure the scope of work performed is within the scope of permits that have been issued. The fourth division, Code Enforcement, supports Building, Plumbing/Mechanical and Electrical by investigating complaints and enforcing code compliance.

The fifth division, *Housing Inspection Services (“HIS”)*, conducts health and safety inspections of residential buildings and responds to tenant complaints of code violations (primarily under the Housing Code). HIS inspectors also do their own code enforcement of health and safety violations. These periodic inspections are “routine inspections” of the common areas of residential buildings, and according to the Housing Code, must be conducted at least every five years.<sup>24</sup> The category of residential buildings that must be inspected every five years include residential apartment and condominium buildings and residential hotels that have three or more units. This category of buildings is called “R-2.”<sup>25</sup> All R-2 property owners must pay a yearly license fee which is charged on their annual property tax bills to help defray the cost of health

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<sup>20</sup> <http://sfdbi.org/annual-reports>, Page 6.

<sup>21</sup> Ibid, Page 8.

<sup>22</sup> Ibid, Page 10.

<sup>23</sup> Ibid, Page 10.

<sup>24</sup> San Francisco Housing Code, Section 302 (b)

<sup>25</sup> California Building Code, Title 24, Part 2, Section 310.1

and safety enforcement by DBI.<sup>26</sup> There are approximately 21,000 multi-unit residential apartment and condominium buildings with three or more units in San Francisco.

Currently, HIS has five senior inspectors, plus three full-time inspectors and one part-time inspector who primarily conduct routine inspections (“routine inspectors”) and 14 inspectors who primarily investigate tenant complaints within their districts (“district inspectors”). In accordance with census data, San Francisco is divided into 19 HIS districts. Currently, the 14 district inspectors cover these 19 districts. HIS has three vacant inspector positions (as of June 2016). Two inspectors are on leave and another retired at the end of May 2016.

HIS also has an inspector who works on inter-departmental complaints and one inspector who works on the Hotel Conversion Ordinance (“HCO”). In addition, there are the Principal Clerk and four support staff. One support staff position is vacant (on leave). (See Appendix, Exhibit 3.)

## **B. The Backlog in R-2 Inspections Exposes San Franciscans to Unnecessary Risks**

### **DISCUSSION**

It is not unreasonable for San Francisco residents to expect that HIS inspects *every* R-2 in San Francisco for fire safety hazards at least once every five years. After all, the Housing Code mandates it. However, HIS readily admits that not *every* R-2 is being inspected every five years--they have a backlog. One HIS inspector went as far as to say that they “cannot humanly get to all the R-2s.”

**HIS cannot measure its routine inspection backlog.** Remarkably, HIS does not know the extent of its routine inspection backlog. We were told this is because the Oracle database that HIS inspectors use to document routine inspections and code enforcement efforts, the Complaint Tracking System (“CTS”), cannot generate reports that include accurate R-2 inspection dates. Unless HIS knows when all the R-2s in San Francisco were last inspected, they cannot possibly identify which R-2s are due (or past due) for an inspection. Consequently, they cannot quantify the routine inspection backlog.

With the hope of understanding this further, we asked DBI Management Information Systems (“DBI MIS”) for a report listing all the R-2s in San Francisco and the date of the last routine inspection for each. (DBI MIS manages all DBI databases including CTS.) In response, we received an Excel spreadsheet that contained the information requested. However, when we compared twenty last routine inspection dates listed on the DBI MIS generated spreadsheet with inspection records available on the DBI website, we found several instances where the information did not match. (The records on the DBI website come directly from CTS.) For example, 2960 California Street had a last routine inspection date of December 18, 1996 according to the DBI MIS spreadsheet we received. However, according to inspection records

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<sup>26</sup> San Francisco Housing Code, Section 302 (b); San Francisco Ordinance 107-09

on the DBI website, a routine inspection was performed on September 16, 2010.<sup>27</sup> (See Appendix, Exhibit 4.)

Another example is 682 Corbett Avenue. According to the DBI MIS spreadsheet, the last routine inspection date for this R-2 was November 1, 1995. However, buried in the comments section of the inspection records on the DBI website was a narrative describing a routine inspection that was performed on January 4, 2007.<sup>28</sup> We were told that this 2007 routine inspection was not captured by our DBI MIS report because CTS cannot capture routine inspection dates that are part of a narrative in the comments section. (See Appendix, Exhibit 5.)

**Focused Code Enforcement R-2 lists show that a significant backlog existed in the Mission, Chinatown and Tenderloin Districts in 2015.** We received copies of the R-2 lists for all 19 HIS districts in San Francisco. These lists were created for Focused Code Enforcement. (See Considerable Resources Are Wasted Creating R-2 Lists, below.) These R-2 lists included an address for every R-2 in each district. However, since they were created manually, not every R-2 had a corresponding last routine inspection date listed. Of the 19 R-2 district lists we received, only three lists (Mission, Chinatown and Marina) had last routine inspection dates for most (if not all) the R-2s listed. We sorted these three R-2 district lists by last inspection date to determine which (and how many) R-2s in these three districts had not had a routine inspection within the last five years. We provide a summary of our results for those three districts in Table I-1 below.

**FOCUSED CODE ENFORCEMENT 2015**

District	R-2s with documented last inspection date	R-2s with last inspection date > 5 years ago	Percent R-2s not inspected within last 5 years
Mission*	822	316	38%
Chinatown	533	167	31%
Tenderloin	531	362	68%
*Does not include Mission Street			

Table I-1

As Table I-1 clearly shows, before HIS conducted its Focused Code Enforcement in these three districts, a substantial number of R-2s were not inspected within the last five years in the Mission (38 percent), Chinatown (31 percent) and the Tenderloin (68 percent).

Since these R-2 lists were created, HIS has conducted routine inspections in at least 221 R-2s in the Mission and 139 R-2s in Chinatown as part of its Focused Code Enforcement. As a result, the backlog for these areas, as reflected in Table I-1, has since been substantially reduced. We do not know, however, how many R-2s HIS was able to inspect in the Tenderloin because HIS has not updated the results for the Tenderloin on the Excel spreadsheet that it uses for this

<sup>27</sup> 2960 California [://dbiweb.sfgov.org/dbipts/default.aspx?page=AddressComplaint&ComplaintNo=201068596](http://dbiweb.sfgov.org/dbipts/default.aspx?page=AddressComplaint&ComplaintNo=201068596)

<sup>28</sup> 682 Corbett Ave.

<http://dbiweb.sfgov.org/dbipts/default.aspx?page=AddressComplaint&ComplaintNo=200786911>

purpose. Although documents show that HIS sent out 197 inspection appointment packets to R-2 owners in the Tenderloin, we do not know how many of these R-2s HIS inspectors were actually able to inspect. (See “No Shows” Waste Inspectors’ Time, below.)

Due to the small sample size (three districts) we cannot extrapolate and assume that there is a significant inspection backlog in the other 16 districts in the City. At the very least, Table I-1 does illustrate that a significant inspections backlog did exist in three districts in which some of the most vulnerable R-2s with the highest fire safety risks in our City are located.

**HIS does not know how many initial routine inspections are conducted each year.** In the DBI Annual Report for 2012-2013, HIS reported that HIS inspectors conducted 243 *initial* routine inspections on apartment buildings. The subsequent DBI annual reports, however, no longer report the number of *initial* routine inspections that were conducted each year. Instead, “Housing Inspections” and “Routine Inspections” are the only performance statistics related to routine inspections that are included in the DBI annual reports.

Similarly, among the seven performance measures HIS reports to the BIC on a monthly basis, “Housing Inspections” and “Routine Inspections” are included. “Initial Routine Inspections”, however, are not.

In Table I-2 below, two of the HIS performance measures, Housing Inspections Performed and Routine Inspections are aggregated for 2014 and 2015.

**HIS PERFORMANCE MEASURES**

<b>HIS Performance Measures</b>	<b>2014</b>	<b>2015</b>
Housing Inspections Performed	11,995	11,981
Routine Inspections	2,337*	2,311
* Excludes January and February 2014		

Table I-2

“Housing Inspections Performed” measures all the documented inspections that were performed in 2014 and 2015. This includes initial routine inspections, initial inter-departmental inspections, initial complaint inspections and all reinspections. “Routine Inspections” measures all initial scheduled routine inspections and initial complaint-generated routine inspections (that can be counted in CTS) and *all reinspections* conducted in 2014 and 2015.

How HIS defines *Routine Inspections* is misleading because it includes reinspections. It is the number of *initial routine inspections* that needs to be reported. This is because the *initial* routine inspection is the inspection of an R-2’s common areas that must be conducted at least every five years. Reinspections are focused on violations to determine whether they have been corrected and do not include inspections of the common areas overall. This distinction is important because HIS should be performing an average of 4,200 routine inspections per year (21,000 R-2s/5 years). If, as reported in the 2012-2013 DBI Annual Report, HIS is only conducting 243



*initial* routine inspections, then this is further evidence of a backlog in routine inspections. The BIC and the public need to know this!

### **Reasons For The Routine Inspection Backlog**

As a result of our investigation, we found that the following factors contributed to the routine inspection backlog:

- (1) considerable resources are wasted creating R-2 lists;
- (2) CTS reports do not capture the various ways routine inspections are documented;
- (3) complaint-generated routine inspections are not always documented in a way that can be measured by CTS;
- (4) district inspectors do not always conduct complaint-generated routine inspections;
- (5) “no shows” waste inspectors’ time; and,
- (6) CTS is outdated.

#### *1. Considerable Resources Are Wasted Creating R-2 Lists*

Because HIS needs to know the last inspection date for R-2s in order to identify which R-2s are due for a routine inspection, and CTS cannot generate an accurate report containing this information, HIS had to create a “work around” by manually preparing R-2 lists that included accurate last inspection dates. The process for creating the R-2 lists begins with getting the list of R-2s in the City from DBI MIS.

**HIS cannot get an accurate list of all the R-2s in the City without the help of DBI MIS.** We were told that there is one Oracle database that stores information on all the residential buildings in our City, including the property address, property owner contact information and some building characteristics, such as the number of units in each building. This Oracle database is not integrated with any other City department database--including CTS. HIS does not have access to this database; however, DBI MIS does. Thus, HIS must ask DBI MIS to generate an initial R-2 list that includes all residential buildings with three or more units (R-2s) that are located in the specific area(s) of the City in which HIS will be conducting routine inspections. The initial R-2 list includes the property addresses and contact information for the the property owners. However, it does not list any routine inspection dates.

**The list of R-2s targeted for routine inspections is created manually.** After HIS receives the initial R-2 list from DBI MIS, support staff or inspectors must identify the last routine inspection date by looking up this information for each property; one property at a time, in CTS. Thereafter, the last inspection dates are added to the Excel spreadsheet, which can then be sorted by last inspection date, and the R-2s that are due for a routine inspection can be easily identified.

**DBI MIS did not generate the R-2 lists for the first six rounds of Focused Code Enforcement.** As a result of the series of fires that occurred in the Mission starting in late 2014 (See Introduction), the Board of Supervisors, along with other government officials, made

inquiries into the causes of these numerous fires and asked how San Franciscans could be better protected from harm, property loss and displacement as a result of fires. In response, HIS beefed up its code enforcement (including fire safety) by assembling a team of inspectors to conduct a blitz of routine inspections along major corridors in the City. This began shortly after the catastrophic fire at 22nd and Mission Streets. HIS refers to this program as “Focused Code Enforcement.”

This program was a huge departure from how routine inspections had been conducted in the past when all HIS inspectors were assigned to specific districts and required to investigate R-2 complaints in those districts, in addition to conducting routine inspections throughout San Francisco. There were no inspectors dedicated to working exclusively on routine inspections during this time. Sometimes, these routine inspections were performed at opposite ends of the City from each other and nowhere near the inspectors’ districts. We were told that investigating complaints was prioritized over conducting routine inspections back then. A few years ago, a couple of inspectors were taken out of districts and assigned to work strictly on routine inspections. After that, Focused Code Enforcement became the model for conducting routine inspections.

We were told that DBI MIS did not create the initial R-2 lists for HIS during the first six rounds of Focused Code Enforcement because DBI MIS was fully committed to the Accela project, a proposed new computer system. (See CTS Is Outdated, below.) Instead, during that time, an inspector volunteered to create the initial list of R-2s for focused code enforcement himself. He did this by combining an old Excel spreadsheet that listed R-2s in districts that were covered by another inspector with his own personally developed list of R-2s located in the districts that he covered. Since the property owner contact information for the R-2s may have been outdated on the initial R-2 list he created, he then had to go into CTS and look up current property owner contact information, one property at a time, for each R-2. After that, he had to go to a different screen in CTS to look up each R-2’s last inspection date. We were told that this “work around” was very labor intensive.

The first round of focused routine inspections was conducted along the Mission Street Corridor (along Mission Street starting at the Embarcadero south to where Mission turns into Daly City). Subsequent rounds were performed in targeted areas of the Mission, Chinatown, North Beach, the Marina, Pacific Heights, Inner Richmond, Outer Richmond and the Tenderloin. According to interviews conducted with DBI staff, these areas were chosen because they included many R-2s with high risk characteristics for fire--older wood buildings that contain both residential and commercial units (that may also have tenant overcrowding) and are situated along congested commercial corridors.

The focused routine inspections conducted along the Mission Street Corridor, in the Mission, Chinatown and the Tenderloin were more extensive (included more buildings) than the focused routine inspections conducted in the other five districts listed above. We were told HIS does not have enough inspectors to conduct focused routine inspections on *all* the R-2s due for a routine inspection in these districts.

HIS will soon begin a seventh round of focused routine inspections targeting 200 R-2s throughout San Francisco. We learned that DBI MIS helped create the R-2 list for this seventh round of Focused Code Enforcement.

## 2. CTS Reports Do Not Capture The Various Ways Routine Inspections Are Documented

When HIS inspectors conduct routine inspections, they inspect the common areas of R-2s for 35 health and safety items. Fifteen of these items are fire safety related. (See Appendix, Exhibit 6.) There are two types of routine inspections--scheduled routine inspections and complaint-generated routine inspections. Scheduled routine inspections are scheduled in advance with the property owner and are not performed in connection with any other inspection. Typically, they are conducted by inspectors who focus on routine inspections. We will refer to these scheduled routine inspections simply as *routine inspections*.

**Inspectors do not always choose the same “Source” for routine inspections.** Inspectors document their routine inspections and complaint investigations in two screens in CTS--the complaint screen and details screen. (See Appendix, Exhibits 7 and 8.) On the complaint screen, inspectors enter basic information such as their name, the R-2’s address, the date of the inspection and a narrative describing the inspection in the “Description” box. They also document the “Source” from a drop-down menu with 33 options. (See Appendix, Exhibit 9.) The Source serves a dual purpose of capturing either who referred the inspection to HIS or the type of inspection that was performed, such as “Routines” or “Complaint.” Based on our interviews, we learned that inspectors do not always choose the same Source for documenting routine inspections.

Most inspectors will choose “Routines” as the Source for routine inspections; however, some will choose “Routine Appointment Letter.” In the case of 2960 California Street, the inspector chose “Telephone” as the Source for the routine inspection he conducted on September 6, 2010. (See Appendix, Exhibit 4.) Since Telephone is not typically used as a Source for routine inspections it fell outside the parameters of the report we asked DBI MIS to generate for last routine inspection dates. We do not know if Telephone was erroneously chosen or if there was a legitimate reason for documenting the routine inspection that way. Regardless, it serves as an important example of a CTS report not meeting the needs of the end user because the report parameters were not adequately defined and agreed upon by the both the report generator and end-user beforehand.

**Inspectors do not always choose the same “Abatement Type” for the initial routine inspection.** The “Abatement Type” is meant to document the action the inspector took. There are 62 choices on the Abatement Type drop-down menu. (See Appendix, Exhibit 10.) Although most inspectors told us that they choose “Inspection of Premises Made” for routine inspections, some inspectors choose “Case Received.”

From our interviews with HIS inspectors and DBI MIS and seeing many of the standard reports that are available in CTS but not used by HIS, we have concluded that CTS report parameters are not adequately defined. We think responsibility for this rests with HIS and DBI MIS.

### 3. Complaint-Generated Routine Inspections Are Not Always Documented in a Way That Can Be Measured by CTS

Scheduled routine inspections and complaint-generated routine inspections (“CG routine inspections”) are conducted differently. As a result, the way they are documented differs. In contrast to routine inspections, CG routine inspections are not scheduled in advance and are conducted while a district inspector is already at an R-2 investigating a complaint. Rather than having another inspector go back to the R-2 to conduct a separate routine inspection, district inspectors have been instructed to conduct a CG routine inspection while they are already at an R-2.

A complaint investigation focuses on the complaint, for example “heat not working at my unit,” and will not include the common areas of an R-2 unless it is the subject of a complaint. District inspectors schedule the complaint investigation with the complainant (usually a tenant). However, the CG routine inspection is not scheduled with the property owner. Instead, the CG routine inspection can be conducted without prior scheduling because once the district inspector has been let into an R-2 to investigate a complaint, he will have access to the common areas of the R-2 and can conduct a routine inspection. Since the routine inspection arises from the complaint investigation, they are called complaint-generated routine inspections.

**District inspectors do not always choose the same “Source” for the CG routine inspection.** District inspectors primarily investigate R-2 complaints in their districts. They also conduct CG routine inspections. They must document both. When documenting a complaint investigation, the Source is “Complaint.” However, there is no specific Source for CG routine inspections. We were told that there used to be “Complaint Generated Routine” listed on the Source drop-down menu but it was taken out a few years ago. As a result, inspectors document their CG routine inspections with different Sources.

Some inspectors document the Source as “Routines.” Other inspectors will choose “Complaint” as the Source because a complaint is the reason they went to the R-2 in the first place. We were told that inspectors who document their CG routine inspection with “Routines” as the Source do so because only then can the complaint investigation *and* the CG routine inspection both be counted in CTS. In this instance, CTS can capture both the complaint investigation and the CG routine inspection because they are documented under separate complaint numbers. Also, by choosing “Routines” as the Source, the CG routine inspection will be counted as a routine inspection, not a complaint inspection.

We were told that inspectors who use “Complaint” as the Source for their CG routine inspections, will use the same inspection number to report their complaint and CG routine inspection. Under this scenario, the CG routine inspection—including, the date description—will be buried in the “description” section of the inspection report that primarily documents the complaint investigation. We were told that some district inspectors do not open a new complaint number to document the CG routine inspection because creating a new complaint form takes additional time and they are “too busy.”

When a violation in the common areas is discovered from the CG routine inspection, inspectors will document this differently from one another. If there are violations arising out of both the complaint *and* CG routine inspection, some inspectors told us that they will open a new complaint number for the violation in the common areas and change the Source from “Complaint” to “Routines” to document that violation. However, one inspector told us that he will only open a new complaint number and change the Source from “Complaint” to “Routines” if the violations arising from the complaint and those discovered in the common areas have a different anticipated time for compliance. Otherwise, if there are just a few violations in the common area, then he will include them on the same NOV as those arising from the complaint and under the same complaint number.

Yet another inspector said that he will not open a new complaint (and, will not change the Source from “Complaint” to “Routines”) to document the CG routine inspection even if there are violations in the common areas. Instead, he will issue a separate NOV for the different violations but will document the the CG routine inspection NOV under the “Description” section of the complaint inspection report.

#### 4. District Inspectors Do Not Always Conduct Complaint-Generated Routine Inspections

Even though district inspectors are already at the R-2 investigating a complaint, we were told that some are “too busy” with their complaint work to find the time to actually conduct a CG routine inspection or “research” an R-2 before going out there. Based on our interviews, there seems to be an acknowledgement within HIS that district inspectors sometimes are “too busy” and that being “too busy” is an acceptable reason for not conducting a CG routine inspection. This is problematic because CG routine inspections are a convenient way to conduct routine inspections.

**SOP does not explicitly require that CG routine inspections be conducted.** The Standard Operating Procedure (“SOP”) is used to train all HIS staff (including inspectors) and includes detailed procedures for conducting inspections and code enforcement. Although we were told that district inspectors *should be* conducting CG routine inspections of the common areas of an R-2 when investigating a complaint, the SOP does not explicitly require it. Instead, the SOP is very vague and only requires inspectors to “schedule site inspection appointment.” It does not mention what kind of “site inspection” should be performed. The SOP also does not address whether “the site inspection” should include common areas even if they are not part of the complaint.<sup>29</sup>

**Inspectors should “research” properties before an inspection.** Additionally, we were told that district inspectors should be “researching” R-2s in CTS before going out to investigate a complaint so that district inspectors will know when an R-2 is due for a CG routine inspection. What exactly should be “researched,” however, is subject to different interpretations. When researching an R-2, some district inspectors only look at the *history of complaints* on an R-2 while others also research when the *last routine inspection was performed* on an R-2. All

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<sup>29</sup> Housing Inspection Services Policies and Procedures Manual, Page 14, Item 4.

inspectors have smart phones with internet access so they can be used to access CTS records on the DBI website.

5. *“No Shows” Waste Inspectors’ Time*

A “no show” is when the property owner fails to appear for a scheduled routine inspection appointment. Unless the inspector finds another way to get into the R-2 to conduct the routine inspection, a “no show” will mean that the inspector wasted precious time going out to the R-2 and that at least one additional visit to the R-2 will be necessary. Furthermore, the need to still perform a routine inspection may get lost and the R-2 in question may not have a routine inspection within the mandated five year time period.

**“No shows” are not tracked for follow-up in CTS.** Currently, CTS is not being used to track “no shows” for HIS. Although CTS can track no shows when inspectors choose either “No Entry” or “Unable to Enter” as the “Abatement Type,” we were told that inspectors were instructed not to use either of these. We were told this is because by using “No Entry” or “Unable to Enter” the inspector’s attempt to make an inspection would not be counted as an inspection. Instead, inspectors were instructed to use another “Abatement Type” to reflect the type of inspection they made. For example, “Inspection of Premises Made” or “Reinspection 1.” As a result, inspectors document “no shows” as part of a narrative in the description section of the complaint form. However, once “no shows” are buried in the description section, there is no way to run a report on “no shows” or flag them for follow-up in CTS. Inspectors have shared that, as a result, they may “lose track” of these “no shows” as their workload requires them to direct their efforts elsewhere.

**Measuring the extent of “no shows.”** As part of its Focused Code Enforcement, HIS started to track “no shows” (along with other results of its routine inspections) manually on an Excel spreadsheet. We have included this data in Table I-3 but only for the three districts for which HIS has compiled this information.

Table I-3 shows the number of routine inspection appointment letters that were sent to property owners during 2015, the number of R-2s for which inspectors were not able to conduct routine inspections because they were unable to enter due to “no shows” and the percentage of R-2s that had “no shows” as a percentage of the total inspection appointment letters sent.

**FOCUSED CODE ENFORCEMENT “NO SHOWS” 2015**

District	Number of inspection appointment letters sent	Number of R-2s unable to enter (“no shows”)	Percent R-2s unable to enter (“no shows”)
Mission St. Corridor	128	20	16%
Chinatown	167	28	17%
Mission*	259	38	15%
*Does not include R-2s on Mission Street			

Table I-3

Clearly, the percentage of R-2s that inspectors were unable to enter (“no shows”) during their Focused Code Enforcement is significant for all three areas for which this information was captured. It’s difficult to extrapolate this data and assume similar percentages exist in other districts in the City. However, it makes one wonder if these are not the only areas with a significant “no show” problem. If this happens time after time, (as we learned it sometimes does) these “no shows” and their impact on the inspection backlog really start to add up.

We were told that “no shows” occur mainly when inspection packets go to an incorrect address. From our own observation, we concluded that they also happen because the inspection packets can be difficult to understand.

**Inspection packets that are sent to property owners sometimes go to an incorrect address.** Support staff schedule a group of routine inspections for R-2s that have not been inspected within the last five years. As part of the scheduling process, HIS support staff send out inspection packets to the property owners of record. This information comes from the Tax Assessor database to which HIS has access. Sometimes the inspection packets go to the wrong address and are returned to HIS. (We’ve been told that Tax Assessor records may be outdated by as much as 18 months but we have not independently verified this.)

**Inspection packets are only sent to property owners in English.** The inspection packet includes a cover letter stating that a “periodic health and safety inspection” will be conducted in the common areas of their building, the authority for performing the inspection, and the scheduled time and date for the inspection. The scheduled inspection date gives the property owner two weeks notice and may be changed by contacting the listed inspector by email, phone, or in person. The inspection packet also includes the following: (1) Property Owner Maintenance Checklist (which is the same as the Inspection Field Checklist); (2) Notice of New Housing Law regarding wood fixed utility ladders; (3) Ordinance 255-08; (4) handout on New Ban on Wooden Fixed-Utility Ladders; (5) Notice Requiring Compliance of San Francisco Housing Code Section 604; (6) Compliance Affidavit; and (7) Affidavit-Self Certification for Carbon Monoxide and Smoke Alarms.

Although the Property Owner Maintenance Checklist is available on the DBI website in Chinese and Spanish,<sup>30</sup> the inspection packet is only provided in English to property owners.

**The inspection packet is difficult to understand.** Although the cover letter contains vital information, much of the information is buried in the body of the letter. Also nowhere in the letter or packet is it explained what the inspector will be inspecting. Instead the Property Owner Maintenance Checklist is merely included with no explanation for its purpose. Furthermore, the appendage and carbon monoxide/smoke alarm affidavits are included in the packet without instructions on what needs to be done with them--they should be filled out and returned to HIS. Lastly, including the Notices, Ordinances and informational flyers is confusing because they are not tied in with the rest of the inspection packet. (See Appendix, Exhibit 11.)

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<sup>30</sup> Property Owner Maintenance Checklist <http://sfdbi.org/sites/default/files/Checklist%20English.pdf>

**“No shows” frequently are not followed up on.** “No shows” are not uncommon and may occur scheduled routine after scheduled routine on the same property. On occasion, an inspector may be able to get current contact information (including a phone number) for the property owner (or property management company) from a tenant at the R-2. In these instances, the inspector will try to reschedule the routine inspection using the updated information. We were told that unless a property owner calls to reschedule, it is much more common that inspectors and support staff will not follow up on the “no shows” because they do not have the time necessary for researching the property further.

#### 6. *CTS Is Outdated*

CTS is a legacy system that lacks capabilities that are commonplace in today’s workplace. Without these capabilities, inspectors and support staff must spend much more time doing tasks that would take less time with a more robust computer system. This loss of efficiency contributes to the difficulty of not being able to conduct routine inspections on all R-2s in San Francisco within the mandated five year timeframe. Also, it results in violations that take longer to correct because inspectors do not have the time available or tools necessary to monitor their cases sufficiently. We find these capabilities missing:

- **CTS cannot be accessed from the field.** Inspectors cannot input data to CTS from outside the office. As a result, inspectors must document inspections twice. Inspectors document routine inspections at the inspection site by taking handwritten notes--typically on their Inspector Field Checklist. When the inspector arrives back at the office he will type up the written notes into CTS and upload any photos taken at the inspection site into the network “P” drive. The “P” drive is a separate drive that is not connected to CTS nor can it be accessed outside the office.
- **Affidavits are not available online.** Currently, the appendage and carbon monoxide/smoke alarm affidavits are not available on the DBI website. The appendage affidavit must be completed by a licensed or certified professional stating that all appendages to an R-2 are structurally safe. The affidavit is due every five years. The carbon monoxide/smoke alarm affidavit states that carbon monoxide and smoke alarms have been installed in compliance with the code and must be signed by the property owner. Also, the affidavits cannot be completed by hand, scanned and sent digitally to HIS.
- **Notices of Violation (“NOVs”) cannot be printed in the field.** Inspectors cannot print and post the NOV while at the R-2 because CTS cannot be accessed remotely. Also, inspectors do not have portable printers. Therefore, the inspector must return to the R-2 to post the NOV on the building.
- **CTS is not integrated with computer systems within DBI or other City departments.** HIS cannot share data across departments--most importantly within DBI, Department of Health (“DPH”), Department of Public Works (“DPW”) and SFFD--so that it can coordinate its inspection and code enforcement efforts and reduce redundancies. Also, HIS cannot know when permits have been filed for and approved and the scope of



permits so that inspectors can have insight into property owners' efforts to correct violations. In addition, HIS cannot create its R-2 routine inspection lists without having to ask DBI MIS for this information.

- **CTS cannot track and report on important attributes.** CTS's ability to track and report on important attributes, such as type of violations and building characteristic is limited. Currently, inspectors document the type of violation from a drop-down menu that offers 83 options in CTS. We were told that, oftentimes, NOV's list multiple violations of different types and that CTS cannot track individual violations listed on an NOV. CTS only has the capability to track the overall NOV. As a result, when an NOV lists multiple violations of different types, inspectors will document the NOV as "General Maintenance" for the type of violation, rather than the specific type of violations listed on the NOV.

Similarly, from our review of CTS input screens, we learned that inspectors can document the overall condition of an R-2 by ranking it on a scale from one to five. However, CTS cannot track factors that are useful in determining which R-2s have higher fire risks. We were told that some of the factors that should be considered when looking at an R-2's fire risk include: (1) the age of the building; (2) the materials used to construct the building; (3) the overall condition of the building; (4) whether the building has a fireblock; (5) whether the building is particularly densely populated due to illegal tenants; (6) whether the building is of mixed use (residential and commercial); and, (7) whether the building is located on a major thoroughfare.

We concluded, from our interviews and review of CTS input screens, that CTS has not been updated or revised to better meet HIS' needs because DBI believed Accela, which was initially scheduled to be implemented in 2013, would resolve any and all issues HIS had with CTS.

**Accela.** In October 2011, the City entered into a \$4.5 million contract with two information technology companies, Accela and 21 Tech, to build and implement an integrated computer system ("Accela") that would replace the Planning Department ("Planning") and DBI's legacy systems. In essence, Accela was intended to streamline the permit process by enabling Planning and DBI to seamlessly share data across departments and provide online access so that the permit process could be conducted online with transparency. After the initial roll-out to Planning and DBI, Accela would then replace legacy systems in other City departments, including the SFFD, Department of Public Works and Department of Public Health, among others. As part of this process, CTS was going to be replaced by Accela which promised to offer (1) integrated data sharing across HIS, other DBI divisions and Planning; (2) more tailored and automated report functionality; (3) more extensive data point tracking; (4) online capabilities; and, (5) automation of manual processes.

Accela was first scheduled to go live for Planning and DBI in late 2013. However, this launch was postponed. From late 2013 to late 2015, change orders for Accela were numerous and were estimated to increase the cost of the Accela roll-out by close to \$4 million (which turned out to be accurate based on Gartner's, a third party vendor, finding that change orders raised the cost to

\$8,174,297).<sup>31</sup> Several other launch dates were scheduled and postponed during this time. Consequently, in late 2015, DBI put Accela on hold. Third party outside vendors, Cosmo Cloud and Gartner, were contracted to perform requirement scoping and determine how much more time, money and work would be needed for Accela to be successfully implemented. They also were to evaluate whether implementing Accela was viable and the optimal choice.

The reasons why Accela could not be implemented within its contract price on its original launch date are beyond the scope of this report because we have not specifically verified them. For those interested, reasons do appear in the Gartner report issued on June 9, 2016.<sup>32</sup> According to the report, implementing Accela will require negotiating a contract amendment, addressing gaps in the off-the-shelf system, and strong support from DBI throughout the development process, with go-live estimated to occur between August and October 2017.

## FINDINGS

- F.I.1. Housing Inspection Services (“HIS”) does not know which R-2s have not been inspected within the last five years because the Complaint Tracking System (“CTS”) cannot generate a list of R-2s with an accurate last routine inspection date for each.
- F.I.2. The spreadsheet used by HIS to track key inspection statistics has not been updated to include all rounds of Focused Code Enforcement completed to date.
- F.I.3. Because “Routine Inspections” that are reported to the Building Inspection Commission on a monthly basis include the number of initial routine inspections *and* reinspections that have been conducted, this performance measure is misleading. The total number of initial routine inspections that have been conducted is the correct statistic for determining how many R-2s have had the Code mandated routine inspection at least every five years.
- F.I.4. HIS cannot get an accurate list of R-2s in the City without the help of DBI Management Information Systems (“DBI MIS”) because HIS does not have access to the DBI database that stores this information.
- F.I.5. DBI MIS doesn’t always generate the initial list of R-2s, including the property’s address and property owner’s contact information, for HIS.
- F.I.6. The final list of R-2s for routine inspections is created manually because inspectors and/or support staff must look up the date of the last routine inspection for each R-2. When inspectors do this, it takes them away from conducting inspections.

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<sup>31</sup> Gartner Report, <http://sfdbi.org/sites/default/files/BIC%20Meeting%2006-15-16%20Agenda%20%2314.pdf>

<sup>32</sup> Gartner Report, <http://sfdbi.org/sites/default/files/BIC%20Meeting%2006-15-16%20Agenda%20%2314.pdf>

- F.I.7. Although the routine inspection backlog that existed in the Mission, Chinatown and Tenderloin Districts has been reduced through Focused Code Enforcement, a routine inspection backlog still exists in these areas.
- F.I.8. Inspectors do not choose the same “Source” and “Abatement Type” when documenting routine inspections. Unless all the possible ways to document a routine inspection are known and CTS report parameters are chosen to capture all the possible alternatives, some routine inspections will not be captured by a report purported to list all routine inspections.
- F.I.9. Since CTS does not have “Complaint Generated Routine” as an option for documenting the “Source” for CG routine inspections, CTS cannot separately track and report on complaint-generated routine inspections (“CG routine inspections”).
- F.I.10. Inspectors do not choose the same “Source” when documenting CG routine inspections. When inspectors choose “Complaint” as the Source, the CG routine inspection will not be counted as a routine inspection in CTS, and HIS will not have an accurate last routine inspection date for those R-2s.
- F.I.11. District inspectors do not always conduct a CG routine inspection while they are investigating a complaint at an R-2 even when the R-2 has not had a routine inspection for five years because they are “too busy.” HIS accepts inspectors being “too busy” as an excuse for not conducting a complaint-generated routine inspection.
- F.I.12. HIS’ Standard Operating Procedure (“SOP”) does not explicitly require inspectors to conduct a CG routine inspection while they are investigating a complaint at an R-2 when the R-2 has not had a routine inspection within the last five years.
- F.I.13. District inspectors do not always know when an R-2, at which they are investigating a complaint, is due for a complaint-generated routine inspection because there is no clear requirement to “research” the last routine inspection date before investigating a complaint.
- F.I.14. Inspectors cannot always get into an R-2 to perform a scheduled routine inspection because of “no shows.” Since CTS cannot track “no shows,” inspectors sometimes lose track of the fact that a routine inspection still needs to be conducted on the R-2s that have a “no show.”
- F.I.15. HIS has started to manually track “no shows” on an Excel spreadsheet that tracks results of their Focused Code Enforcement. However, this spreadsheet has not been completed for all routine inspections conducted under Focused Code Enforcement.
- F.I.16. There was a significant number of inspection “no shows” in the Chinatown (17%) and Mission (15%) Districts and in the Mission Street Corridor (16%). Oftentimes “no shows” are not followed up on because staff is “too busy” to research the property owner’s correct address or phone number.

- F.I.17. Inspection packets that are sent to property owners sometimes go to an incorrect address because data provided by the Tax Assessor's Office does not have up-to-date contact information for the property owner.
- F.I.18. Inspection packets are sent to property owners only in English.
- F.I.19. The inspection packet cover letter is confusing and buries vital information in the text.
- F.I.20. The Property Owner Maintenance Checklist included in the inspection packet is not explained as being the list of items that will be inspected.
- F.I.21. Instructions on what the property owner needs to do with the appendage and carbon monoxide/smoke alarm affidavits included in the inspection are not included on the affidavits or elsewhere in the inspection packet.
- F.I.22. Including notices, ordinances and information flyers in the inspection packet without explaining their purpose is confusing.
- F.I.23. Inspection documentation is done twice (first in the field and again into CTS when the inspector returns to the office) because there is no online access to CTS.
- F.I.24. Photos cannot be uploaded into CTS because CTS does not have this functionality. Instead, they are stored on the network "P" drive which is not connected to CTS.
- F.I.25. Affidavits are not available online.
- F.I.26. Inspectors are not able to print NOV's in the field. Therefore, they must return to the property a second time to post the NOV on the R-2. This is a waste of time and resources.
- F.I.27. CTS is not integrated with computer systems within DBI or other City departments.
- F.I.28. CTS cannot track and report on important attributes, such as types of violations and high fire risk building characteristics.

### **RECOMMENDATIONS**

- R.I.1. DBI MIS should determine why CTS cannot generate a report with correct last routine inspection dates for each R-2 and correct the problem.
- R.I.2. The Chief Housing Inspector should insist that the spreadsheet that tracks key statistics for routine inspections conducted as part of Focused Code Enforcement be updated to include all rounds of Focused Code Enforcement that have been completed to date.
- R.I.3. The BIC should require that HIS report, as part of the HIS performance measures, the number of "Initial Routine Inspections" that are conducted to the BIC.

- R.I.4. (a) The Information and Technology Department for the City and County of San Francisco should grant HIS senior management access to and permission to run reports from the Oracle database that contains the addresses, contact information and building attributes for R-2s in San Francisco.
- (b) DBI MIS should train HIS personnel who will have access to the Oracle database containing the R-2 information how to use it before they have permission to run reports.
- R.I.5. If HIS is not granted access and permission to run the list of R-2s from the Oracle database that contains the necessary R-2 information, then DBI MIS should furnish this report to HIS within one week of the request.
- R.I.6. (a) If DBI MIS cannot fix CTS (See R.I.1) then the Chief Housing Inspector should require support staff, rather than the inspectors, to look up last routine inspection dates.
- (b) If support staff is not available to look up last routine inspection dates, then the DBI Director should allocate part of the DBI budget for hiring temporary personnel to compile this information.
- R.I.7. The Chief Housing Inspector should make eliminating the backlog a priority in the Mission, Chinatown and Tenderloin Districts when deciding where to conduct the next round(s) of Focused Code Enforcement.
- R.I.8. The Chief Housing Inspector should determine exactly what “Sources” and “Abatement Types” should be used for initial routine inspections and communicate this in writing as a procedure that every HIS inspector must follow.
- R.I.9. DBI MIS should include “Complaint Generated Routine” as a Source option in CTS so that CG routine inspections can be separately tracked and reported in CTS.
- R.I.10. If “Complaint Generated Routine” is not added as a Source option in CTS, then the Chief Housing Inspector should make opening a separate complaint number for the CG routine inspection and documenting “Routines” as the Source, a mandatory policy communicated to all HIS inspectors in writing.
- R.I.11. (a) The Chief Housing Inspector should adopt a policy requiring district inspectors to conduct complaint-generated routine inspections whenever the R-2 has not had a routine inspection within the last five years.
- (b) The Chief Housing Inspector should adopt a policy that when district inspectors are “too busy” or for other reasons cannot conduct a CG routine inspection when the R-2 is due for one, the district inspector must notify their senior inspector in writing.
- R.I.12. The Chief Housing Inspector should direct HIS personnel to update the SOP to include the requirement that inspectors conduct a CG routine inspection while they are investigating a complaint at an R-2 every time the R-2 has not had a routine inspection

within the last five years. And, if the inspector for some legitimate reason cannot do this, the inspector must so notify their senior inspector in writing.

- R.I.13. The Chief Housing Inspector should adopt a policy that district inspectors research the date a last routine inspection was performed: either before going to that same R-2 to investigate a complaint or via CTS records that are available by smartphone on the DBI website.
- R.I.14. The Building Inspection Commission (“BIC”) should adopt imposing a penalty for property owners who miss their inspection appointment without good cause--as determined by the BIC. The notice of penalty should be mailed to the property owner and posted on the building.
- R.I.15. The Chief Housing Inspector should direct HIS personnel to complete the “no shows” information on the Excel spreadsheet that tracks results of their Focused Code enforcement for all the routine inspections conducted under Focused Code Enforcement and direct that all “no shows” are followed-up on within two weeks.
- R.I.16. The Chief Housing Inspector should adopt a policy that all “no shows” must be followed up on within two weeks by researching the property owner’s correct address or phone number and then, contacting the property owner for a scheduled routine inspection. This policy should be communicated to all inspectors in writing.
- R.I.17. The Chief Housing Inspector should require that support staff verify contact information for the property owners and resend the inspection packet to the new address within two weeks from when the inspection packet was returned to HIS.
- R.I.18. The Chief Housing Inspector should direct that the inspection cover letter indicate how non-English speaking property owners can request inspection packets in languages other than English and that the inspection packet is made available in Chinese and Spanish.
- R.I.19. The Chief Housing Inspector should direct that the inspection packet cover letter be rewritten so that all vital information is available at the top of the letter and the language changed so that it is easier to understand.
- R.I.20. The Chief Housing Inspector should direct that the inspection packet cover letter be rewritten so that it explains that inspectors will be inspecting items on the Property Owner Maintenance List.
- R.I.21. The Chief Housing Inspector should direct that the inspection packet cover letter be rewritten to include instructions on what the property owner needs to do with the appendage and carbon monoxide/smoke alarm affidavits.

- R.I.22. The Chief Housing Inspector should direct that the inspection packet cover letter be rewritten to include the information contained in the notices and ordinances. Notices and ordinances should be removed from the inspection packet.
- R.I.23. The DBI Director should ensure the replacement system for CTS includes functionality for inspectors to document inspection remotely.
- R.I.24. The DBI Director should ensure the replacement system for CTS includes functionality to upload photos remotely.
- R.I.25. DBI MIS should make affidavits available online.
- R.I.26. The DBI Director should ensure the replacement system for CTS includes functionality for inspectors to print NOVs in the field and that inspectors are supplied with portable printers for this purpose.
- R.I.27. The DBI Director should ensure the replacement system for CTS can be integrated with other computer systems within DBI and other City departments.
- R.I.28. The DBI Director should ensure the replacement system for CTS includes functionality for tracking and reporting on types of violations and high fire risk building characteristics.

### **C. Code Enforcement That Doesn't Always Lead to Timely Correction of Violations Further Exposes San Franciscans to Risks**

#### **DISCUSSION**

HIS has a formal and detailed enforcement process with many steps along the way. Figure I-1 (next page) depicts this process, and Exhibit 12 in the Appendix provides a detailed description.

#### **Some Violations Are Not Corrected In A Timely Manner**

In order to determine if code enforcement is effective in getting property owners to correct violations in a timely manner, we asked HIS for information showing how long violations take to be corrected. We were told that CTS does not measure this, and so, HIS could not provide us with this information. Determined to locate this information, we asked DBI MIS to create a report that would show the length of time it takes for violations to be corrected. In response, we received a list of all NOVs, the issuance date for each, the date of abatement for each and the date of the Director's Hearing (if there was one) for 2013-2015. The report was generated from CTS and downloaded into Excel. DBI MIS told us that they can create this as a standard report for HIS. We will refer to this report as "Open NOVs."

## Housing Inspection Services Code Enforcement Process

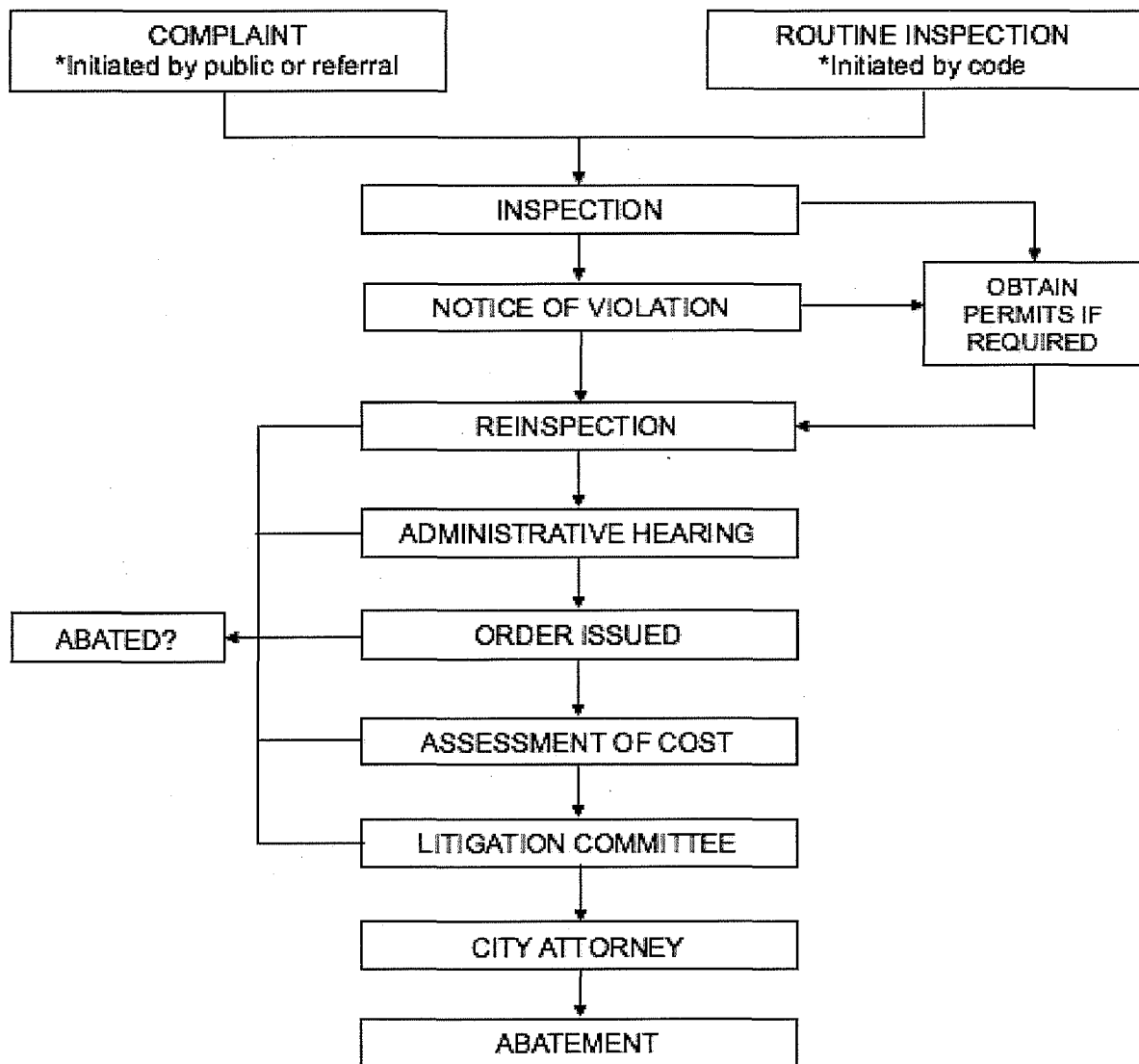


Figure I-1

Table I-4 below, shows a summary of this report and depicts how many NOVs were abated within five different timeframes for all NOVs issued in 2013, 2014 and 2015. Table I-4 also shows the percentage of total NOVs that were corrected within each of these five timeframes (2013, 2014 and 2015). We calculated the number of NOVs in each timeframe by calculating the days between the date the NOV was issued and the date the NOV was abated. These dates were already part of the spreadsheet DBI MIS ran for us. We merely added a column to the spreadsheet in which we made this calculation. We then sorted the spreadsheet by the number of days in this calculation column and counted how many NOVs were within each timeframe.



### LENGTH OF TIME TO CORRECT NOVs

Year	NOVs Σ (%)	Abated ≤ 2 mos	Abated ≤ 6 mos	Abated ≤ 12 mos	Abated ≤ 18 mos	Abated > 18 mos	Not yet Abated
2013	1,834 (100%)	851 (46%)	1,329 (72%)	1,508 (82%)	1,563 (85%)	1,637 (89%)	197 (10%)
2014	2,023 (100%)	933 (46%)	1,418 (70%)	1,572 (78%)	1,635 (81%)	1,637 (81%)	359 (18%)
2015	2,394 (100%)	1,097 (46%)	1,640 (69%)	1,761 (74%)	1,769 (74%)	*	625 (26%)
* Eighteen months have not passed yet							

Table I-4

As Table I-4 reflects, for 2013, 2014 and 2015, approximately 70 percent of NOVs were abated within six months. However, after the initial six months, there's little increase in the rate of NOV abatement as time goes on. For 2013, 2014 and 2015, only another five to ten percent of NOVs are abated within the timeframe from six months to one year.

We find it alarming that approximately 20 percent (2013-14 average) of NOVs took more than one year to correct. It seems that one year is more than enough time to correct most NOVs. Also, we were surprised to see that ten percent of NOVs issued in 2013 and 18 percent issued in 2014 were still not abated. Overall, this data is consistent with what we learned anecdotally.

It's important to note that when an NOV lists more than one violation, the time it takes for an NOV to be corrected can differ from the time it takes for each violation listed on an NOV to be corrected. This is because CTS can only track NOVs as a whole. It cannot track each individual violation that is listed on an NOV. Therefore, CTS can only provide dates that can be used to calculate how long an NOV, not each violation, takes to be corrected.

#### **Reasons Some Violations Take Too Long To Correct**

There are five main reasons HIS code enforcement is not effective in ensuring that all violations are corrected in a timely manner, including:

- (1) inspectors have unfettered discretion to grant property owners additional time to correct violations;
- (2) code enforcement oversight is insufficient;
- (3) HIS does not measure the effectiveness of its code enforcement process;
- (4) inspectors take too long to refer some open NOVs to Director's Hearing; and
- (5) HIS lacks more effective code enforcement tools.

1. Inspectors Have Unfettered Discretion To Grant Property Owners Additional Time To Correct Violations

In general, the code enforcement process is divided into several 30-day windows for compliance--there are 30 days from the time an NOV is issued to the first reinspection and 30 days from that reinspection to either conduct another reinspection or the NOV moves on to the next phase of code enforcement. However, exceptions to the 30-day period are granted when the facts and circumstances surrounding the violation support it.

**Additional time for correcting violations can be granted.** HIS has a policy to “work with the property owner” which means that each 30-day deadline for correcting a violation may be extended by an inspector. For example, if permits are required or contractors are needed to perform the work necessary to fix the violation, granting additional time may be necessary. We were told that HIS believes that strictly enforcing deadlines does not always result in violations being corrected; each violation has its own set of unique facts and circumstances that must be taken into account in order to encourage property owners to correct violations.

Based on our interviews, we learned that there is no standard against which inspectors’ grant of additional time can be measured. Therefore, inspectors determine for themselves, based on their own interpretation of the facts and circumstances and personal proclivities, how much additional time they will grant and under what circumstances. As a result, how this discretion is exercised varies among the inspectors.

Some inspectors more strictly adhere to the 30 day period while other inspectors are more willing to “work with the property owner.” We were told that as long as there is an active permit, most inspectors are willing to give property owners more time to correct the violations. We were told that some inspectors will give property owners additional time if they indicate a willingness to correct the violation. We were told that some property owners take advantage of this opportunity to manipulate the system. For example, they may file for a permit with no intention of starting the work anytime soon or ever doing the work necessary to correct it.

Many of the variables (facts and circumstances) associated with extensions of time can be quantified. Prime examples include measuring the average time it takes to (1) file for and obtain an over-the-counter permit; (2) vet and hire a contractor; and, (3) perform the work necessary to correct the violation. HIS management can identify the top 20 types of violations by reviewing either the violations listed on NOVs or the comment sections of inspection reports in CTS. For example, inoperable fire alarm. Average timeframes for correcting violations can be established. For example, for unsafe stairs, it may take four weeks to file and obtain a permit to replace the stairs, four to six weeks to find a qualified contractor who can perform the work and, another four to six weeks to actually perform the work.

Softer issues, such as the property owners reluctance to perform the work for personal or financial reasons, possible displacement of tenants and permits that require plans to be filed, approval from other departments or a 311 60-day notice period cannot be easily quantified.

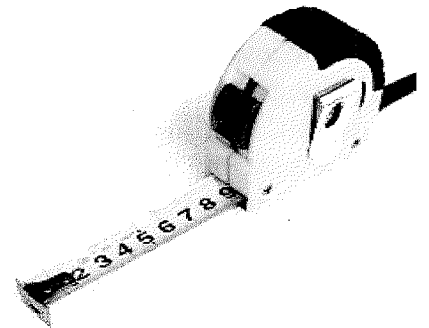
**Additional time provided to the property owner is not provided in writing.** When inspectors give property owners additional time to correct a violation, they do not give property owners anything in writing letting them know when their next reinspection and subsequent deadline for abatement will be (other than on an NOV). Instead, if at the reinspection a violation has not been corrected, inspectors will, right then and there, verbally schedule the time and date for the next reinspection. At this time, they will verbally advise property owners that they need to have the violation abated by the next reinspection date. By not communicating this in writing, it may give property owners the impression that they can negotiate with the inspectors more easily. Also, some property owners may not completely understand what they are being advised and would benefit from written instructions better.

## 2. Code enforcement oversight is insufficient

Although bi-monthly code enforcement staff meetings are scheduled, we were told that they are regularly cancelled because inspectors are “too busy.” We were told that inspectors should get approval from their senior inspectors before granting additional time to correct a violation to the property owner. However, none of the inspectors we spoke with get preapproval from their senior inspector.

## 3. HIS Does Not Measure The Effectiveness Of Its Code Enforcement Process

According to management gurus, W. Edward Deming and Peter Drucker, “you can’t manage what you don’t measure.” Success must be defined and tracked in order to determine whether an organization is successful. For HIS, the definition of success can be defined in two parts. The first part is mandated by Code--that HIS conduct routine inspections at least every five years. The second part can include ensuring that all violations are corrected within a “reasonable time.” However, HIS does not track when all of the R-2s in our City last had a routine inspection nor does HIS track how long violations take to be corrected.



Instead, HIS manages its code enforcement efforts with the goal of moving open violations towards correction without defining what successful correction of violations means. Based on our interviews, we learned that senior inspectors monitor inspectors’ code enforcement efforts by spot checking open cases in CTS and by utilizing a review process every four to six months. We were told that two or three times a year HIS inspectors and senior inspectors are given two management reports, “Complaints Received” and “First NOV Sent,” to review. Both reports are standard reports that can be generated by CTS by senior inspectors or management without the help of DBI MIS.

**Complaints Received.** The first report, “Complaints Received,” tracks complaints that have been received, are still open and for which an NOV has not been issued. The report lists the complaint number, the date the complaint was received, the R-2 address, the date of last activity and a comments section. Each inspector gets their own report with their open complaints listed.

This report provides information on complaints that are open--it does not include any information on routine inspections.

Recently, HIS distributed this report to its 14 district inspectors for open complaints received in 2015. We reviewed a copy of this report. There are 281 complaints received in 2015 that remained open (without an NOV) as of early May 2016.

**First NOV Sent.** The second report, "First NOV Sent," tracks cases that have had an NOV issued, but, have not been scheduled for a Director's Hearing. The report is distributed to routine and district inspectors. It includes open NOVs arising from complaints and routine inspections. This report lists the complaint number, the date the first NOV was issued, the R-2 address, the date of last activity and a comments section. Each inspector gets individualized reports with their cases on it.

The most recent copy of this report was distributed to inspectors in early May 2016 for open NOVs that were issued in 2015. We reviewed a copy of this report. There were 311 NOVs issued in 2015 that still have not been referred to a Director's Hearing ("DH") as of May 2016. This means that after at least five months (end of 2015 to May 2016), 311 open NOVs had not been referred to a DH. Although not all of the 311 open NOVs may be appropriate to refer to a DH, this is a significant number of NOVs that are still uncorrected after at least five months.

**Qualitative review.** Once inspectors receive the two reports, they have six to eight weeks to review their cases. Inspectors provide additional updates on their cases in the comments section of the reports. Afterwards, inspectors meet with their senior inspectors to go over the two reports one case at a time. We were told that the reports are designed to identify open cases and open NOVs that have stalled and encourage inspectors to move the cases along. By the time they meet with their senior inspectors, inspectors may have taken additional actions on many of the open cases (moved them along) on their lists. Consequently, only the more challenging cases are discussed at length with their senior inspector. For these cases, the senior inspectors will help their inspectors determine the next course of action.

#### 4. Inspectors Take Too Long To Refer Some Open NOVs to Director's Hearing

We were told that some inspectors may not be referring open NOVs to a Director's Hearing soon enough or at all.

**An NOV that never went to a DH.** "1118-1124 Hampshire Street" is an example of a case that never went to a Director's Hearing, despite the fact that it took the property owner almost three years fix the violation. In April 2011, an inspector issued an NOV for rotted stairs at the property, a serious problem that caused the death of a person at another building in San Francisco in 2012. The inspector re-inspected the property twice--once in May 2011 and again in June 2011--but gave the owner more time, because a permit had been issued for the repair work. However, in January 2014--32 months after the NOV was issued--the inspector found that the work was still incomplete, so issued a final warning letter. In that case, the owner finally completed the work as required. The case was abated in 2014.

There are three reasons inspectors may not be referring open NOV's to a DH in a timely manner: (a) HIS does not track how long it takes an open NOV to reach a DH; (b) HIS does not have an objective standard for determining when a case should go to a DH; and (c) preparing open NOV's for a DH is labor intensive.

**HIS does not track how long it takes an open NOV to reach a Director's Hearing.** HIS manages referrals to DHs by tracking the outcomes of Director's Hearings on an Excel spreadsheet, "Summary of Director's Hearings." This spreadsheet is only an informational tool--it lists the R-2 address, the CTS number, the DH hearing date, the inspector who issued the NOV and the Director's determination. The NOV issuance date is not listed. Therefore, HIS does not measure the time it takes an open NOV to reach a DH.

In Table I-5 below, we have calculated the average time it takes for NOV's to be heard at a Director's Hearing for 2013, 2014 and 2015. We took the date an NOV was issued and the date that a Director's Hearing was conducted on each NOV for 2013, 2014 and 2015 from the Open NOV spreadsheet we had DBI MIS generate for us. We added a column to this spreadsheet to calculate the number of days between the date the NOV was issued and the date that a Director's Hearing was conducted on each NOV for 2013, 2014 and 2015. We then added up the total days and divided it by the total NOV's that went to a DH. Thus, we arrived at the average number of days it takes for an NOV to reach a DH.

**AVERAGE TIME FROM NOV TO DIRECTOR'S HEARING**

Year	Number of referrals to director's hearing	Average time from NOV to director's hearing
2013	348	160 days
2014	422	123 days
2015	303	118 days

Table I-5

As Table I-5 shows, for 2013-2015, it took between 118 to 160 days, on average, for uncorrected NOV's to reach a Director's Hearing. From our interviews, we learned that HIS estimates that most uncorrected NOV's go to a DH within 40 to 60 days. The discrepancy between how long HIS estimated this time period to be and what the data shows in Table I-5, is significant. It's the time it takes the NOV in its entirety to reach a DH that is pertinent and should be measured.

**HIS does not have an objective standard for determining when a case should go to a DH.** Inspectors use their own judgement to determine when an open NOV should be referred to a DH. As a result, some inspectors are more likely to refer cases to a DH; other inspectors are less likely. Some inspectors refer cases when a violation is "particularly egregious" or "if a property has three unabated violations on it." Others have said a case is ready for a DH when there are "unabated violations with no progress and significant NOV's."

Inspectors are supposed to brief their supervisors when violations have not been corrected after three reinspections.<sup>33</sup> We were told, however, that not all inspectors proactively brief their seniors after three reinspections with no progress. Therefore, even when violations have not been corrected after three reinspections, those cases may not proceed to a DH.

Similarly, there is no set period of time after which unabated violations must proceed to a DH. Although the Building Code and the SOP allow inspectors to refer unabated NOV's to a DH as early as 60 days after the NOV was issued, as a general rule, if building permits have been filed many inspectors will not refer the case to a DH even if sixty days have passed.<sup>34</sup>

**Preparing open NOV's for a DH is labor intensive.** In anticipation of referring a case for a DH, the inspector reviews CTS to ensure all inspection notes and photos taken of the violation are sufficiently detailed and that all enforcement efforts are well documented. This information is then printed out and assembled along with the paper based "enforcement file" into a package for the senior inspector to review and decide if a case should proceed to DH.

We were told that preparing a case for a DH is a labor intensive effort for the inspectors and support staff. In fact, the SOP has eight pages of detailed procedures related to the DH including preparing the case, scheduling the hearing, preparing the agenda, determining all the interested parties and then providing notice to them, posting the notice of the DH and documenting all this in CTS, the paper bound file and Excel spreadsheets.

##### 5. HIS Lacks More Effective Code Enforcement Tools

Although HIS has a well established code enforcement system that effectuates timely abatement in many cases, there is a common belief among HIS inspectors that their code enforcement tools often may not be effective enough. When inspectors lack effective tools to motivate the reluctant property owner to abate violations more quickly, the enforcement period may be unnecessarily extended. This means inspectors have to work harder by conducting many more reinspections and other tasks in hopes of achieving abatement. There is also the looming possibility that the violation will still not be corrected. Furthermore, extending the time for abatement exposes our housing stock, its tenants and neighbors to unnecessary risks that should have been corrected sooner.

HIS' most effective tools for incenting abatement include referring cases to a DH or the City Attorney and the Special Assessment Lien program. (See Appendix, Exhibit 12, Explanation of HIS Code Enforcement.) Their effectiveness is largely due to the high costs and negative publicity associated with these programs. City Attorney cases apply further financial incentive due to the possibility of multiple civil penalties, punitive penalties and attorney's fees being awarded. Even so, these tools may not be effective in every case.

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<sup>33</sup> SOP, page 16, Item 9(c).

<sup>34</sup> San Francisco Building Code, Chapter 1A and SOP (page 16, item #12(c)).

We were told that the most stringent (and effective) determination coming out of a Director's Hearing--the Order of Abatement-- may have lost much of its deterrent potential. In the past, property owners did not want their property title to be clouded with an Order of Abatement as it would make borrowing money and selling the property more difficult. Nowadays, with the change in the financial markets, we were told there aren't the same obstacles connected with a clouded title as there have been in the past. Additionally, unless a property owner intends to borrow money or sell the property, they could choose to defer abatement for many years.

Cases that are referred to the City Attorney almost always show results--the violations are almost always cured. For the period 2010 through 2015, DBI referred 59 cases to the City Attorney. Nine of these cases, referred in 2010, were for buildings owned by one firm, Blanding (doing business as Bayview Property Managers). The City Attorney obtained an injunction requiring Blanding address nuisance conditions at all 30 buildings they own and/or manage and also imposed a civil penalty of \$800,000. Ten cases dealt with vacant or dilapidated buildings, several occupied by elderly owners who are no longer able to care for their homes. Fourteen violations referred to the City Attorney ("CA") were for work without permit, including adding illegal units. In one case, a parking garage owner turned one floor into a hostel. Eighteen cases dealt with multiple violations, including fire safety and structural damage. Almost all were abated within a few months of the City Attorney's involvement, although one case took over two years. It required a restraining order on the owner, and the bank holding the mortgage placing the property in receivership.

However, the CA pursuing litigation can be a very expensive route, and therefore, it is reserved for the most egregious cases. Lastly, the Special Assessment Lien program is also very effective but is only available once a year.

**Franchise Tax Board.** Years ago the California Franchise Tax Board ("FTB") had a program that we were told was very effective in getting property owners to correct violations. Under this program, once a violation had gone uncorrected for 180 days after the initial NOV compliance period had elapsed (usually thirty days), the inspector could refer the case to the FTB. After the inspector received approval to refer a case to the FTB from their senior, they would prepare a Notice of Non-Compliance. The Notice of Non-Compliance would be recorded and sent to the property owner and the FTB. As a result, when the property owner filed their California tax return and attempted to take deductions for expenses incurred in connection with their rental property (the R-2 with the NOV), the FTB would disallow these deductions until the NOVs were abated. In response, property owners would correct the previously unabated violations. Thereafter, a Notice of Compliance would be issued and sent to the property owner, the Recorder's office and the FTB.

**Administrative penalties.** Currently, HIS cannot impose civil penalties on property owners for unabated violations because the current administrative hearing HIS uses (the Director's Hearing) does not comport with due process requirements that are necessary for civil penalties to be awarded. There's a belief within HIS that being able to seek administrative civil penalties would create a significant financial incentive for property owners to abate violations. Since a case can be referred to a DH as early as sixty days after an NOV is issued, the threat of administrative penalties being awarded may encourage property owners to correct violations more quickly. We

were told that, in order for administrative civil penalties to be added to the administrative hearing, at a minimum, the following would have to change: (i) the hearing officer would have to come from outside DBI; (ii) testimony may have to be given under the penalty of perjury; and, (iii) the notice of decision would have to have an appeal process that first went to a board, comprised of members other than the BIC. HIS could seek administrative civil penalties when there were repeat offenders, serious deferred maintenance, numerous NOV's, or a vulnerable population was being affected, along with many more cases.

## FINDINGS

- F.I.29. HIS does not measure how long NOV's take to be abated. Without tracking how long it takes for NOV's to be abated, HIS cannot determine whether it's code enforcement process is effective for correcting all violations in a timely manner.
- F.I.30. For 2013-2015, approximately twenty percent of NOV's took more than one year to correct.
- F.I.31. HIS does not have a standard against which inspectors' grant of additional time can be measured.
- F.I.32. When inspectors grant additional time for property owners to correct an abatement, there is no written documentation (other than on an NOV) provided to the property owner that states when the next reinspection will occur or explains that violations must be abated by then. By not communicating this in writing, property owners make think that they can negotiate with the inspectors more easily. Also, some property owners may not understand what they are being told due to language differences or other reasons.
- F.I.33. Although bi-monthly staff meetings are scheduled, they are regularly cancelled because inspectors are "too busy." Without a management culture that supports having scheduled times to discuss inspectors work, it will be difficult for HIS to optimize its code enforcement process for success.
- F.I.34. Based on our investigation, we concluded that HIS does not have an adequate definition for success.
- F.I.35. Some inspectors take too long to refer open NOV's to a DH. But, HIS does not measure how long it takes an open NOV to reach a Director's Hearing.
- F.I.36. Inspectors take too long to refer open NOV's to a DH because the standard for referring unabated violations to a Director's Hearing is vague and leaves too much room for interpretation.
- F.I.37. Not all inspectors proactively brief their seniors after three reinspections with no progress.



- F.I.38. Inspectors take too long to refer open NOV's to a DH because preparing a case for referral to a Director's Hearing is more labor intensive than it should be.
- F.I.39. HIS lacks more effective code enforcement tools.

### RECOMMENDATIONS

- R.I.29. (a) The Chief Housing Inspector should ask DBI MIS to create a standard report to track how long NOV's take to be corrected (similar to Open NOV's report we used) and modify this report to calculate the difference in days between when an NOV is issued and the date the NOV is corrected and then use this report to measure the time it takes for property owners to correct NOV's.
- (b) The Chief Housing Inspector should report how long NOV's take to be abated, in a format similar to Table I-3, to the BIC on a monthly basis.
- R.I.30. The Chief Housing Inspector should actively monitor cases using the Open NOV's report to ensure that less than five percent of NOV's take no more than one year to abate.
- R.I.31. The Chief Housing Inspector should develop guidelines for inspectors to use when granting additional time for repairs or abatement. The guidelines should be based on the average additional time it takes for the top 20 types of violation under each of the following common scenarios, including: (1) filing for and obtaining an over-the-counter permit; (2) vetting and hiring a contractor; and, (3) performing the work necessary to correct the violation.
- R.I.32. The Chief Housing Inspector should ensure a new form letter is drafted to provide property owners the date of the next reinspection and warn them that violations must be abated by that date. Inspectors can then fill in the time and date of the reinspection and hand it to the property owner at the inspection.
- R.I.33. The Chief Housing Inspector should create a culture where staff and management meetings are held as scheduled and not canceled unless there is an emergency.
- R.I.34. The Chief Housing Inspector should adopt a definition of success that includes inspecting all R-2s at least every five years and ensuring all violations are corrected within a "reasonable period of time." The Chief Housing Inspector should measure a "reasonable period of time" for correcting violations by first using the Open NOV's report to measure how many days have elapsed since each NOV was issued. Next, the Chief Housing Inspector should compare the number of days that an NOV has stayed open against specific timeframes. We recommend two months; six months; 12 months; and, 18 months. (Two months (60 days) is an important timeframe because it is the earliest that an NOV can be referred to a DH.) Once an NOV goes uncorrected for one

day after each of these timeframes, the NOV can easily be flagged for a closer review of the facts and circumstances and steps taken to encourage the NOV be corrected.

- R.I.35. The Chief Housing Inspector should measure the time it takes for an open NOV to reach a Director's Hearing. We recommend using the Open NOV spreadsheet that DBI MIS created for us. Incorporating a column that calculates the days between the NOV date and the DH date, HIS can determine how many day it takes an open NOV to be heard at a Director's Hearing.
- R.I.36. The Chief Housing Inspector should adopt an objective standard for inspectors to use in determining when a case should be referred to a Director's Hearing.
- R.I.37. The Chief Housing Inspector should require that senior inspectors follow-up with inspectors when there have been three reinspections on an open NOV.
- R.I.38. The DBI Director should ensure when CTS is replaced by another system that it includes functionality to help automate the Director's Hearing case preparation and digital transfer of case files.
- R.I.39. (a) The Chief Housing Inspector should determine what is required for HIS to reinstate the FTB program and then ensure that all necessary steps for making the FTB program part of the HIS code enforcement process are taken.
- (b) The BIC should approve that HIS use the FTB program as part of its code enforcement process.
- (c) The Chief Housing Inspector should determine what is required for administrative penalties to be available at the HIS administrative hearing and then ensure that all necessary steps for making this possible as part of the HIS code enforcement process are taken.
- (d) The BIC should approve adding the legal requirements to the HIS administrative hearing so that administrative penalties can be awarded.

## D. Insufficient Staffing

### DISCUSSION

We were told, throughout our interviews with HIS personnel, that inspectors/support staff were either "too busy" and/or there were not enough inspectors/support staff to perform some essential tasks. Inspectors and management openly acknowledge that they are short-staffed.

**Inspectors and support staff work hard.** As a result of our investigation, we determined that HIS inspectors have full schedules. Currently, HIS has 14 district inspectors that investigate approximately 4,600 complaints every year. District inspectors are expected to respond to complaints within 24-72 hours. Complaints can be very time consuming because they may also

involve landlords/tenant disputes. The number of tenant complaints likely will not decrease anytime soon. In fact, the number may very well increase, as affordable housing becomes even more scarce.

Although routine inspections are less complicated and take less time, there are only four inspectors who focus on routine inspections. Inspectors must conduct routine inspections on 21,000 R-2s over a five year period. That means 4,200 routine inspections must be conducted each year. This is the bare minimum because we do not know how many R-2s are “past due” for inspection.

Additionally, inspectors are pulled away from their routine inspections and complaint work to work on special projects or to enforce new regulations and ordinances. Examples include enforcement of the Hotel Conversion Ordinance and the ban on wooden fixed utility ladders. Inspectors work harder than they should have to because they must rely on computer systems that are outdated and lack basic functionality.

We believe that one of the main reasons a routine inspection backlog exists and some violations take too long for property owners to correct is because HIS does not have enough inspectors and support staff to fully cover its workload.

Currently, HIS has two open inspector positions and two other vacancies due to “leave.” Although HIS has received approval to hire temporary replacements for the two district inspectors who are on leave, this still leaves HIS with two open inspector positions.

#### **FINDING**

F.I.40. HIS does not have enough inspectors to inspect every R-2 in San Francisco at least once every five years.

#### **RECOMMENDATION**

R.I.40. The Director of DBI should request that the Controller’s Office conduct a study to determine adequate staffing levels for HIS.

### **E. Transparency**

#### **DISCUSSION**

Transparency into fire safety code enforcement is necessary so that:

- Property owners and tenants know what to expect; and
- The public can understand, in enough detail, what violations have been found and what is being done to ensure that those violations are being corrected in a timely manner.

**Information on HIS routine inspections is buried in the DBI website.** Inspections packets are one source of information about the routine inspection and code enforcement process. The DBI website is a second source.

On DBI's homepage,<sup>35</sup> across the top of the page, under "Inspection" there is a drop down menu with three links that are related to routine inspections: District Charts and Maps; Inspection Scheduling; and, Filing a Complaint. Under Inspection Scheduling, instructions for scheduling an inspection with HIS are included. However, routine inspections are not described or explained under any of these three links.

In order to get information about routine inspections, one must follow several links: Starting with DBI's homepage, halfway down in the center of the homepage, is Inspection Services (in small print). Click thru Inspection Services Divisions. On the Inspection Services Division page, click thru Housing Inspections Services (in small print). Then under Helpful Links, click thru the link to Routine Inspections. The Inspection Worksheet is included.<sup>36</sup>

**Information on routine inspections is not sufficiently detailed.** Although information on routine inspections is available on the DBI website, it is not detailed enough to sufficiently understand the process. On the Routine Inspections page,<sup>37</sup> items missing are: the process for when a routine inspection is required, what will be inspected, what affidavits are required to be certified by a professional and returned to HIS, what happens if a violation is found and costs associated with code enforcement. Or, they are conveyed in a way that no one without prior knowledge of the process would understand. The Informational Maintenance Checklist (also known as the Inspection Worksheet) is available on the Routine Inspections page but it is not described as the list inspectors use for routine inspections.

**Information on violations is not easy to find.** There are two ways to get to information about violations on the DBI website. The first way is from the Routine Inspections page by clicking thru Track Permits and Complaints at the bottom of the page. The second way is from the DBI homepage, across the top of the page, under Permit Services on the drop down menu click thru Track Permits and Complaints.<sup>38</sup> On the Track Permits and Complaints, click thru "Search for documents by Site Address," then enter the property address. Once the property address is shown, then click through "Complaints." Next, a list of all inspection records for all DBI departments will be shown. Routine inspection and complaints will be found under HIS for Div (Division).

**Since the actual NOV is not available online, details on violations are insufficient.** R-2 inspection records located under Track Permits and Complaint include the inspection date, type of violation, the inspector's name, status and comment. The "type" of violation oftentimes includes a description that is too broad for a sufficient understanding of the violation. For example, "General Maintenance." Sometimes an inspector will write more under the comments.

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<sup>35</sup> <http://sfdbi.org/>

<sup>36</sup> <http://sfdbi.org/sites/default/files/Checklist%20English.pdf>

<sup>37</sup> <http://sfdbi.org/ROUTINEINSPECTIONS>

<sup>38</sup> <http://dbiweb.sfgov.org/dbipts/>

Most of the details of a violation are written on the NOV. However, actual NOVs are not available on the DBI website.

### **FINDINGS**

- F.I.41. Information on HIS routine inspections is buried in the DBI website.
- F.I.42. Information on routine inspections on the DBI website does not provide enough information to sufficiently understand the process.
- F.I.43. It is not easy to find information on R-2 violations on the DBI website because many of the links to get to inspection records are labeled with terms that may not be understandable to the public. For example, calling violations “complaints” and needing to look under “HIS” for “Div.”
- F.I.44. Since the actual NOV is not available on the DBI website and rarely do the “comments” provide much detail about violations, the detail available to the public and tenants is not sufficient enough to understand the full extent or nature of a violation.

### **RECOMMENDATIONS**

- R.I.41. DBI MIS should redesign the DBI website so that information on routine inspections is easier to find from the DBI homepage.
- R.I.42. DBI MIS should revise the information on routine inspections on the DBI website so that: the property owners and the general public understand the process, including how often routine inspections take place, what is inspected, what happens when violations are found, the time frame for correcting violations and the costs associated with code enforcement.
- R.I.43. DBI MIS should change the names on the links for R-2 violations so inspection records can be found more easily on the DBI website.
- R.I.44. The DBI Director should ensure the replacement system for CTS can upload NOVs to the DBI website.

## II. SAN FRANCISCO FIRE DEPARTMENT

### A. Organizational Structure

The Fire Commission sets policy and supports the San Francisco Fire Department (“SFFD”) in achieving its mission to protect the lives and property of San Franciscans from fires and to prevent fires through prevention and education programs.<sup>39</sup> The City Charter authorizes the Mayor to appoint all five members of the Fire Commission.<sup>40</sup> The San Francisco Fire Department is divided into three main divisions: Administration, Planning, and Operations. Operations has two main functions--fire suppression and fire prevention. Operations is led by the Deputy Chief of Operations, who is second in command after the Chief of the Fire Department. (See Appendix, Exhibit 15.)

**Firefighters perform the annual R-2 inspections.** The fire suppression function is performed by four organizational units within the Operations division--Airport, Emergency Medical Services, Division 2 and Division 3. Divisions 2 and 3 are further divided into nine Battalions. The nine Battalion Chiefs supervise the firefighters and rescue squads in the 43 firehouses (or station houses) in San Francisco. Division 2 includes the downtown and financial districts and runs through the northwestern part of the City. Division 3 includes the South of Market area and runs through the southwestern boundaries of the City, down to the southern part of San Francisco.

Each of the 43 firehouses in San Francisco has an engine company. The engines are the vehicles that have hoses and put out fires. Nineteen (of the 43) firehouses also have a truck company. The trucks carry ladders, ventilators, big tools and the jaws of life. The truck companies primarily perform rescues and medical calls. Each engine or truck company has several firefighters and is led by a Captain. In addition to performing their firefighting and/or rescue duties, each engine company and truck company (“Company”) is required to conduct annual inspections of the R-2s within the general vicinity of their station house. Each Company inspects the common areas of R-2s for 12 fire safety items (see Appendix, Exhibit 16). The SFFD charges owners of R-2 Residential Apartments \$157 for the annual inspections they perform.

**The Bureau of Fire Prevention inspectors do the code enforcement.** The San Francisco Fire Marshal oversees the Bureau of Fire Investigation, Plan Check and the Bureau of Fire Prevention (“BFP”). Currently, the BFP is divided into three areas: (i) high rise inspections; (ii) permits; and (iii) district inspections. During the time of our investigation, district inspectors performed the code enforcement for violations arising from Company annual inspections of R-2s. This is no longer the case.

At the end of 2015, high rise inspectors began helping district inspectors on R-2 complaints. We were told this was because district inspectors needed help with their heavy workload. High-rise inspectors also conduct annual inspections and investigate complaints in the 450+ high-rise

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<sup>39</sup> San Francisco Fire Commission website, “Annual Statement of Purpose: 2016”

<sup>40</sup> San Francisco City Charter, section 4.108

buildings in the City and in San Francisco Housing Authority buildings. High-rise inspectors perform code enforcement for violations discovered as a result of their inspections.

Early in 2016, BFP began a staff restructuring. R-2 complaints that Company Captains refer to BFP for code enforcement were moved from district inspectors to high-rise inspectors. On an interim basis, six high-rise inspectors will continue to do code enforcement for R-2 complaints--but, only those that are referred by Company Captains. District inspectors will continue to investigate R-2 complaints from sources other than Company Captains. Also, they will continue to investigate fire safety complaints in commercial buildings in their districts and review residential and business construction projects from permit issuance to certificate of occupancy as they have always done. This change occurred after we completed our fieldwork and, therefore, was not considered in our investigation.

Recently, BFP created a new R-2 group to work solely on R-2 complaints referred by Company Captains. Once the new R-2 group is trained and fully staffed, it will handle all R-2 complaints. A lieutenant, who has experience working on R-2 complaints as a district inspector, will supervise this new group, and a new Captain will lead the group. We were told that the new R-2 group will be staffed with five inspectors and one clerical person and that it will have a dedicated SFFD Management Information Services person to ensure complaints are being documented and tracked properly.

In June 2016, one inspector moved from Plan Check to the new R-2 group and another inspector is expected to join soon. Our review of the 2016-17 SFFD budget revealed that BFP plans to add three more inspectors to the new group during the next fiscal year--bringing the total inspectors to five. It's not yet known when they will be hired, as candidates still need to go through the civil service process. Until this new group is adequately staffed, the six high-rise inspectors will continue to handle code enforcement of R-2 violations arising from Company inspections.

Furthermore, BFP's code enforcement process will soon become more robust. In April 2016, the Board of Supervisors passed legislation that requires BFP to implement an enhanced code enforcement process that more closely mirrors the one that DBI Housing Inspection Services ("HIS") uses--including adding an administrative hearing.<sup>41</sup> The effective date of this legislation was June 1, 2016. BFP is still developing their new code enforcement process.

## **B. The Backlog in R-2 Inspections Exposes San Franciscans To Unnecessary Risks**

### **DISCUSSION**

The California Health and Safety Code mandates that SFFD perform annual inspections of R-2s in San Francisco.<sup>42</sup> It is the Building Code's definition of R-2s--residential buildings with three or more units--that applies to SFFD inspections as well as DBI inspections.<sup>43</sup> However, SFFD

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<sup>41</sup> <http://www.sfbos.org/ftp/uploadedfiles/bdsupvrs/ordinances16/o0060-16.pdf>

<sup>42</sup> California Health and Safety Code, sections 13146.2 and 17921

<sup>43</sup> California Building Code, section 310.1

adopted a policy that requires its firefighters to inspect only residential buildings that are less than 75 feet tall and have nine or more units. Therefore, SFFD firefighters only inspect approximately 4,000 R-2s that have nine or more units instead of the approximately 21,000 R-2s that have three or more units in San Francisco. Property owners with buildings with fewer units can voluntarily participate in the annual inspection process.<sup>44</sup> Tenants who are concerned about fire safety may also call, file a complaint online or go to a fire station to complain about conditions at their building. Residential buildings that are 75 feet or taller are inspected by the high-rise inspectors.

**Companies do not inspect all the R-2s in San Francisco every twelve months.** The suppression personnel we spoke with told us that some Companies do not inspect all the R-2s on their list every month. One Company Captain shared that, in late 2014, his Company had a backlog of 200 R-2s that accumulated over numerous months that they reduced through hard work.

In Table II-1 below, we show that there was a backlog in R-2 annual inspections for 2013, 2014 and 2015. Using data from SFFD, we calculated the backlog percentage by comparing the total number of R-2 that should be inspected each year to the total number of R-2 inspections that were completed for 2013, 2014 and 2015.

**SFFD ANNUAL R-2 BUILDING INSPECTIONS**

	<b>2013</b>	<b>2014</b>	<b>2015</b>
Total R-2s requiring an annual inspected	4,031	4,031	4,031
Total R-22 that were inspected	3,339	3,520	3,791
Annual backlog	692	510	240
Percent R-2s without a required inspection	17%	13%	6%

Table II-1

**Reasons For The R-2 Inspections Backlog**

We identified several factors contributing to the annual inspection backlog, including:

- (1) Companies cannot gain entry into some R-2s;
- (2) the number of R-2 inspections is disproportionately distributed among the Companies;
- (3) R-2 inspections are not prioritized based on their last inspection dates;
- (4) follow-up on inspection backlog is insufficient; and,
- (5) the primary rationale for inspecting R-2s is not to enforce code compliance.

<sup>44</sup> SFFD Hotel and Apartment Inspection Operating Guide, pages 1.1-1.2



## 1. Companies Cannot Gain Entry Into Some R-2s

We were told that the main reason for the R-2 annual inspection backlog is the inability of station house Companies to gain entry into every R-2 to inspect it.

**Company Captains rarely schedule annual inspections in advance.** We were told that R-2 inspections are rarely scheduled with property owners in advance. Instead, the Company will show up at an R-2, without prior notice, and ring doorbells hoping someone will let them in. Some buildings have a lock box, which allows Companies to gain access. This practice, however, is not consistent with procedures delineated in the SFFD Hotel and Apartment Inspection Operating Guide (the “Operating Guide”). The Operating Guide provides the standards and procedures for conducting R-2 annual inspections and states “(i)f a contact phone number is provided, then an attempt should be made to set up an inspection time.”<sup>45</sup> Property owner contact information is visible on Company Captains’ computers--sometimes with a phone number. However, it is not included on the Inspection Worksheets that most Company Captains print out and bring to the R-2 to document inspections. We were told that even when they have a phone number, Company Captains rarely schedule inspections in advance. As a result, Companies cannot gain entry into every R-2 to conduct an annual inspection.

We were told that this can happen repeatedly on the same R-2. In fact, one Captain said “we can go back twenty times and never get in.” When no one answers, the Company either goes on to their next R-2 inspection or performs other duties. Although Company Captains do not specifically track when they cannot get into an R-2, inspections that are not completed will remain “open” or “pending” on their R-2 list so they do not lose track of it. If a Company is called to an emergency while conducting an R-2 inspection, they will leave in the middle of the inspection. After completing the call, the Company will attempt to return to the R-2 to complete their inspection.

**R-2 inspections are not conducted on the weekends.** Typically, inspections take 30-45 minutes. However, they could take longer depending on the size of the building, accessibility, the number of violations found, among other factors. We were told that Companies do not perform R-2 inspections on the weekends because inspectors schedules--at the Bureau of Fire Prevention--do not include Saturday & Sunday. We were also told that SFFD does not want to bother the public on the weekends. The station house Companies, however, do work on the weekends.

## 2. The Number Of R-2 Inspections Is Disproportionately Distributed Among The Companies

The inspections performed by engine companies and truck companies are exactly the same. The only difference is their list of R-2s to inspect. At the beginning of each month, Company Captains receive their list of R-2s that should be inspected during that month. On that list, there is an inspection deadline for each R-2 which is one year from the date of the R-2s last inspection. The number of R-2s that must be inspected each month varies from month to month. If a station house has both an engine company and a truck company, the list of R-2s near their station house

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<sup>45</sup> SFFD Hotel and Apartment Inspection (R1 & R2) Operating Guide, page 2.1

is divided somewhat evenly between the two Companies. Unless new buildings are added to the overall database, year after year, the Companies will have the same R-2s on their respective lists.

The total number of R-2s that each Company inspects depends on the number of R-2s located within their first response area. We were told that sometimes, R-2s that are on the outskirts of a station house’s first response area are re-assigned to be inspected by a Company at a neighboring station house that has fewer R-2s and/or fewer emergency calls. We were also told that R-2s cannot be reassigned to another station house that is too far from the R-2 because Companies must still be able to respond quickly to calls in their first response area.

Figure II-1 illustrates the distribution of R-2 inspections assigned by Company. “E” means engine company and “T” means truck company. The station number is included after E or T.<sup>46</sup>

**NUMBER OF R-2 INSPECTIONS ASSIGNED TO EACH COMPANY ANNUALLY**

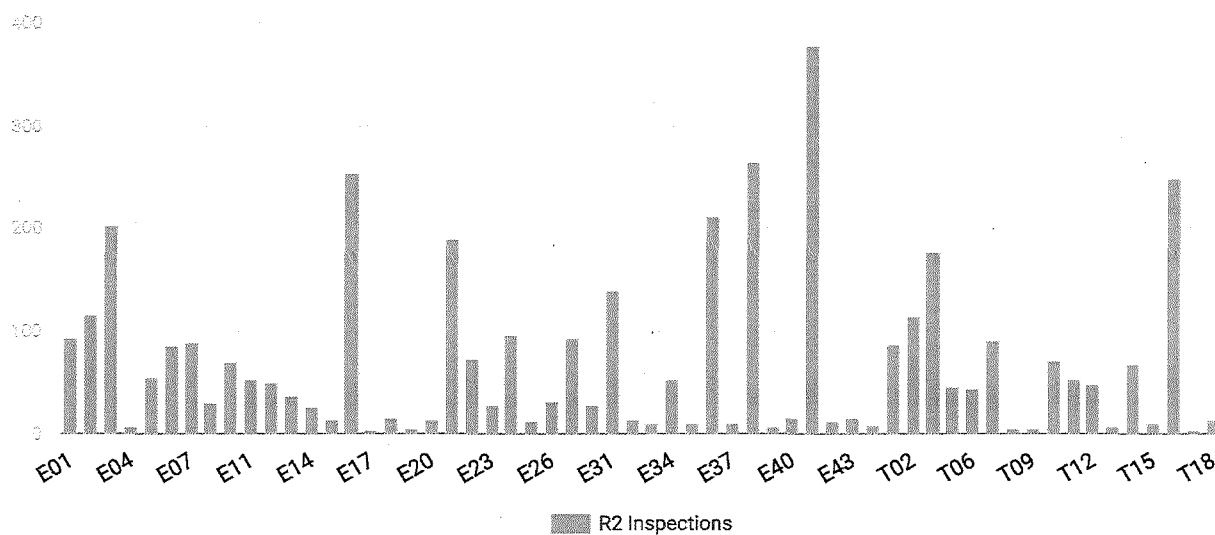


Figure II-1

As Figure II-1 shows, many Companies have very few R-2 inspections to complete.

**Companies with the ten largest R-2 lists have the largest backlog.** The Companies with the longest list of R-2s to inspect are listed below in Table II-2. These Companies also have the highest inspection backlog as of May 23, 2016. If the R-2 is not inspected by its deadline, it continues on the Company’s R-2 list until it has been inspected. It also becomes part of the backlog. The backlog consists of both R-2s that are just a day past due and those that are a year or more past due. The backlog each Company has is reflected by the number of Open and Pending Inspections that they have. An “Open Inspection” means that the Company has already made some attempt at inspecting the R-2. It may be open because the Company got called away

<sup>46</sup> Fire Station List <http://sf-fire.org/fire-station-locations#stations>

in the middle of the inspection or maybe the Company Captain has not finished documenting the inspection. “Pending Inspection” means that an inspection has not yet started.

**SFFD COMPANIES WITH TOP TEN LONGEST R-2 LISTS**

Engine or Truck Company	Area	R-2s Assigned per year	Open Inspection as of 5/23/16	Pending Inspection as of 5/23/16
E41	Nob Hill	378	25	24
E38	Pacific Heights	264	11	45
E16	Cow Hollow	254	12	3
T16	Cow Hollow	249	12	22
E36	Hayes Valley	210	7	159
E03	Lower Nob Hill	202	5	19
E21	Panhandle / NOPA	189	14	18
T03	Lower Nob Hill	176	9	9
E31	Richmond	139	3	14
E02	Chinatown	116	18	38
T02	Chinatown	114	23	64

Table II-2

*3. R-2 Inspections Are Not Prioritized Based On Their Last Inspection Dates*

Although each R-2 on a Company’s list includes a deadline for its inspection, we were told that Company Captains do not use the deadline dates to prioritize which R-2s they will inspect next. R-2s with closer deadlines (or deadlines that have passed) are not prioritized over those with more remote deadlines. Instead, Company Captains choose which R-2s they will inspect largely based on where the R-2 is located. Sometimes Company Captains choose which R-2s will be next based on their proximity to other R-2s on their list. Other times, they will choose R-2s that are on the Company’s driving route. For example, when they go to buy groceries.

*4. Follow Up On Inspection Backlog Is Insufficient*

Although everyone that we spoke with in Suppression acknowledged that some Companies have an inspection backlog, we found that many people in the chain of command do not see a need to push hard for a reduction in the backlog. We were told that it is “not that crucial” if the Companies miss completing an R-2 inspection by the end of the month, but that, if the backlog continues, the Division Chief or Battalion Chief will call the Company Captain. We were told that Battalion Chiefs have flexibility on how or whether to follow up with their Company Captains’ R-2 inspection backlog.

Although reports are available that show when Company Captains are behind in R-2 inspections, we were told that follow up rarely includes discussing the actual extent of the R-2 backlog. Instead, Battalion Chiefs may give Company Captains a monthly “pep talk” or tell them they need to “knock out a few inspections.” We were told that some Battalion Chiefs do not review the R-2 lists with their station house Captains because “they do what they can” or, “they catch up and then fall behind.” Also, we were told that the R-2 inspection backlog was not “that big.”

#### 5. The Primary Rationale For Inspecting R-2s Is Not To Enforce Code Compliance

We were told that when firefighters began inspecting buildings many years ago, the inspections were seen as a way to develop “building awareness.” By conducting inspections, Companies would learn which buildings are detached, below grade or hidden on a street with access issues. Inspections also helped firefighters familiarize themselves with fire alarms and other fire prevention systems. Firefighters could identify obstacles, consider what might happen if a fire started and develop a pre-fire plan. Developing building awareness is still an important aspect of annual R-2 inspections today.

We were told that firefighters today still see developing building awareness as the most important reason for inspecting R-2s. We believe that this entrenched mindset may lead to their perception that inspecting all their R-2s in order to document fire safety complaints is less important. Furthermore, inspecting an R-2 with the objective of creating a pre-fire plan is very different from approaching an inspection with an eye towards discovering every violation and documenting it in detail. The approach taken when conducting an R-2 inspection may very well determine the result of the inspection. For example, we were told that firefighters were “getting into” a building to develop a “pre-fire plan” and not to “cause problems for the owners.”

**Company Captains know very little about Fire Prevention or Code Enforcement.** We were told that Company Captains rarely will follow-up on violations because “it is the job of fire prevention” inspectors to do so. In our interviews, we learned that Company Captains did not know what size building should be inspected or the length of time a property owner has to correct a violation. (Although most knew that urgent violations had a much shorter timeframe for correction.) Also, we were told that some Company Captains were unfamiliar with the inner workings of Fire Prevention and did not know what BFP does to ensure violations are corrected or if any fines or penalties were imposed for violations.

### FINDINGS

- F.II.1. Because station house Companies do not inspect all the R-2s in San Francisco every twelve months as mandated by Code, San Franciscans may be exposed to unnecessary risks.
- F.II.2. Station house Companies cannot always get into R-2s to inspect them because Company Captains rarely schedule R-2 inspections in advance.
- F.II.3. Contact information is not included on the Inspection Worksheets that Company Captains take with them to document their R-2 inspection.

- F.II.4. R-2 inspections are not conducted on the weekends.
- F.II.5. Companies with the ten largest R-2 lists have most of the largest backlogs because R-2 inspections are disproportionately distributed among the Companies and not sufficiently redistributed to nearby Companies with less R-2s to inspect.
- F.II.6. Company Captains prioritize which R-2s they will inspect based on location of the R-2 rather than on the deadline for each inspection. As a result, some R-2s are not inspected by their deadline.
- F.II.7. Some Battalion Chiefs' follow-up on Company inspection backlogs is insufficient because it does not hold the Company accountable for the backlog.
- F.II.8. Because firefighters' primary motivation for inspecting R-2s is to develop building awareness, they may not sufficiently give equal importance to code compliance when conducting R-2 inspections.
- F.II.9. Many Company Captains seem to know little about Fire Prevention or Code Enforcement. Since firefighters interact with the public, this is a missed opportunity to educate the public about the inspection and enforcement process.

### **RECOMMENDATIONS**

- R.II.1. The Deputy Chief of Operations should require Battalion Chiefs to closely monitor Company R-2 inspection lists to ensure that every R-2 in San Francisco is inspected by its deadline.
- R.II.2. The Deputy Chief of Operations should require that Company Captains make inspection appointments in advance, whenever they have the property owner's phone number, to ensure that Companies get into all R-2s. The appointments should have a three hour window.
- R.II.3. SFFD MIS should ensure property owner contact information is included on the Inspection Worksheets.
- R.II.4. The Deputy Chief of Operations should require Companies to inspect R-2s on the weekend if that Company is going to have a backlog during a particular month.
- R.II.5. The Deputy Chief of Operations should redistribute R-2 inspection from Companies that have a backlog to nearby Companies that have fewer R-2 inspections so that the number of R-2 inspections is more evenly distributed among neighboring station houses and are conducted more timely.
- R.II.6. The Deputy Chief of Operations should instruct Company Captains to give priority to R-2 inspections which have exceeded or are approaching their deadlines.

- R.II.7. Battalion Chiefs should review progress on their Companies' R-2 lists at least once a month, and if they find a Company has not inspected all the R-2s on their list, hold that Company accountable by requiring that they inspect all the late R-2s by the end of the next month.
- R.II.8. The Deputy Chief of Operations should ensure that inspection training for firefighters includes stressing the two reasons for conducting R-2 inspections--to ensure code compliance and gain building awareness--are equally important.
- R.II.9. The Deputy Chief of Operations should ensure that all firefighters receive training on the R-2 inspections process that includes a detailed module on the Bureau of Fire Prevention code enforcement process which starts with when a BFP inspector receives a complaint from a Company Captain to an NOV being issued and any additional steps. The training should occur after BFP implements the new code enforcement process. Knowing more about BFP will help firefighters better understand their role in ensuring code compliance.

### **C. Delaying Correction of All Violations Further Puts San Franciscans At Risk**

#### **DISCUSSION**

We were told that R-2 complaints fall into two categories: life safety complaints and all others. Life safety complaints are considered priority and include (1) chained or blocked exit doors; and, (2) malfunctioning fire alarms or sprinkler systems. Company Captains make this same distinction.

Once an inspector receives a complaint submitted by a Company Captain or a member of the public, he should schedule a complaint inspection. At the inspection, the inspector will determine if there is an actual code violation. If a code violation exists, the inspector can issue either: a Notice of Violation ("NOV") or a Notice of Corrective Action Required ("NOCAR"). We were told that if an NOCAR is issued the inspector can either schedule a follow-up inspection or leave the complaint open until it is resolved.

From January 1, 2013 to May 26, 2016, inspectors received a total of 2,871 R-2 complaints. In Table II-3 below, the time it took to resolve three types of complaints during this timeframe is summarized. We compiled this information from a spreadsheet received from the SFFD that listed the 2,871 complaints along with the dates the complaints were received and the disposition dates, if the complaint was resolved. The complaints in Table II-3 are from all sources--not just those referred by Company Captains.

**SFFD COMPLAINT RESOLUTION TIME —JANUARY 1, 2013 TO MAY 26, 2016**

<b>Complaint Type</b>	<b>Total Complaints</b>	<b>Within 72 Hours</b>	<b>Within 3 to 30 Days</b>	<b>Within 1-2 Months</b>	<b>Within 3-6 Months</b>	<b>More Than 6 Months</b>
Fire Alarms	1,222 (100%)	450 (39%)	165 (23%)	124 (10%)	274 (22%)	49 (8%)
Blocked Exits	270 (100%)	145 (53%)	53 (19%)	30 (11%)	29 (11%)	13 (5%)
Sprinklers	188 (100%)	5 (3%)	54 (28%)	40 (21%)	78 (41%)	11 (6%)

Table II-3

As Table II-3 reflects, it took more than 2 months for a significant number of complaints to be resolved. The spreadsheet we received does not differentiate between complaints that remain open because an inspector did not go to the R-2 to inspect the complaint from those for which an NOCAR was issued. As a result, we cannot determine why some of these complaints stayed open for so long. According to the March 2016 Operations Report for BFP, the number of open or pending complaint inspections has been reduced from 525 on February 3, 2016 to 196 (127 open and 69 pending complaint inspections) as of March 2, 2016. A BFP officer told us the reduction in open and pending complaints was largely due to a concerted effort to close out complaints that were resolved but remained open in the computer database. We have not independently verified this statement.

We reviewed another SFFD spreadsheet that included information on all 132 R-2 violations for which an NOV was issued between between January 1, 2013 and May 26, 2016. The summary below, shows the number of sprinkler, alarm systems, exits/storage in pathways and fire escape NOVs that were issued and corrected between January 1, 2013 and May 26, 2016 and the number of days it took for them to be corrected.

- Sprinklers: ten NOVs were corrected in a range from 14 to 471 days.
- Alarm system: 17 NOVs were corrected in a range from 1 to 1,166 days.
- Exits/storage pathways: six NOVs were corrected in a range from 4 to 908 days.
- Exits/fire escapes: six NOVs were corrected in a range from 14 to 587 days.

We were told that BFP has no written standard establishing deadlines for resolving complaints or correcting violations. However, there is a distinction between how long before a priority and standard complaints/violations should be corrected. We were told that property owners have a much shorter time to resolve/correct priority complaints/violations. For example, blocked exits (a priority) should be cleared immediately. Alarm panels or sprinkler systems (priorities) that are not operational should be fixed within 24 to 48 hours--this can be extended with a signed fire watch agreement.

SFFD sees other complaints/violations such as expired certification stickers on fire alarms, sprinkler systems and fire extinguishers as minor (standard) as long as the devices are still operational. For these complaints/violations, district inspectors told us one week to 30 days was

a reasonable timeframe for resolution. Similar to HIS inspectors, we were told that BFP inspectors have discretion to work with the property owners by giving them additional time to correct violations depending on the facts and circumstances.

### **Reasons Some Complaints and Violations Take Too Long To Correct**

During our investigation, we discovered several factors that contributed to violations taking too long for property owners to correct. Because district inspectors no longer work on code enforcement of R-2 complaints, that are referred by Company Captains, and, we did not investigate the group that currently does this work, several of these factors may no longer exist. Therefore, they are discussed in past tense. However, we included these factors in our report with the hope that providing an understanding of past influences will help ensure that these issues are not repeated.

Additional factors that arise out of the current BFP structure also contribute to longer abatement periods. These are discussed in present tense.

**Contributing factors from old BFP structure.** When district inspectors worked on R-2 complaints arising from Company inspections, the factors that contributed to longer resolution of complaints (and correction of violations) included: (1) district inspectors' workload was too heavy; (2) construction reviews and phone calls were prioritized over R-2 complaints; and (3) some district inspectors did not document inspections and code enforcement in sufficient detail.

#### *1. District Inspectors' Workload Was Too Heavy*

At the time of our investigation, there were twelve district inspectors that responded to R-2 complaints in 16 BFP districts in San Francisco. District inspectors received R-2 complaints from Company Captains either by phone (this was limited to urgent complaints) or by inspection reports that were automatically sent via computer.

During our investigation, district inspectors' work fell into two categories: (1) investigating fire safety complaints regarding R-2s and commercial properties located in their districts; and (2) reviewing residential and commercial construction projects in their districts. In addition to receiving R-2 complaints from Company Captains, complaints came in from the public from many sources including: (a) phone calls; (b) walk-ins to the BFP counter; and (c) emails. District inspectors also worked on referrals from other City departments.

Many of the district inspectors, that we spoke with, said that it was challenging to keep up with all the construction review requests and complaints due to the sheer volume of work. We were told that some district inspectors, upon arrival at work, already had numerous voicemail messages. One district inspector said that there could be as many as thirty voicemail messages and explained that if only ten of those thirty voicemail messages were complaints, it could take him two or three days to resolve just those ten complaints. In the meantime, additional work kept coming in.



## 2. Construction Reviews And Phone Calls Were Prioritized Over R-2 Complaints

Based on our interviews, we concluded that construction review work was prioritized over R-2 complaint investigations. We were told that construction contractors called district inspectors directly to schedule their construction project reviews and that sometimes, district inspectors would receive twenty to thirty phone calls a day from contractors. In contrast, Company Captains only called once or twice a week. Some district inspectors told us that they did not have enough time to respond to all their complaints each and every day. One district inspector shared that following up on phone calls meant not having enough time to respond to the complaints that were coming in on his computer.

As a result of our interviews, we concluded that some inspectors prioritized phone calls over complaints that came to them via their computers. One district inspector said if “people took the time to call, it must be urgent.” We were told that unless a Company Captain called with an R-2 complaint, the complaint might be ignored.

District inspectors told us that after the fire at 22nd and Mission Streets, management began emphasizing complaints.

## 3. Some District Inspectors Did Not Document Inspections And Code Enforcement In Sufficient Detail

The detail with which district inspectors documented inspections and code enforcement varied significantly from one inspector to another. Some of the inspection records we reviewed did not have enough detail about the type of violations, when they occurred, what code enforcement steps were being taken and ultimately, whether the violations were ever in fact, corrected.

The inspection records for the buildings at 22nd and Mission Streets are an example of insufficient documentation. This is the building that had a huge fire in January 2015, after which the press reported that several violations at the buildings had not been corrected for years. One of these violations was fire escapes ladders that could not descend to the ground because they were obstructed by awnings. Table II-4 (next page) summarizes the documentation of the fire escape violation. The inspection records themselves can be found in the Appendix. (See Appendix, Exhibit 17.)

It was not until after the fire that inspection records reflect the violation was corrected--hatches in the awnings were installed so that fire escape ladders could pass through the awnings. We reviewed these records with members of various ranks at BFP. Unfortunately none of them could determine, based on the inspection records, exactly when the violation was corrected. Based on these inspection records, it appears that the violation remained uncorrected from at least September 14, 2011 to May 9, 2012.

**SFFD INSPECTIONS OF BUILDING AT 22ND & MISSION STREET**

**Fire Escape Ladders**

<b>Date</b>	<b>Inspection</b>	<b>Excerpt from inspection notes</b>	<b>Comments</b>
4/26/2011	Company Captain	"3 out of 4 fire escape ladders are obstructed by awnings. Ladders do not reach the ground."	
9/14/2011	Unknown	"Fire escape ladders are obstructed by awnings."	This complaint investigation also included the notation "CC", meaning "condition corrected". However, subsequent complaints show that the violation persisted.
11/29/2011	Bureau of Fire Prevention	"Install passage for drop ladders through awning or remove awnings."	This reinspection also included the notation "C", indicating the inspection was "closed". Closed does not mean that the violation was corrected, it means that particular inspection was completed.
3/29/2012	Bureau of Fire Prevention	"Install passage for drop ladders through awning or remove awnings."	This reinspection also noted "Violation not corrected".
4/20/2012	Company Captain	N/A	Annual inspection with no mention of fire escape ladders in inspection documentation.
5/9/2012	Bureau of Fire Prevention	"Install passage for drop ladders through awning or remove awnings."	This reinspection also noted "Violation not abated".
6/12/2013	Company Captain	N/A	Annual inspection with no mention of fire escape ladders in inspection documentation.
8/8/2014	Company Captain	N/A	Annual inspection with no mention of fire escape ladders in inspection documentation.
2/3/2015	Bureau of Fire Prevention	"Hatch in awning was installed per previous complaint, yet failed to open when ladder dropped."	This reinspection occurred after the four-alarm fire on January 28, 2015.

Table II-4

*4. District Inspectors Could Not Get Into Every R-2s*

After a district inspector received a fire safety complaint from an engine or truck company, the district inspector would then attempt to make an appointment with the property owner or property manager to inspect the common areas of the R-2. We were told that sometimes district inspectors could not reach a contact person. When their call to schedule an inspection would go unreturned, some district inspectors would try to get into the R-2 without a scheduled appointment. We were told that some district inspectors would try to gain entry to the R-2 a few more times. However, after several failed attempts, unless the district inspector received additional complaints for that R-2, the original complaint could get lost among the district

inspector's other complaints and construction reviews. One district inspector said that complaints for which he could not gain entry into the R-2 to inspect, sometimes would "die on the vine."

**Contributing factors under current BFP structure.** Factors that still exist under the current BFP structure and contribute to some violations taking too long to correct include (1) some Company Captains do not document inspections in insufficient detail, and (2) BFP inspectors have limited code enforcement tools.

1. *Some Company Captains Do Not Document Inspections In Sufficient Detail*

Based on our review of inspection records received from BFP, we conclude that some Company Captains do not document R-2 inspections in sufficient detail for BFP inspectors to know enough about a complaint. For example, "missing fire extinguisher."

Other Company Captains document complaints in enough detail for inspectors to easily identify the complaint. For example, "alarm panel on second floor hallway had no power....Left message for Inspector...at BFP noting these violations."

In July 2015, the Inspection Worksheet, used by Company Captains to document annual inspections, was revised and expanded. We were told that before the Inspection Worksheet was revised complaints from Company Captains were much less common. After the Inspection Worksheet was revised, district inspectors received many more R-2 complaints. We were also told that some Company Captains documented complaints that should not have been referred. For example, a bedroom window was spotted from the outside with bars on it. Upon inspection, the district inspector determined it was in compliance because it could be opened from the inside.

**Some Company Captains do not use Inspection Worksheets to document R-2 inspections.**

Before leaving the station house to inspect an R-2, most Company Captains print out an Inspection Worksheet for that R-2. (See Appendix, Exhibit 16.) The Inspection Worksheet lists the R-2's address and the items that will be inspected. Company Captains write inspection notes on the Inspection Worksheet while at the R-2. When the Company Captain returns to the station house, he enters his notes into the computer database, Human Resources Management System.

We were told that some Company Captains do not use the Inspection Worksheet. Instead, they write their inspection notes on a piece of paper. One Company Captain said that he memorized the inspection list, therefore, he did not need the Inspection Worksheet.

2. *BFP Inspectors Have Limited Code Enforcement Tools*

Currently BFP inspectors only have two code enforcement tools they use to encourage property owners to resolve complaints and correct violations--NOCARs and NOVs. The NOCAR gives the property owner a specified number of hours to correct the violation with a warning that if they fail to do, a Notice of Violation ("NOV") will be issued. (See Appendix, Exhibit 18.) We were told that NOCARs should be issued for standard violations. Company Captains and BFP inspectors can issue NOCARs. However, we were also told that some Company Captains do not issue NOCARs for standard complaints. One Company Captain told us that he wants to be seen

as a “good neighbor” and therefore does not always issue an NOCAR because he does not want the property owner to be fined.

Ordinance 60-16 requires that BFP establish a new code enforcement model similar to the one DBI uses. Under the new code enforcement model, NOCARs will be eliminated and NOV's will be issued for all violations. Unfortunately, the new code enforcement has not yet been implemented.

We were told that NOV's should be issued for urgent requests. Also, if a NOCAR already has been issued and there has been no compliance or follow-up, an NOV may be issued. When an NOV is issued, two copies of the NOV are sent to the property owner, by regular mail and certified mail. In the past, some property owners would refuse signing for certified mail, so BFP revised procedures to send the NOV by regular mail as well as certified. The NOV is also posted on the R-2.

There are no penalties attached to a NOCAR or NOV. Whether a NOCAR or NOV is issued, the follow-up done by the district inspector is the same--with a reinspection. Property owners are not charged for follow-up inspections for NOCARs (complaints). Property owners pay \$250 for each NOV reinspection. Bills can be paid online.

**There is no administrative hearing available for uncorrected violations.** BFP does not have an administrative hearing for enforcing uncorrected violations. Instead, inspectors only option for encouraging compliance is by conducting reinspections. Some district inspectors expressed frustration that the \$250 reinspection fee does not create sufficient financial incentive for property owners to correct violations.

**Accelerated Code Enforcement is rarely used.** We were told that once three uncorrected NOV's accumulated on an R-2, that case should be referred to accelerated code enforcement (“ACE”). However, most of the district inspectors we spoke with never referred a case to ACE. In fact, the district inspector whose name was listed on the BFP phone list as the contact person for ACE, had never worked on an ACE case. We were told that ACE was a monthly taskforce that included the SFFD, DBI, City Attorney’s Office (“CA”), the DPH and San Francisco Police Department and that it is used mostly for hoarders. Towards the end of our investigation, we were told that BFP now has a Captain responsible for SFFD referrals to ACE and that there is a plan to use this tool more frequently and effectively. We were told ACE is being used as a way to refer cases to the CAO. In the last 5 years, only one case was referred to CAO.

## FINDINGS

- F.II.10. A significant number of fire alarm, blocked exits and sprinkler complaints took more than two months to be resolved.
- F.II.11. Most fire alarm, blocked exits and sprinkler violations took longer to correct than the timeframes district inspectors stated for correction.

- F.II.12. District inspectors' workload was too heavy for them to investigate all R-2 complaints in a timely manner.
- F.II.13. District inspectors prioritized reviewing construction projects and phone calls over inspecting R-2 complaints. As a result, some R-2 complaints and violations were not corrected in a timely manner.
- F.II.14. Because some district inspectors did not document inspections and code enforcement in sufficient detail, follow up on violations was hampered.
- F.II.15. Some Company Captains do not document inspections in enough detail for district inspectors to easily identify the violation and conduct code enforcement.
- F.II.16. After the Inspection Worksheet was made longer in July 2015, some Company Captains document too many items that are not violations.
- F.II.17. Some Company Captains do not print the Inspection Worksheet and bring it to the R-2 inspection. Without having the Inspection Worksheet they may miss something or be inclined to document less. For example, the Inspection Worksheet states that "Company Officer shall obtain and update the responsible party information."
- F.II.18. BFP does not have effective code enforcement tools, such as, an administrative hearing.
- F.II.19. Accelerated Code Enforcement is rarely used.

#### **RECOMMENDATIONS**

- R.II.10. The Fire Marshall should require that complaint response time and code enforcement timeframes be more closely monitored so that resolution time is shortened.
- R.II.11. The Fire Marshall should require that code enforcement for NOVs be more closely monitored so that NOVs are corrected more quickly.
- R.II.12. The Fire Marshall should ensure that BFP inspectors (that work on R-2 complaints) have reasonable workloads so they can ensure timely correction of all complaints and violations.
- R.II.13. The Fire Marshall should ensure that BFP inspectors (that work on R-2 complaints) not prioritize other work over R-2 complaints if that means that they cannot investigate all their R-2 complaints in a timely manner.
- R.II.14. The Fire Marshall should standardize inspection and code enforcement documentation done by BFP R-2 inspectors.

- R.II.15. The Deputy Chief of Operations should standardize inspection documentation done by Company Captains so that BFP inspectors can easily identify and follow-up on complaints.
- R.II.16. The Deputy Chief of Operations should ensure that Company Captains are trained to identify violations and document only items that are violations.
- R.II.17. Battalion Chiefs should encourage their Company Captains to bring the Inspection Worksheet to the inspection site and use it to document R-2 inspections.
- R.II.18. The Fire Marshall should finalize the details of the new code enforcement process that is required by recently passed legislation so that it can be implemented within the next 60 days.
- R.II.19. The new BFP Captain that oversees R-2 Company complaints should refer appropriate cases to the CA every year.

## D. Transparency

### DISCUSSION

Unless SFFD's code enforcement process is known and easy to understand at the outset, precious resources will be wasted trying to educate property owners, tenants and the general public one inspection at a time. Tenants and the public also want easy access to inspection records so they know when violations exist and what SFFD is doing to ensure the violation are corrected. Our residents want to know how to make a complaint. Just how transparent is the process?

We reviewed the SFFD website and discovered there is very little information about annual R-2 inspections and the code enforcement process there.<sup>47</sup> In order to view inspection records, an appointment must be made with the Bureau of Fire Prevention ("BFP"). The property addresses must be disclosed when making an appointment and is limited to two properties per appointment. The SFFD website includes instructions for making an appointment to review inspection records, however, one must click through *Bureau of Fire Prevention* link to find their phone number.<sup>48</sup> Inspection records may only be viewed in person at the Bureau of Fire Prevention. Copies may be made and paid for by check or credit card.

Instructions for reporting a safety concern are also available on SFFD's website.<sup>49</sup> Options include filing a report or calling the BFP. The BFP phone number is not included next to the instructions. Instead, one must click through *Bureau of Fire Prevention* and scroll down a list to find the appropriate number. Safety concerns can be reported online or over the phone anonymously.

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<sup>47</sup> <http://sf-fire.org/inspections>

<sup>48</sup> <http://sf-fire.org/property-inspection-violation-permit-history-records-review>

<sup>49</sup> <http://sf-fire.org/report-fire-safety-concern>

## FINDINGS

- F.II.20. The SFFD website does not include enough information about the annual inspection and code enforcement processes for property owners and the public to understand them. Being better informed about the process may result in better compliance by property owners and increase the public's confidence in SFFD enforcement efforts.
- F.II.21. Inspection records are only available in person at the Bureau of Fire Prevention after making an appointment.
- F.II.22. Although instructions for reviewing inspection records is available on the SFFD website, the phone number for making an appointment is not included with the instructions.
- F.II.23. Safety concerns may be reported online or by calling the BFP. Although instructions for reporting a safety concern are available on the SFFD website, the BFP phone number is not included on the same page as the instructions.

## RECOMMENDATIONS

- R.II.20. SFFD MIS should revise the SFFD website to include:
  - (1) details of the R-2 inspection process, such as: (a) the kinds of buildings inspected; (b) who inspects the buildings; (c) how often R-2s are inspected; (d) the list of items inspected; and, (e) how the inspection will be conducted; and,
  - (2) details of the code enforcement process, including: (a) what happens when a violation is discovered; (b) what happens if a violation goes uncorrected beyond the NOV deadline; and (c) any and all fees, fines, or penalties that may be imposed for uncorrected violations.This information should be either on the inspections page or Division of Fire Prevention and Investigation homepage.
- R.II.21. The Chief of the Fire Department should instruct SFFD MIS to make the inspection records available online for greater transparency.
- R.II.22. SFFD MIS should put the BFP phone number for record inspection requests on the same SFFD webpage as the instructions for making an appointment.
- R.II.23. SFFD MIS should put the BFP phone number for reporting a safety concern on the same SFFD webpage as the instructions for reporting a safety concern.

### III. LACK OF COORDINATION BETWEEN DBI AND SFFD

#### DISCUSSION

Although DBI and SFFD inspect R-2s for many of the same fire safety hazards, we were told that they do not coordinate their inspections nor their code enforcement efforts. Additionally, we were told that until recently, they did not share any information related to R-2 inspections, violations or code enforcement. SFFD can access DBI's inspection records online, however, DBI cannot access SFFD's inspection records online. Currently, DBI and SFFD are collaborating on the development of BFP's new code enforcement process including DBI sharing letters and forms it uses in its code enforcement process.

Table III-1 below includes a comparison of DBI and SFFD's inspection and code enforcement.

**COMPARISON OF DBI AND SFFD R-2 INSPECTIONS AND CODE ENFORCEMENT**

Inspection Parameters	DBI	SFFD
Size of building inspected	Residential buildings with 3+ units	Residential buildings with 9+ units and less than 75 feet
How often inspected	At least once every five years	Annually
Who inspects	HIS inspectors	Engine and Truck Companies
Who does code enforcement	HIS inspectors	BFP inspectors
Code enforcement tools	NOVs, administrative hearing, special assessment lien	NOCAR or NOV*
*SFFD is creating a new code enforcement process under which NOCARs will be eliminated and an administrative hearing will be added.		

Table III-1

Table III-2, below, shows a comparison of fire safety items inspected by DBI and SFFD. There is overlap for most of the items except sprinkler systems, functional fire escape ladders, carbon monoxide alarms and smoke alarms. SFFD has sole responsibility for ascertaining if sprinkler systems are operational and that certifications are current. Annually, SFFD certifies whether fire alarm systems are operational and have current certification from a licensed professional. DBI only checks that current SFFD certification exists.

Both DBI and SFFD inspect fire escapes to ensure they are not blocked by furniture, flower pots or other other items. We were told that SFFD may inspect fire escape ladders to see if they are blocked by awnings; DBI also checks this. However, we were told by HIS inspectors that DBI Section 604 Affidavit requires professionals to certify that fire escape ladders descend properly and without obstruction. SFFD does not require that fire escape ladders' functionality be certified.



Lastly, DBI requires property owners submit self-certification that carbon monoxide and smoke alarms be installed in accordance with the Building Code. SFFD does not require this.

**COMPARISON OF FIRE SAFETY ITEMS INSPECTED BY DBI AND SFFD**

<b>Item Inspected</b>	<b>DBI</b>	<b>SFFD</b>
Street Numbers Visible	Y	Y
Exits Unobstructed	Y	Y
Roof Access Doors Operable From Inside	Y	Y
Fire Alarm Operational	Y	Y
Fire Alarm Certification Current	Y	Y
Sprinkler System Operational	N	Y
Sprinkler System Certification Current	N	Y
Fire Escape Ladders Secure	Y	Y
Fire Escape Ladders Work Properly	Y	N
Storage Clear of Sprinkler Heads and/or Ceiling	Y	Y
Hazardous Materials Safely Stored	Y	Y
Fire Extinguishers in Green	Y	Y
Fire Extinguishers Serviced Annually	Y	Y
Carbon Monoxide Alarms	Y	N
Smoke Alarms	Y	N
Exit Signs Working	Y	Y
Emergency Lighting Operational	Y	Y
Y = Yes, they inspect N = No, they do not inspect		

Table III-2

## **FINDING**

- F.III.1. DBI and SFFD inspect multi-unit residential buildings for many of the same fire safety hazards but do not coordinate any of their inspections or code enforcement efforts including not sharing information.

## **RECOMMENDATION**

- R.III.1. The Building Inspection Commission and Fire Commission should require a task force be formed to study DBI and SFFD inspection and code enforcement processes and make recommendations on how they can coordinate their efforts.

## CONCLUSION

Our investigation revealed neither the Department of Building Inspection (“DBI”) nor the San Francisco Fire Department (“SFFD”) complete inspections of all our multi-unit residential buildings within the timeframes mandated by City Codes. In addition, both departments fail to ensure that all fire safety violations are corrected in a timely manner. As a result, San Franciscans, especially those living in or near older less well maintained buildings, are unnecessarily exposed to fire safety risks. In conclusion, we offer a highlight of our key recommendations.

We recommend DBI take the following steps to address these issues:

1. The DBI Director should request that the Controller’s Office, or a third party vendor, conduct a study to determine adequate staffing levels for Housing Inspection Services (“HIS”) and fund any recommended additional staff.
2. The Chief Housing Inspector and the Building Inspection Commission together should create a definition of success for R-2 code compliance. This definition should require that all R-2s are inspected at least every five years and that Housing Inspection Services inspector strive for ensuring that all violations are corrected within a reasonable period of time. Once “success” is defined, the Chief Housing Inspector should develop management tools to measure progress towards achieving “success”. (For DBI purposes R-2 is defined as residential buildings with three or more units.)
3. The Chief Housing Inspector should create specific guidelines for documenting routine inspections and complaint-generated routine inspections so that every inspector documents these consistently. Guidelines should include choosing the correct Source and Abatement Type for the initial routine inspection and every code enforcement step thereafter.
4. DBI Management Information Services should ascertain why the Complaint Tracking System cannot generate accurate routine inspection dates and correct the issue.
5. The Chief Housing Inspector should require that all district inspectors conduct complaint-generated routine inspections whenever an R-2 has not had a routine inspection within the last five years regardless of workload.
6. The Chief Housing Inspector should create standards for extending additional time to property owners for correcting a violation rather than leaving the grant of additional time solely to an inspector’s discretion.
7. The Chief Housing Inspector should develop and support more oversight of inspectors’ case management including regularly scheduled staff meetings between inspectors and their supervisors.
8. The Building Inspection Commission should penalize property owners who do not show for their inspection appointment without good cause.

We recommend the San Francisco Fire Department take the following steps to address these issues:

1. The Deputy Chief of Operations should require all Company Captains receive training on standardized inspection documentation and the code enforcement process conducted by the Bureau of Fire Prevention. The training should stress that inspecting R-2s for code compliance is equally as important as for creating building awareness. (For SFFD purposes, an R-2 is defined as a residential building with nine or more units that is 75 feet or less.)
2. The Deputy Chief of Operations should reassign R-2 inspections from Companies with a backlog to neighboring Companies with fewer R-2s to inspect so that the backlog is eliminated.
3. The Deputy Chief of Operations should require Company Captain prioritize R-2 deadlines when selecting R-2s for inspection.
4. The Fire Marshall should require that complaint response time and code enforcement timeframes be more closely monitored so that resolution time is shortened.
5. The Fire Marshall should require all Bureau of Fire Prevention inspectors receive training on standardized inspection and code enforcement documentation.
6. The Fire Marshall should finalize the details of the new code enforcement process so that it can be implemented within the next 60 days.

Lastly, we recommend that the Building Inspection Commission and the Fire Commission should require that a task force be formed to study DBI and SFFD inspection and code enforcement processes and make recommendations on how they can coordinate their efforts.

We want to thank the employees of the Department of Building Inspection, the San Francisco Fire Department and the City Attorney's Office for taking time out their busy schedules to meet with us for interviews and provide us with requested documentations.

## REQUEST FOR RESPONSES

### Findings and Required Response Matrix

FINDING	RESPONDER
<b>F.I.1.</b> Housing Inspection Services (“HIS”) does not know which R-2s have not been inspected within the last five years because the Complaint Tracking System (“CTS”) cannot generate a list of R-2s with an accurate last routine inspection date for each.	DBI Management Information Services
<b>F.I.2.</b> The spreadsheet used by HIS to track key inspection statistics has not been updated to include all rounds of Focused Code Enforcement completed to date.	DBI Chief Housing Inspector
<b>F.I.3.</b> Because “Routine Inspections” that are reported to the Building Inspection Commission on a monthly basis include the number of initial routine inspections <i>and</i> reinspections that have been conducted, this performance measure is misleading. The total number of initial routine inspections that have been conducted is the correct statistic for determining how many R-2s have had the Code mandated routine inspection at least every five years.	Building Inspection Commission
<b>F.I.4.</b> HIS cannot get an accurate list of R-2s in the City without the help of DBI Management Information Systems (“DBI MIS”) because HIS does not have access to the DBI database that stores this information.	DBI Management Information Services and Information and Technology Department of the City and County of San Francisco
<b>F.I.5.</b> DBI MIS doesn’t always generate the initial list of R-2s, including the property’s address and property owner’s contact information, for HIS.	DBI Management Information Services and DBI Chief Housing Inspector
<b>F.I.6.</b> The final list of R-2s for routine inspections is created manually because inspectors and/or support staff must look up the date of the last routine inspection for each R-2. When inspectors do this, it takes them away from conducting inspections.	DBI Chief Housing Inspector, DBI Management Information Services and DBI Director
<b>F.I.7.</b> Although the routine inspection backlog that existed in the Mission, Chinatown and Tenderloin Districts has been reduced through Focused Code Enforcement, a routine inspection backlog still exists in these areas.	DBI Chief Housing Inspector
<b>F.I.8.</b> Inspectors do not choose the same “Source” and “Abatement Type” when documenting routine inspections. Unless all the possible ways to document a routine inspection are known and CTS report parameters are chosen to capture all the possible alternatives, some routine inspections will not be captured by a report purported to list all routine inspections.	DBI Chief Housing Inspector

<b>F.I.9.</b> Since CTS does not have “Complaint Generated Routine” as an option for documenting the “Source” for CG routine inspections, CTS cannot separately track and report on complaint-generated routine inspections (“CG routine inspections”).	DBI Management Information Services
<b>F.I.10.</b> Inspectors do not choose the same “Source” when documenting CG routine inspections. When inspectors choose “Complaint” as the Source, the CG routine inspection will not be counted as a routine inspection in CTS, and HIS will not have an accurate last routine inspection date for those R-2s.	DBI Chief Housing Inspector
<b>F.I.11.</b> District inspectors do not always conduct a CG routine inspection while they are investigating a complaint at an R-2 even when the R-2 has not had a routine inspection for five years because they are “too busy.” HIS accepts inspectors being “too busy” as an excuse for not conducting a complaint-generated routine inspection.	DBI Chief Housing Inspector
<b>F.I.12.</b> HIS’ Standard Operating Procedure (“SOP”) does not explicitly require inspectors to conduct a CG routine inspection while they are investigating a complaint at an R-2 when the R-2 has not had a routine inspection within the last five years.	DBI Chief Housing Inspector
<b>F.I.13.</b> District inspectors do not always know when an R-2, at which they are investigating a complaint, is due for a complaint-generated routine inspection because there is no clear requirement to “research” the last routine inspection date before investigating a complaint.	DBI Chief Housing Inspector
<b>F.I.14.</b> Inspectors cannot always get into an R-2 to perform a scheduled routine inspection because of “no shows.” Since CTS cannot track “no shows,” inspectors sometimes lose track of the fact that a routine inspection still needs to be conducted on the R-2s that have a “no show.”	Building Inspection Commission
<b>F.I.15.</b> HIS has started to manually track “no shows” on an Excel spreadsheet that tracks results of their Focused Code Enforcement. However, this spreadsheet has not been completed for all routine inspections conducted under Focused Code Enforcement.	DBI Chief Housing Inspector
<b>F.I.16.</b> There was a significant number of inspection “no shows” in the Chinatown (17%) and Mission (15%) Districts and in the Mission Street Corridor (16%). Oftentimes “no shows” are not followed up on because staff is “too busy” to research the property owner’s correct address or phone number.	DBI Chief Housing Inspector
<b>F.I.17.</b> Inspection packets that are sent to property owners sometimes go to an incorrect address because data provided by the Tax Assessor’s Office does not have up-to-date contact information for the property owner.	DBI Chief Housing Inspector
<b>F.I.18.</b> Inspection packets are sent to property owners only in English.	DBI Chief Housing Inspector

<b>F.I.19.</b> The inspection packet cover letter is confusing and buries vital information in the text.	DBI Chief Housing Inspector
<b>F.I.20.</b> The Property Owner Maintenance Checklist included in the inspection packet is not explained as being the list of items that will be inspected.	DBI Chief Housing Inspector
<b>F.I.21.</b> Instructions on what the property owner needs to do with the appendage and carbon monoxide/smoke alarm affidavits included in the inspection are not included on the affidavits or elsewhere in the inspection packet.	DBI Chief Housing Inspector
<b>F.I.22.</b> Including notices, ordinances and information flyers in the inspection packet without explaining their purpose is confusing.	DBI Chief Housing Inspector
<b>F.I.23.</b> Inspection documentation is done twice (first in the field and again into CTS when the inspector returns to the office) because there is no online access to CTS.	DBI Director
<b>F.I.24.</b> Photos cannot be uploaded into CTS because CTS does not have this functionality. Instead, they are stored on the network "P" drive which is not connected to CTS.	DBI Director
<b>F.I.25.</b> Affidavits are not available online.	DBI Management Information Services
<b>F.I.26.</b> Inspectors are not able to print NOV's in the field. Therefore, they must return to the property a second time to post the NOV on the R-2. This is a waste of time and resources.	DBI Director
<b>F.I.27.</b> CTS is not integrated with computer systems within DBI or other City departments.	DBI Director
<b>F.I.28.</b> CTS cannot track and report on important attributes, such as types of violations and high fire risk building characteristics.	DBI Director
<b>F.I.29.</b> HIS does not measure how long NOV's take to be abated. Without tracking how long it takes for NOV's to be abated, HIS cannot determine whether it's code enforcement process is effective for correcting all violations in a timely manner.	DBI Chief Housing Inspector
<b>F.I.30.</b> For 2013-2015, approximately twenty percent of NOV's took more than one year to correct.	DBI Chief Housing Inspector
<b>F.I.31.</b> HIS does not have a standard against which inspectors' grant of additional time can be measured.	DBI Chief Housing Inspector

<b>F.I.32.</b> When inspectors grant additional time for property owners to correct an abatement, there is no written documentation (other than on an NOV) provided to the property owner that states when the next reinspection will occur or explains that violations must be abated by then. By not communicating this in writing, property owners make think that they can negotiate with the inspectors more easily. Also, some property owners may not understand what they are being told due to language differences or other reasons.	DBI Chief Housing Inspector
<b>F.I.33.</b> Although bi-monthly staff meetings are scheduled, they are regularly cancelled because inspectors are “too busy.” Without a management culture that supports having scheduled times to discuss inspectors work, it will be difficult for HIS to optimize its code enforcement process for success.	DBI Chief Housing Inspector
<b>F.I.34.</b> Based on our investigation, we concluded that HIS does not have an adequate definition for success.	DBI Chief Housing Inspector
<b>F.I.35.</b> Some inspectors take too long to refer open NOVs to a DH. But, HIS does not measure how long it takes an open NOV to reach a Director’s Hearing.	DBI Chief Housing Inspector
<b>F.I.36.</b> Inspectors take too long to refer open NOVs to a DH because the standard for referring unabated violations to a Director’s Hearing is vague and leaves too much room for interpretation.	DBI Chief Housing Inspector
<b>F.I.37.</b> Not all inspectors proactively brief their seniors after three reinspections with no progress.	DBI Chief Housing Inspector
<b>F.I.38.</b> Inspectors take too long to refer open NOVs to a DH because preparing a case for referral to a Director’s Hearing is more labor intensive than it should be.	DBI Director
<b>F.I.39.</b> HIS lacks more effective code enforcement tools.	DBI Chief Housing Inspector and Building Inspection Commission
<b>F.I.40.</b> HIS does not have enough inspectors to inspect every R-2 in San Francisco at least once every five years.	DBI Director
<b>F.I.41.</b> Information on HIS routine inspections is buried in the DBI website.	DBI Management Information Services
<b>F.I.42.</b> Information on routine inspections on the DBI website does not provide enough information to sufficiently understand the process.	DBI Management Information Services
<b>F.I.43.</b> It is not easy to find information on R-2 violations on the DBI website because many of the links to get to inspection records are labeled with terms that may not be understandable to the public. For example, calling violations “complaints” and needing to look under “HIS” for “Div.”	DBI Management Information Services



<b>F.I.44.</b> Since the actual NOV is not available on the DBI website and rarely do the “comments” provide much detail about violations, the detail available to the public and tenants is not sufficient enough to understand the full extent or nature of a violation.	DBI Director
<b>F.II.1.</b> Because station house Companies do not inspect all the R-2s in San Francisco every twelve months as mandated by Code, San Franciscans may be exposed to unnecessary risks.	SFFD Deputy Chief of Operations
<b>F.II.2.</b> Station house Companies cannot always get into R-2s to inspect them because Company Captains rarely schedule R-2 inspections in advance.	Deputy Chief of Operations
<b>F.II.3.</b> Contact information is not included on the Inspection Worksheets that Company Captains take with them to document their R-2 inspection.	SFFD MIS
<b>F.II.4.</b> R-2 inspections are not conducted on the weekends.	SFFD Deputy Chief of Operations
<b>F.II.5.</b> Companies with the ten largest R-2 lists have most of the largest backlogs because R-2 inspections are disproportionately distributed among the Companies and not sufficiently redistributed to nearby Companies with less R-2s to inspect.	SFFD Deputy Chief of Operations
<b>F.II.6.</b> Company Captains prioritize which R-2s they will inspect based on location of the R-2 rather than on the deadline for each inspection. As a result, some R-2s are not inspected by their deadline.	SFFD Deputy Chief of Operations
<b>F.II.7.</b> Some Battalion Chiefs’ follow-up on Company inspection backlogs is insufficient because it does not hold the Company accountable for the backlog.	SFFD Deputy Chief of Operations
<b>F.II.8.</b> Because firefighters’ primary motivation for inspecting R-2s is to develop building awareness, they may not sufficiently give equal importance to code compliance when conducting R-2 inspections.	SFFD Deputy Chief of Operations
<b>F.II.9.</b> Many Company Captains seem to know little about Fire Prevention or Code Enforcement. Since firefighters interact with the public, this is a missed opportunity to educate the public about the inspection and enforcement process.	SFFD Deputy Chief of Operations
<b>F.II.10.</b> A significant number of fire alarm, blocked exits and sprinkler complaints took more than two months to be resolved.	The Fire Marshall
<b>F.II.11.</b> Most fire alarm, blocked exits and sprinkler violations took longer to correct than the timeframes district inspectors stated for correction.	The Fire Marshall
<b>F.II.12.</b> District inspectors’ workload was too heavy for them to investigate all R-2 complaints in a timely manner.	The Fire Marshall

<b>F.II.13.</b> District inspectors prioritized reviewing construction projects and phone calls over inspecting R-2 complaints. As a result, some R-2 complaints and violations were not corrected in a timely manner.	The Fire Marshall
<b>F.II.14.</b> Because some district inspectors did not document inspections and code enforcement in sufficient detail, follow up on violations was hampered.	The Fire Marshall
<b>F.II.15.</b> Some Company Captains do not document inspections in enough detail for district inspectors to easily identify the violation and conduct code enforcement.	SFFD Deputy Chief of Operations
<b>F.II.16.</b> After the Inspection Worksheet was made longer in July 2015, some Company Captains document too many items that are not violations.	SFFD Deputy Chief of Operations
<b>F.II.17.</b> Some Company Captains do not print the Inspection Worksheet and bring it to the R-2 inspection. Without having the Inspection Worksheet they may miss something or be inclined to document less. For example, the Inspection Worksheet states that “Company Officer shall obtain and update the responsible party information.”	SFFD Deputy Chief of Operations
<b>F.II.18.</b> BFP does not have effective code enforcement tools, such as, an administrative hearing.	The Fire Marshall
<b>F.II.19.</b> Accelerated Code Enforcement is rarely used.	The Fire Marshall
<b>F.II.20.</b> The SFFD website does not include enough information about the annual inspection and code enforcement processes for property owners and the public to understand them. Being better informed about the process may result in better compliance by property owners and increase the public’s confidence in SFFD enforcement efforts.	SFFD Management Information Services
<b>F.II.21.</b> Inspection records are only available in person at the Bureau of Fire Prevention after making an appointment.	Chief of SFFD
<b>F.II.22.</b> Although instructions for reviewing inspection records is available on the SFFD website, the phone number for making an appointment is not included with the instructions.	SFFD Management Information Services
<b>F.II.23.</b> Safety concerns may be reported online or by calling the BFP. Although instructions for reporting a safety concern are available on the SFFD website, the BFP phone number is not included on the same page as the instructions.	SFFD Management Information Services
<b>F.III.1.</b> DBI and SFFD inspect multi-unit residential buildings for many of the same fire safety hazards but do not coordinate any of their inspections or code enforcement efforts including not sharing information.	Building Inspection Commission and Fire Commission

### Recommendations and Required Response Matrix

RECOMMENDATION	RESPONDER
<b>R.I.1.</b> DBI MIS should determine why CTS cannot generate a report with correct last routine inspection dates for each R-2 and correct the problem.	DBI Management Information Services
<b>R.I.2.</b> The Chief Housing Inspector should insist that the spreadsheet that tracks key statistics for routine inspections conducted as part of Focused Code Enforcement be updated to include all rounds of Focused Code Enforcement that have been completed to date.	DBI Chief Housing Inspector
<b>R.I.3.</b> The BIC should require that HIS report, as part of the HIS performance measures, the number of “Initial Routine Inspections” that are conducted to the BIC.	Building Inspection Commission
<b>R.I.4.</b> (a) The Information and Technology Department for the City and County of San Francisco should grant HIS senior management access to and permission to run reports from the Oracle database that contains the addresses, contact information and building attributes for R-2s in San Francisco.  (b) DBI MIS should train HIS personnel who will have access to the Oracle database containing the R-2 information how to use it before they have permission to run reports.	DBI Management Information Services and Information and Technology Department
<b>R.I.5.</b> If HIS is not granted access and permission to run the list of R-2s from the Oracle database that contains the necessary R-2 information, then DBI MIS should furnish this report to HIS within one week of the request.	DBI Management Information Services and DBI Chief Housing Inspector
<b>R.I.6.</b> (a) If DBI MIS cannot fix CTS (See R.I.1) then the Chief Housing Inspector should require support staff, rather than the inspectors, to look up last routine inspection dates.  (b) If support staff is not available to look up last routine inspection dates, then the DBI Director should allocate part of the DBI budget for hiring temporary personnel to compile this information.	DBI Chief Housing Inspector, DBI Management Information Services and DBI Director
<b>R.I.7.</b> The Chief Housing Inspector should make eliminating the backlog a priority in the Mission, Chinatown and Tenderloin Districts when deciding where to conduct the next round(s) of Focused Code Enforcement.	DBI Chief Housing Inspector
<b>R.I.8.</b> The Chief Housing Inspector should determine exactly what “Sources” and “Abatement Types” should be used for initial routine inspections and communicate this in writing as a procedure that every HIS inspector must follow.	DBI Chief Housing Inspector

<b>R.I.9.</b> DBI MIS should include “Complaint Generated Routine” as a Source option in CTS so that CG routine inspections can be separately tracked and reported in CTS.	DBI Management Information Services
<b>R.I.10.</b> If “Complaint Generated Routine” is not added as a Source option in CTS, then the Chief Housing Inspector should make opening a separate complaint number for the CG routine inspection and documenting “Routines” as the Source, a mandatory policy communicated to all HIS inspectors in writing.	DBI Chief Housing Inspector
<b>R.I.11.</b> (a) The Chief Housing Inspector should adopt a policy requiring district inspectors to conduct complaint-generated routine inspections whenever the R-2 has not had a routine inspection within the last five years.  (b) The Chief Housing Inspector should adopt a policy that when district inspectors are “too busy” or for other reasons cannot conduct a CG routine inspection when the R-2 is due for one, the district inspector must notify their senior inspector in writing.	DBI Chief Housing Inspector
<b>R.I.12.</b> The Chief Housing Inspector should direct HIS personnel to update the SOP to include the requirement that inspectors conduct a CG routine inspection while they are investigating a complaint at an R-2 every time the R-2 has not had a routine inspection within the last five years. And, if the inspector for some legitimate reason cannot do this, the inspector must so notify their senior inspector in writing.	DBI Chief Housing Inspector
<b>R.I.13.</b> The Chief Housing Inspector should adopt a policy that district inspectors research the date a last routine inspection was performed: either before going to that same R-2 to investigate a complaint or via CTS records that are available by smartphone on the DBI website.	DBI Chief Housing Inspector
<b>R.I.14.</b> The Building Inspection Commission (“BIC”) should penalize property owners who miss their inspection appointment without good cause—as determined by the BIC. The notice of penalty should be mailed to the property owner and posted on the building.	Building Inspection Commission
<b>R.I.15.</b> The Chief Housing Inspector should direct HIS personnel to complete the “no shows” information on the Excel spreadsheet that tracks results of their Focused Code enforcement for all the routine inspections conducted under Focused Code Enforcement and direct that all “no shows” are followed-up on within two weeks.	DBI Chief Housing Inspector
<b>R.I.16.</b> The Chief Housing Inspector should adopt a policy that all “no shows” must be followed up on within two weeks by researching the property owner’s correct address or phone number and then, contacting the property owner for a scheduled routine inspection. This policy should be communicated to all inspectors in writing.	DBI Chief Housing Inspector
<b>R.I.17.</b> The Chief Housing Inspector should require that support staff verify contact information for the property owners and resend the	DBI Chief Housing Inspector

inspection packet to the new address within two weeks from when the inspection packet was returned to HIS.	
<b>R.I.18.</b> The Chief Housing Inspector should direct that the inspection cover letter indicate how non-English speaking property owners can request inspection packets in languages other than English and that the inspection packet is made available in Chinese and Spanish.	DBI Chief Housing Inspector
<b>R.I.19.</b> The Chief Housing Inspector should direct that the inspection packet cover letter be rewritten so that all vital information is available at the top of the letter and the language changed so that it is easier to understand.	DBI Chief Housing Inspector
<b>R.I.20.</b> The Chief Housing Inspector should direct that the inspection packet cover letter be rewritten so that it explains that inspectors will be inspecting items on the Property Owner Maintenance List.	DBI Chief Housing Inspector
<b>R.I.21.</b> The Chief Housing Inspector should direct that the inspection packet cover letter be rewritten to include instructions on what the property owner needs to do with the appendage and carbon monoxide/smoke alarm affidavits.	DBI Chief Housing Inspector
<b>R.I.22.</b> The Chief Housing Inspector should direct that the inspection packet cover letter be rewritten to include the information contained in the notices and ordinances. Notices and ordinances should be removed from the inspection packet.	DBI Chief Housing Inspector
<b>R.I.23.</b> The DBI Director should ensure the replacement system for CTS includes functionality for inspectors to document inspection remotely.	DBI Director
<b>R.I.24.</b> The DBI Director should ensure the replacement system for CTS includes functionality to upload photos remotely.	DBI Director
<b>R.I.25.</b> DBI MIS should make affidavits available online.	DBI Management Information Services
<b>R.I.26.</b> The DBI Director should ensure the replacement system for CTS includes functionality for inspectors to print NOV's in the field and that inspectors are supplied with portable printers for this purpose.	DBI Director
<b>R.I.27.</b> The DBI Director should ensure the replacement system for CTS can be integrated with other computer systems within DBI and other City departments.	DBI Director
<b>R.I.28.</b> The DBI Director should ensure the replacement system for CTS includes functionality for tracking and reporting on types of violations and high fire risk building characteristics.	DBI Director
<b>R.I.29.</b> (a) The Chief Housing Inspector should ask DBI MIS to create a standard report to track how long NOV's take to be corrected (similar to Open NOV's report we used) and modify this report to calculate the difference in days between when an NOV is issued and the date the NOV is corrected and then use this report to measure the time it takes for	DBI Chief Housing Inspector

<p>property owners to correct NOV's.</p> <p>(b) The Chief Housing Inspector should report how long NOV's take to be abated, in a format similar to Table I-3, to the BIC on a monthly basis.</p>	
<p><b>R.I.30.</b> The Chief Housing Inspector should actively monitor cases using the Open NOV's report to ensure that less than five percent of NOV's take no more than one year to abate.</p>	DBI Chief Housing Inspector
<p><b>R.I.31.</b> The Chief Housing Inspector should develop guidelines for inspectors to use when granting additional time for repairs or abatement. The guidelines should be based on the average additional time it takes for the top 20 types of violation under each of the following common scenarios, including: (1) filing for and obtaining an over-the-counter permit; (2) vetting and hiring a contractor; and, (3) performing the work necessary to correct the violation.</p>	DBI Chief Housing Inspector
<p><b>R.I.32.</b> The Chief Housing Inspector should ensure a new form letter is drafted to provide property owners the date of the next reinspection and warn them that violations must be abated by that date. Inspectors can then fill in the time and date of the reinspection and hand it to the property owner at the inspection.</p>	DBI Chief Housing Inspector
<p><b>R.I.33.</b> The Chief Housing Inspector should create a culture where staff and management meetings are held as scheduled and not canceled unless there is an emergency.</p>	DBI Chief Housing Inspector
<p><b>R.I.34.</b> The Chief Housing Inspector should adopt a definition of success that includes inspecting all R-2s at least every five years and ensuring all violations are corrected within a "reasonable period of time." The Chief Housing Inspector should measure a "reasonable period of time" for correcting violations by first using the Open NOV's report to measure how many days have elapsed since each NOV was issued. Next, the Chief Housing Inspector should compare the number of days that an NOV has stayed open against specific timeframes. We recommend two months; six months; 12 months; and, 18 months. (Two months (60 days) is an important timeframe because it is the earliest that an NOV can be referred to a DH.) Once an NOV goes uncorrected for one day after each of these timeframes, the NOV can easily be flagged for a closer review of the facts and circumstances and steps taken to encourage the NOV be corrected.</p>	DBI Chief Housing Inspector
<p><b>R.I.35.</b> The Chief Housing Inspector should measure the time it takes for an open NOV to reach a Director's Hearing. We recommend using the Open NOV spreadsheet that DBI MIS created for us. Incorporating a column that calculates the days between the NOV date and the DH date, HIS can determine how many day it takes an open NOV to be heard at a Director's Hearing.</p>	DBI Chief Housing Inspector

<b>R.I.36.</b> The Chief Housing Inspector should adopt an objective standard for inspectors to use in determining when a case should be referred to a Director's Hearing.	DBI Chief Housing Inspector
<b>R.I.37.</b> The Chief Housing Inspector should require that senior inspectors follow-up with inspectors when there have been three reinspections on an open NOV.	DBI Chief Housing Inspector
<b>R.I.38.</b> The DBI Director should ensure when CTS is replaced by another system that it includes functionality to help automate the Director's Hearing case preparation and digital transfer of case files.	DBI Director
<b>R.I.39.</b> (a) The Chief Housing Inspector should determine what is required for HIS to reinstate the FTB program and then ensure that all necessary steps for making the FTB program part of the HIS code enforcement process are taken.  (b) The BIC should approve that HIS use the FTB program as part of its code enforcement process.  (c) The Chief Housing Inspector should determine what is required for administrative penalties to be available at the HIS administrative hearing and then ensure that all necessary steps for making this possible as part of the HIS code enforcement process are taken.  (d) The BIC should approve adding the legal requirements to the HIS administrative hearing so that administrative penalties can be awarded.	DBI Chief Housing Inspector and Building Inspection Commission
<b>R.I.40.</b> The Director of DBI should request that the Controller's Office conduct a study to determine adequate staffing levels for HIS.	DBI Director
<b>R.I.41.</b> DBI MIS should redesign the DBI website so that information on routine inspections is easier to find from the DBI homepage.	DBI Management Information Services
<b>R.I.42.</b> DBI MIS should revise the information on routine inspections on the DBI website so that: the property owners and the general public understand the process, including how often routine inspections take place, what is inspected, what happens when violations are found, the time frame for correcting violations and the costs associated with code enforcement.	DBI Management Information Services
<b>R.I.43.</b> DBI MIS should change the names on the links for R-2 violations so inspection records can be found more easily on the DBI website.	DBI Management Information Services
<b>R.I.44.</b> The DBI Director should ensure the replacement system for CTS can upload NOVs to the DBI website.	DBI Director
<b>R.II.1.</b> The Deputy Chief of Operations should require Battalion Chiefs to closely monitor Company R-2 inspection lists to ensure that every R-2 in San Francisco is inspected by its deadline.	SFFD Deputy Chief of Operations

<b>R.II.2.</b> The Deputy Chief of Operations should require that Company Captains make inspection appointments in advance, whenever they have the property owner's phone number, to ensure that Companies get into all R-2s. The appointments should have a three hour window.	SFFD Deputy Chief of Operations
<b>R.II.3.</b> SFFD MIS should ensure property owner contact information is included on the Inspection Worksheets.	SFFD MIS
<b>R.II.4.</b> The Deputy Chief of Operations should require Companies to inspect R-2s on the weekend if that Company is going to have a backlog during a particular month.	SFFD Deputy Chief of Operations
<b>R.II.5.</b> The Deputy Chief of Operations should redistribute R-2 inspection from Companies that have a backlog to nearby Companies that have fewer R-2 inspections so that the number of R-2 inspections is more evenly distributed among neighboring station houses and are conducted more timely.	SFFD Deputy Chief of Operations
<b>R.II.6.</b> The Deputy Chief of Operations should instruct Company Captains to give priority to R-2 inspections which have exceeded or are approaching their deadlines.	SFFD Deputy Chief of Operations
<b>R.II.7.</b> Battalion Chiefs should review progress on their Companies' R-2 lists at least once a month, and if they find a Company has not inspected all the R-2s on their list, hold that Company accountable by requiring that they inspect all the late R-2s by the end of the next month.	SFFD Deputy Chief of Operations
<b>R.II.8.</b> The Deputy Chief of Operations should ensure that inspection training for firefighters includes stressing the two reasons for conducting R-2 inspections--to ensure code compliance and gain building awareness--are equally important.	SFFD Deputy Chief of Operations
<b>R.II.9.</b> The Deputy Chief of Operations should ensure that all firefighters receive training on the R-2 inspections process that includes a detailed module on the Bureau of Fire Prevention code enforcement process which starts with when a BFP inspector receives a complaint from a Company Captain to an NOV being issued and any additional steps. The training should occur after BFP implements the new code enforcement process. Knowing more about BFP will help firefighters better understand their role in ensuring code compliance.	SFFD Deputy Chief of Operations
<b>R.II.10.</b> The Fire Marshall should require that complaint response time and code enforcement timeframes be more closely monitored so that resolution time is shortened.	The Fire Marshall
<b>R.II.11.</b> The Fire Marshall should require that code enforcement for NOV's be more closely monitored so that NOV's are corrected more quickly.	The Fire Marshall
<b>R.II.12.</b> The Fire Marshall should ensure that BFP inspectors (that work on R-2 complaints) have reasonable workloads so they can ensure timely correction of all complaints and violations.	The Fire Marshall



<b>R.II.13.</b> The Fire Marshall should ensure that BFP inspectors (that work on R-2 complaints) not prioritize other work over R-2 complaints if that means that they cannot investigate all their R-2 complaints in a timely manner.	The Fire Marshall
<b>R.II.14.</b> The Fire Marshall should standardize inspection and code enforcement documentation done by BFP R-2 inspectors.	The Fire Marshall
<b>R.II.15.</b> The Deputy Chief of Operations should standardize inspection documentation done by Company Captains so that BFP inspectors can easily identify and follow-up on complaints.	SFFD Deputy Chief of Operations
<b>R.II.16.</b> The Deputy Chief of Operations should ensure that Company Captains are trained to identify violations and document only items that are violations.	SFFD Deputy Chief of Operations
<b>R.II.17.</b> Battalion Chiefs should encourage their Company Captains to bring the Inspection Worksheet to the inspection site and use it to document R-2 inspections.	SFFD Deputy Chief of Operations
<b>R.II.18.</b> The Fire Marshall should finalize the details of the new code enforcement process that is required by recently passed legislation so that it can be implemented within the next 60 days.	The Fire Marshall
<b>R.II.19.</b> The new BFP Captain that oversees R-2 Company complaints should refer appropriate cases to the CA every year.	The Fire Marshall
<b>R.II.20.</b> SFFD MIS should revise the SFFD website to include: (1) details of the R-2 inspection process, such as: (a) the kinds of buildings inspected; (b) who inspects the buildings; (c) how often R-2s are inspected; (d) the list of items inspected; and, (e) how the inspection will be conducted; and,  (2) details of the code enforcement process, including: (a) what happens when a violation is discovered; (b) what happens if a violation goes uncorrected beyond the NOV deadline; and (c) any and all fees, fines, or penalties that may be imposed for uncorrected violations.  This information should be either on the inspections page or Division of Fire Prevention and Investigation homepage.	SFFD Management Information Services
<b>R.II.21.</b> The Chief of the Fire Department should instruct SFFD MIS to make the inspection records available online for greater transparency.	Chief of SFFD
<b>R.II.22.</b> SFFD MIS should put the BFP phone number for record inspection requests on the same SFFD webpage as the instructions for making an appointment.	SFFD Management Information Services
<b>R.II.23.</b> SFFD MIS should put the BFP phone number for reporting a safety concern on the same SFFD webpage as the instructions for reporting a safety concern.	SFFD Management Information Services

<p><b>R.III.1.</b> The Building Inspection Commission and Fire Commission should require a task force be formed to study DBI and SFFD inspection and code enforcement processes and make recommendations on how they can coordinate their efforts.</p>	<p>Building Inspection Commission and Fire Commission</p>

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.

## ABBREVIATIONS

Term	Definition
BFP	Bureau of Fire Prevention
BIC	Building Inspection Commission
CA	San Francisco City Attorney's Office
CG Routine Inspection	Complaint-Generated Routine Inspections
City	San Francisco
Codes	San Francisco Building, Housing and Fire Codes
Company	SFFD Engine or Truck Company
CTS	Complaint Tracking System
DBI	Department of Building Inspection
DBI MIS	Department of Building Inspection Management Information Systems
DH	Director's Hearing
Fire Safety Task Force	Emergency Interagency Fire Safety Task Force for Multi-Unit/Use Residential Buildings
FTB	California Franchise Tax Board
HIS	Housing Inspection Services
HRMS	Human Resources Management System
NOV	Notice of Violation
R-2	DBI defines as residential Buildings with 3 or more units
R-2	SFFD defines as residential Buildings with 9 or more units less than 75 feet (approximately 7 stories or less)
SFFD	San Francisco Fire Department
SOP	Housing Inspection Services Policies and Procedures Manual

## APPENDIX

- Exhibit 1 Summary of Board of Supervisors Ordinance 60-16
- Exhibit 2 DBI Organizational Chart
- Exhibit 3 HIS Organizational Chart
- Exhibit 4 DBI Inspection Record for 2960 California Street
- Exhibit 5 DBI Inspection Record for 682 Corbett Avenue
- Exhibit 6 DBI Inspector Field Checklist
- Exhibit 7 CTS Complaint Screenshot
- Exhibit 8 CTS Details Screenshot
- Exhibit 9 Source Drop-down Menu Options
- Exhibit 10 Abatement Type Drop-down Menu Options
- Exhibit 11 DBI Inspection Packet
- Exhibit 12 Explanation of HIS Code Enforcement Process
- Exhibit 13 DBI Notice of Violation (“NOV”)
- Exhibit 14 DBI Final Warning Letter (“FWL”)
- Exhibit 15 SFFD Organizational Chart
- Exhibit 16 SFFD Inspection Worksheet
- Exhibit 17 SFFD Inspection Records for 3222 22nd Street and 2578 Mission Street
- Exhibit 18 SFFD Notice of Corrective Action Required (“NOCAR”)

## Exhibit 1

### SUMMARY OF BOARD OF SUPERVISORS

#### ORDINANCE 60-16

On April 19, 2016, the Board of Supervisors passed legislation that affects the code enforcement done by DBI and SFFD. Effective date was June 1, 2016. The five main aspects of the legislation are summarized below.

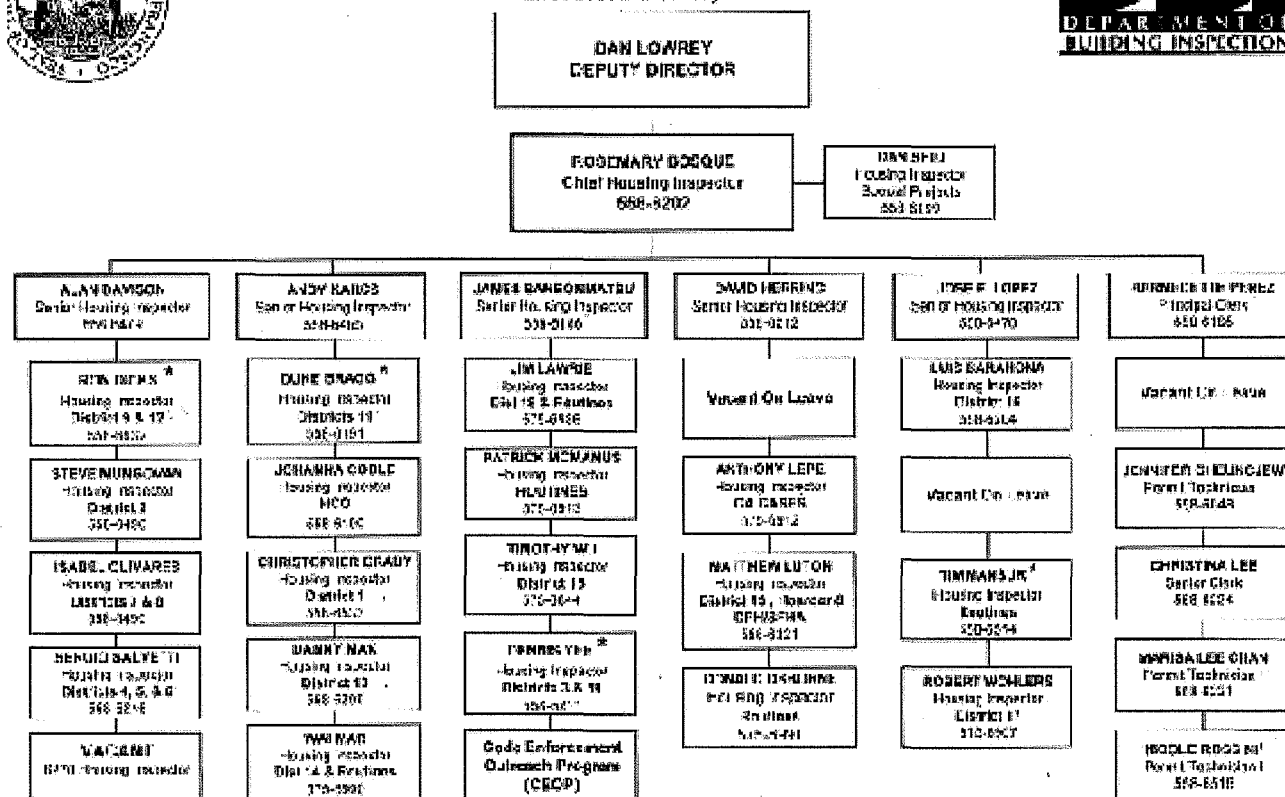
1. **SFFD will implement a code enforcement process that is similar to DBI's.** Under the new legislation, the SFFD must issue Notices of Violation (“NOV”) for both priority and standard complaints as well as add an administrative hearing to their code enforcement process. This will dispense with Notices of Corrective Action Required (“NOCAR”) and will take away some of Company Captains and inspectors’ latitude in deciding when to issue an NOV. Whether a complaint is urgent or standard will be documented on the NOV itself. NOVs with urgent complaints that go uncorrected beyond the date specified on the NOV must be scheduled for an administrative hearing within sixty days of the NOV deadline. NOVs with uncorrected standard complaints have a longer timeframe to be referred to an administrative hearing—180 days from expiration of the deadline stated on the NOV. The hearing officer can issue one of two determinations (i) there is no violation; (ii) there is a violation that must be corrected by a specified deadline. Work on correcting the violation must commence within thirty days of the decision. The property owner may request an extension of the date to either commence work or complete work. However, these dates must not be extended by more than ninety days. If the property owner does not comply with the Order of Abatement, may be found guilty of a misdemeanor.
2. **DBI is given authority to issue “stop all work” orders.** DBI’s authority extends to all permitted projects that have violations under the Building, Public Works or Planning Codes until the violations are corrected to DBI’s satisfaction. Before the legislation, DBI could only issue stop work orders for violations directly related to the permitted work.
3. **The City Attorney can bring actions against code violators on its own.** Currently, the City Attorney must wait for city departments to refer delinquent code enforcement cases to them.
4. **Requires code enforcement efforts be reported to the Mayor and Board of Supervisors quarterly.** The departments required to do so include: DBI, SFFD, DPH and the Planning Department. The report shall include specific details for every case referred to an administrative hearing. It is unclear whether reporting shall go beyond administrative hearing cases.
5. **Creates a Code Enforcement Revolving Loan Fund.** This fund will provide low-interest loans to be used for bringing buildings up to code. Four million dollars has been allocated to this fund from DBI’s fees.

New legislation that would require property owners to provide tenants with an annual notice of smoke alarms requirements and to file a statement of compliance with annual fire alarm testing and inspection requirements every two years was introduced to the Board of Supervisors on April 26, 2016. The proposed legislation would also require property owners to upgrade their fire alarm systems and install fire blocks if they perform at least \$50,000 in construction. Fire alarm systems must be upgraded by July 1, 2021 regardless.





**SAN FRANCISCO DEPARTMENT OF BUILDING INSPECTION**  
**HOUSING INSPECTION SERVICES**  
 PHONE (415) 558-3220 FAX (415) 568-8249  
 Effective: March 17, 2016



**HOUSING DIVISION GENERAL OFFICE HOURS (6<sup>th</sup> Floor Countert)**  
 MONDAY THROUGH FRIDAY 7:30AM-5:00PM  
 General Housing Inspector Office Hours: MONDAY THROUGH FRIDAY 8:00AM-5:00PM  
 Alternate Inspector Office Hours: MONDAY THROUGH FRIDAY 8:00AM-5:00PM  
 Effective 12-22-2014



**Exhibit 4**

**Welcome to our Permit / Complaint Tracking System!**

**COMPLAINT DATA SHEET**

<b>Complaint Number:</b>	201068596	<b>Date Filed:</b>	
<b>Owner/Agent:</b>	OWNER DATA SUPPRESSED	<b>Location:</b>	2060 CALIFORNIA ST
<b>Owner's Phone:</b>	--	<b>Block:</b>	1029
<b>Contact Name:</b>		<b>Lot:</b>	00
<b>Contact Phone:</b>	--	<b>Site:</b>	
<b>Complainant:</b>	COMPLAINANT DATA SUPPRESSED	<b>Rating:</b>	4 years
		<b>Occupancy Code:</b>	R2
		<b>Received By:</b>	Patrick McManus
<b>Complainant's Phone:</b>		<b>Division:</b>	HIS
<b>Complaint Source:</b>	TELEPHONE		
<b>Assigned to Division:</b>	HIS		
<b>Description:</b>	ROUTINE INSPECTION		

Instructions:

**INSPECTOR INFORMATION**

DIVISION	INSPECTOR ID	DISTRICT	PRIORITY
HIS	McMANUS	68445	

**REFERRAL INFORMATION**

**COMPLAINT STATUS AND COMMENTS**

DATE	TYPE	DIV	INSPECTOR	STATUS	COMMENT
09/16/10	GENERAL MAINTENANCE	HIS	McManus	CASE ABATED	
09/16/10	CASE OPENED	HIS	McManus	CASE RECEIVED	
09/16/10	GENERAL MAINTENANCE	HIS	McManus	INSPECTION OF PREMISES MADE	Inspector Patrick McManus performed a routine inspection of the common area of the subject property and observed no violations of the San Francisco Housing Code.

**COMPLAINT ACTION BY DIVISION**

NOV (HIS): 09/16/10

NOV (HIS):

[Inspector Contact Information](#)

[Online Permit and Complaint Tracking](#) home page.

**Technical Support for Online Services**

If you need help or have a question about this service, please visit our [FAQ](#) area.

Contact SFPUC Accessibility Policies  
City and County of San Francisco (2010-2011)

**Exhibit 5.1**

**Welcome to our Permit / Complaint Tracking System!**

**COMPLAINT DATA SHEET**

<b>Complaint Number:</b>	<b>200786911</b>	<b>Date Filed:</b>	
<b>Owner/Agent:</b>	<b>OWNER DATA SUPPRESSED</b>	<b>Location:</b>	<b>682 CORBETT AV</b>
<b>Owner's Phone:</b>	<b>--</b>	<b>Block:</b>	<b>2748</b>
<b>Contact Name:</b>		<b>Lot:</b>	<b>055</b>
<b>Contact Phone:</b>	<b>315-48-47</b>	<b>Site:</b>	
<b>Complainant:</b>	<b>COMPLAINANT DATA SUPPRESSED</b>	<b>Rating:</b>	<b>4 Years</b>
		<b>Occupancy Code:</b>	<b>R-1</b>
		<b>Received By:</b>	<b>Daniel Shiu</b>
		<b>Division:</b>	<b>HIS</b>

<b>Complainant's Phone:</b>	
<b>Complaint Source:</b>	<b>COMPLAINT GENERATED ROUTINE</b>
<b>Assigned to Division:</b>	<b>HIS</b>
<b>Description:</b>	<b>no heat</b>

**Instructions:**

**INSPECTOR INFORMATION**

DIVISION	INSPECTOR ID	DISTRICT	PRIORITY
HIS	SHIU	113319	

**REFERRAL INFORMATION**

**COMPLAINT STATUS AND COMMENTS**

DATE	TYPE	DIV	INSPECTOR	STATUS	COMMENT
01/02/07	HEAT	HIS	Shiu	TELEPHONE CALLS	return phone message to Mr. Housekeeper and schedule a inspection for 01/03/2007 at 10:00 am
01/02/07	CASE OPENED	HIS	Shiu	CASE RECEIVED	
01/03/07	HEAT	HIS	Shiu	TELEPHONE CALLS	Mr. Housekeeper call to reschedule today appointment to tomorrow at 11:30 am
01/04/07	HEAT	HIS	Shiu	INSPECTION OF PREMISES MADE	Inspector Shiu met Mr. Housekeeper for inspection Inspector Daniel Shiu investigated the complaint in unit #682 and performed a routine inspection of the common area of the subject property and observed violations of the San Francisco Housing Code which are delineated within the Notice of Violation issued on 01/04/2007 identified by Complaint Tracking #200786911.
01/05/07	HEAT	HIS	Shiu	FIRST NOV SENT	
01/05/07	HEAT	HIS	Shiu	BLIND POSTED & TENANTS NOTIFIED AS PER NOTIFICATION REQUMNTS	Unit # 6 of postings left on building: 1) Locations - front stair; Unit #2: mailed posting: #682 tenant.
02/08/07	HEAT	HIS	Shiu	REINSPECTION	Inspector Shiu met with the owner's grand-daughter Tammy and Mr. Housekeeper thought the reinspection was at 03:00 pm. Inspector Shiu asked Mr. Housekeeper since he just woke up was everything corrected (heat has been restore and stove area repaired) he said yes. Inspector Shiu performed a reinspection on 02/08/2007 at 09:30 am, at the subject property and found that the following items identified on the Notice of Violation issued on 01/04/2007 were: a) outstanding # 6 b) completely corrected all other violation c) partially corrected:

Exhibit 5.2

					Plumbing permit was not obtained
03/16/07	HEAT	HIS	Shiu	REINSPECTION	Inspector Shiu performed a reinspection on 03/16/2007 at 10:00 am at the subject property and found that the following items identified on the Notice of Violation issued on 01/04/2007 were: a) outstanding # 6 b) completely corrected all other violation c) partially corrected: new wall heater had been installed and the contractor did not have a Plumbing permit and still has not been obtained one, a piece of granite wall splash had been installed on the right side of the stove, no violation to P.L.D. for still not obtaining a plumbing permit for installing the new wall furnace.
04/16/07	HEAT	HIS	Shiu	TELEPHONE CALLS	Inspector Shiu spoke to Dina and she stated that her plumbing contractor obtain the permit under the wrong address 628 Corbett Av. and should have been 682 Corbett Av. Plumbing inspector Roland Devantes
05/08/07	HEAT	HIS	Shiu	REFER TO DIRECTOR'S HEARING	
05/08/07	HEAT	HIS	Shiu	TELEPHONE CALLS	Inspector Shiu spoke to Dina and she said that her plumbing contractor could not obtain another permit for the correct address for the wall heater because their license had expired. Inspector Shiu told Dina that this notice will be refer to a Director's Hearing and explain to Dina the process of a D Hearing.
05/21/07	HEAT	HIS	Shiu	TELEPHONE CALLS	Inspector Shiu spoke to Dina and explain to her that the plumbing inspector suggest that she have another licensed plumbing contractor obtain a permit to final the installation of the wall heater for apt # 682 Corbett St. name: Wolfe heating co. can not obtain any plumbing permit due to a (civil) hold on their license.
06/14/07	HEAT	HIS	Shiu	CASE ABATED	plumbing permit # FP200706042242 has been obtained and final on 06/12/2007 for the wall heater in unit #682

COMPLAINT ACTION BY DIVISION

NOV (HIS): 01/05/07

NOV (BID):

Inspector Contact Information

Online Permit and Complaint Tracking home page.

Technical Support for Online Services

If you need help or have a question about this service, please visit our FAQ area.

Contact SFGov Accessibility Policies  
City and County of San Francisco (2000-2109)

Exhibit 6.1



**DEPARTMENT OF BUILDING INSPECTION**  
**HOUSING INSPECTION SERVICES PROCEDURE CHECKLISTS**  
 City and County of San Francisco  
 1660 Mission Street, 6<sup>th</sup> Floor, San Francisco, California 94103-2414  
 Phone: (415) 558-6220 Fax: (415) 558-6249 Department Website: www.sfdbi.org

**INSPECTOR FIELD CHECKLIST  
 FOR ROUTINE INSPECTIONS,  
 ROOM-TO-ROOM INSPECTIONS & COMPLAINTS**

Reviewed	REVIEW ITEM FOR SAN FRANCISCO HOUSING CODE (SFHC) COMPLIANCE (NCTE: SFBC IDENTIFIES APPLICABLE SAN FRANCISCO BUILDING CODE SECTIONS)	CODE SECTIONS
1	<b>SEC. 605. PROHIBITION ON WOODEN FIXED UTILITY LADDERS</b> Wooden Fixed Utility Ladders shall be prohibited on buildings which contain R-1, R-2, and R-3 Occupancies (hotels and apartment house (and dwellings), as defined by Chapter 4 of this Code. "Fixed Utility Ladder" shall mean any ladder permanently attached to the exterior of a structure or building, but shall not include ladders required by the California Division of Occupational Safety and Health for workplace safety that have been installed with a proper permit, or ladders expressly authorized by the Department of Building Inspection for Building Code or Fire Code compliance purposes. Wooden Fixed Utility Ladders shall be removed or replaced with metal ladders that comply with applicable Building, Fire, and Housing Code requirements.	605 SFHC
2	<b>MAINTAIN CLEAR &amp; UNOBSTRUCTED MEANS OF EGRESS:</b> Please keep all means of egress, primary (front stairs, exit corridors), and secondary (rear stairs, fire escapes) free from encumbrances (such as storage, flower pots, household items, laundry lines, and any tripping hazards). These paths of travel are to be completely clear at all times for emergency exiting.	810 SFHC
3	<b>MAINTAIN FIRE ESCAPES:</b> Check all fire escape ladders to ensure that they are fully operational (in particular the cable and all moving parts) and that drop ladders are not obstructed. You should have an industry professional inspect and service your fire escapes annually.	604 SFHC
4	<b>MAINTAIN CENTRAL SMOKE/FIRE ALARM SYSTEMS &amp; SMOKE DETECTORS:</b> In apartment houses and hotels maintain the central smoke/fire alarm system with the operational light indicating on within the supervision panel box, and annual Fire Department certification clearly posted in those buildings where applicable. In all residential occupancies check to confirm that all required smoke detectors are installed and fully operational in all sleeping or guest rooms, and at the top of every public stairway, and on every third floor below. Replace batteries annually. Do not paint over smoke detectors.	909 SFHC
5	<b>MAINTAIN &amp; RETAG FIRE EXTINGUISHERS:</b> In all apartment houses and hotels a Type 2A 10BC or equivalent Fire Extinguisher is required on every floor of all public hallways. Required Fire Extinguishers must be serviced and retagged by an industry professional annually (this includes recently purchased fire extinguishers).	905 SFHC

## Exhibit 6.2

Residential Building Owner/Operator  
Informational Maintenance Checklist  
Page 2 of 5

Reviewed		CODE SECTIONS
6.	<b>MAINTAIN ALL WOOD DECKS, EXIT CORRIDORS, STAIRS, GUARD RAILS, AND HAND RAILS:</b> You should have all of these existing items inspected annually for dry rot, fungus, deterioration or decay by a licensed professional pest control contractor, general building contractor, architect, or engineer to ensure their safety and stability. Have these professionals provide you with a written report of any recommended repairs. Obtain building permits for all structural repairs.	604 SFHC
7	<b>MAINTAIN VISIBLE PROPERTY ADDRESS NUMBERING:</b> Your residential building must have the address numbers mounted at the front of the building at a minimum size of 4 inches in a color contrasting from the building. The address numbers should be clearly visible from the street by emergency vehicles. In addition, all guestrooms should be clearly identified by name, letter, or number.	706a(9),b(11) SFHC
8	<b>MAINTAIN GARAGES &amp; STORAGE AREAS:</b> In all apartment houses of 5 units or more and all hotels, remove combustible storage from all storage areas that do not have fire sprinklers. Absolutely no combustible storage may be kept under stairwells without a proper fire sprinkler system. Garages are only to be used for the vehicle storage incidental to the apartment house or hotel use.	603, 904 SFHC
	<b>MAINTAIN GARBAGE ROOMS &amp; GARBAGE RECEPTACLES:</b> All garbage rooms shall have 26 gauge sheet metal walls and ceilings or approved alternative, fire sprinklers and must be kept clean of debris and vermin with self-closing tight fitting doors. All garbage receptacles must be tightly covered, with a sufficient number to serve the building.	707 SFHC
10	<b>PROPERLY MAINTAIN SECURITY PROVISIONS SUCH AS SECURITY BARS, GATES, ENTRANCE/EXIT DOORS &amp; DOOR SELF CLOSING DEVICES:</b> All security bars in sleeping rooms must be openable from the inside with a fully operational manual release (no keys, combination locks, or special knowledge is allowed to open security bars or gates). Absolutely no double cylinder locks (which require a key from the inside and outside) are allowed on any apartment unit or building entry or exit doors. Maintain 135-degree viewers at all apartment unit entry doors mounted no higher than 58 inches above the floor. All entrance and exit doors shall be tight fitting, self closing, and self-locking. In all apartment houses and hotels, all public bathroom, community kitchen, garbage room, roof penthouse, guest room, and dwelling unit entry doors shall be tight fitting and self-closing. No padlocks or padlock hasps are allowed on guest room or dwelling unit entry or exit doors.	706, 801 SFHC
11	<b>MAINTAIN SHUTOFF TOOL NEAR GAS METER:</b> In all apartment houses and hotels keep a shutoff tool near the gas meter and post the instructional diagram provided by the Department of Building Inspection in a public area near the gas meter.	712 SFHC

### Exhibit 6.3

Residential Building Owner/Operator  
 Informational Maintenance Checklist  
 Page 3 of 5

	Reviewed		CODE SECTIONS
12		<b>MAINTAIN HEAT &amp; HOT WATER:</b> If your apartment house or hotel has a central heat source such as a boiler or furnace system, your heat system time clock must be set to provide heat from 5:00 am to 11:00 am and from 3:00 pm to 10:00 pm. (13 hours daily). Maintain all habitable rooms at 68 degrees Fahrenheit during these time periods. Your central source heat system must have a locking thermostat to initiate the heat system located in a habitable room other than an owner or manager's unit (except for an all owner occupied residential condo building). Hot water to all units must be between 105 to 120 degrees Fahrenheit. For boiler heat systems, obtain annual certification per the San Francisco Plumbing Code. Radiators must be in good working order with pressure valves operational and valve shut-off handles in place.	505, 701(c) SFHC
13		<b>MAINTAIN ALL FIREPROOFING, GLAZING, WEATHER PROOFING, EXTERIOR STUCCO, EXTERIOR SIDING INTERIOR WALLS/CEILINGS/CHIMNEYS &amp; FLUES:</b> Maintain these areas free from holes, decay, missing materials and peeling paint.	703, 1001 SFHC
14		<b>MAINTAIN EXIT SIGNAGE:</b> Common hallway doors & windows leading to fire escapes or exits must have the appropriate signage, with lettering 6 inches in height on contrasting background.	1011. (1) (5) SFBC
		<b>MAINTAIN ALL ROOF AREAS:</b> In all apartment houses or hotels, keep all wires/ropes 8 feet above the roof. Remove all tripping hazards. All doors to roof areas must be tight fitting and self-closing and openable from inside the penthouse door leading to the roof. This door must be lockable from inside the stairway to the roof if the roof is accessible from an adjacent roof. Keep the roof area free from combustible storage. Nothing should obstruct access to a roof-mounted fire escape.	805, 810, 1001 SFHC
16		<b>MAINTAIN ADEQUATE LIGHTING IN ALL PUBLIC AREAS:</b> Provide adequate lighting to all stairs, public hallways, exit corridors and fire escapes.	504 (g) SFHC
17		<b>MAINTAIN PROPER VENTILATION:</b> In garages, penthouses, public halls, furnace and boiler rooms, gas meter rooms, garbage rooms, and all other rooms with gas appliances, maintain the proper ventilation and vent systems.	504, 707, 1002 SFHC
18		<b>MAINTAIN SMOKE BARRIER DOORS:</b> All front entry doors to the apartment house or hotel, doors that separate the garage from the public hallway or lobby, hallway doors between floors and stairways (stairway enclosure doors), boiler/furnace room doors, garbage room doors, and penthouse doors must have self closing devices and remain closed to be effective smoke barriers.	806, 807 SFHC
19		<b>MAINTAIN FIRE SPRINKLERS IN GARBAGE &amp; LINEN CHUTES:</b> In apartment houses and hotels, maintain fire sprinklers at top and bottom of chutes, and as required by the Housing Code. Do not paint over any sprinkler heads.	908 SFHC
		<b>MAINTAIN ALL LIGHT WELLS:</b> Keep all light wells clean and free from the accumulation of debris. Keep all light well drains clean and operational.	1001, 1306 SFHC

**Exhibit 6.4**

Residential Building Owner/Operator  
 Informational Maintenance Checklist  
 Page 4 of 5

	Reviewed	CODE SECTIONS
21	<p><b>MAINTAIN ALL ROOMS (VACANT OR OCCUPIED):</b> In all residential buildings, all dwelling units and guest rooms shall be maintained in a clean and functional manner. Walls, ceilings, floors, windows, doors, lavatory sinks, and private bathrooms shall be properly maintained, weather proofed and free from severe wear, moisture retention, plumbing fixture or roof leakage, chronic and severe mold and mildew or other dilapidated conditions.</p>	703, 1002 (d), 1306 SFHC
22	<p><b>MAINTAIN ALL PUBLIC BATH ROOMS:</b> In all hotels, public bathrooms must be maintained in a clean and functional manner. The San Francisco Housing Code requires a minimum of 2 operational public bathrooms per floor when all guest rooms do not have private bathrooms. This number increases by one for every additional 10-guest rooms (or increment of 10) greater than 20 guest rooms per floor. Mechanical ventilation must be capable of delivering 5 air changes per hour. Windows that provide natural ventilation shall be well maintained and fully operational.</p>	504, 505, 1306 SFHC
23	<p><b>MAINTAIN ALL COMMUNITY KITCHENS:</b> In hotels, all community kitchens shall be maintained in a clean and functional manner. Approved cooking facilities must have an electrical power source. Entry doors to the community kitchen shall be self-closing and tight fitting. Counters, flooring and sinks shall be of nonabsorbent/impervious materials. Institutional grade materials such as stainless steel counters and tiled floors are recommended.</p>	506, 1306 SFHC
24	<p><b>MAINTAIN ALL HANDRAILS &amp; GUARDRAILS:</b> All interior and exterior handrails and guardrails shall be properly secured and maintained in a functional manner.</p>	802 (c), 1001 (l) SFHC
25	<p><b>MAINTAIN ELEVATORS REQUIRED BY THE FIRE CODE:</b> Hotels with a building height exceeding 50 feet (as calculated by the San Francisco Fire Department) shall have at least one operating elevator for the residential occupants' use that is well maintained and operates safely.</p>	713, 1002 (b) SFHC
26	<p><b>MAINTAIN ADEQUATE GARBAGE PICK-UP:</b> All residential buildings shall maintain garbage pick-up services necessary to prevent the accumulation of garbage and debris that would result in rodent harborage and unsanitary conditions.</p>	1306 SFHC
27	<p><b>MAINTAIN HOT WATER HEATERS:</b> All hot water heaters must be properly secured and double strapped. Pressure relief valves, shut off valves and vent connectors must be properly in place and operational. When located in a garage the appliance must be a minimum of 18 inches off the floor.</p>	1001 (f) (g) SFHC
28	<p><b>MAINTAIN ALL WINDOWS:</b> All windows shall be well maintained, tight fitting and fully operational. Broken sash cords shall be replaced. No window shall be painted or nailed shut. Replacement windows must have sufficient weatherstripping and a minimum 20 inch width and 24 inch height if required for escape.</p>	504 (a) 801(a-5) SFHC

**Exhibit 6.5**

Residential Building Owner/Operator  
 Informational Maintenance Checklist  
 Page 5 of 5

	Reviewed	CODE SECTIONS
29	<i><b>MAINTAIN ALL FLOORING &amp; CARPETING THROUGHOUT:</b></i> All carpeting or other floor covering shall be kept sanitized and free of extensive wear and tripping hazard. All floor coverings that cannot be sanitized shall be replaced in an appropriate manner to prevent a tripping hazard.	1306 SFHC
30	<i><b>MAINTAIN ALL MATTRESSES &amp; LINEN:</b></i> In all hotels or guestrooms where the property owner or building operator provides mattresses and linen, these items shall be maintained in a sanitary condition and free from insect infestation.	1308 SFHC
31	<i><b>REPAIR OR REPLACE LEAKING WINDOWS, PLUMBING FIXTURES &amp; ROOFS:</b></i> Investigate and repair leaks from windows, plumbing fixtures or the roof quickly to prevent moisture retention that can cause mold and mildew. Do not cover over leaking areas until the source of the leak is properly repaired.	703, 1001 (f) (h) SFHC
32	<i><b>PROVIDE PROPER NOTIFICATION WHEN DISTURBING LEAD PAINT &amp; OBSERVE REQUIRED REMOVAL PROTOCOLS:</b></i> Property owners need to provide residential occupants with proper notification when disturbing interior and exterior lead based paint, provide proper signage, protect interior floors/furnishings, and observe work protocols related to lead paint removal, debris containment and migration, clean-up, etc.	3425 SFBC
33	<i><b>PROPERLY VENT ALL CLOTHES DRYERS:</b></i> Moisture exhaust ducts shall be properly maintained, be equipped with a back draft damper and terminate on the outside of the building.	1001 (g) SFHC
34	<i><b>ON SITE CARETAKER:</b></i> Apartment houses of 16 or more dwellings or hotels of 12 or more guest rooms must have an onsite caretaker that can be contacted by the city in case of emergency. The name, unit #, and contact information of this individual must be posted at the front entrance to the building.	1311 SFHC
35	<i><b>PROVIDE AND MAINTAIN CARBON MONOXIDE ALARMS:</b></i> Alarms shall be installed in dwelling and sleeping unit locations in accordance with the SFBC.	420.4.(2) (3) SFBC

**NOTE:**

This checklist is provided for informational use as a field guide to the Housing Inspector, and does not cover all possible violations of the San Francisco Housing Code. For further information the Inspector should consult the Housing Code or confer with their supervisor.



**Complaint Tracking System**

Complaints | Inspections | Details | Billing | Billing Log | Assessment | NOV | N/A

**Complaints**

Complaint # \_\_\_\_\_ Date Filed \_\_\_\_\_ Received By: HIS Source TELEPHONE Assign to Div HIS List

Assigned Inspector \_\_\_\_\_ First Name \_\_\_\_\_ Last Name \_\_\_\_\_ Dist \_\_\_\_\_ Routine Appt. List \_\_\_\_\_

**Property**

Address Street # \_\_\_\_\_ Street \_\_\_\_\_ Unit \_\_\_\_\_

Block/Lot/Seq \_\_\_\_\_ Occupancy \_\_\_\_\_ Rating \_\_\_\_\_ Owner \_\_\_\_\_

Site \_\_\_\_\_ Rental? \_\_\_\_\_ Complaints at this Location \_\_\_\_\_

**Complainant Information**

Complainant \_\_\_\_\_

Address1 \_\_\_\_\_

Address2 \_\_\_\_\_

City/State/Zip \_\_\_\_\_ Phone \_\_\_\_\_

Description \_\_\_\_\_

Instructions \_\_\_\_\_

Task Force Complaint  Yes  No



General Information and Statistics

User:

Division: HIS

Eff:

Login Time:

Duration: 00:00

Complaint #

Active:

Exhibit 8

Complaint Tracking System

Complaints | Inspections | Details | Billing | Billing Log | Assessment | NOV | [Navigation icons]

Street # [ ] Street [ ] Unit [ ] Block/Low/Seq [ ]

Building [ ] Status [ ]

Plumbing [ ] Date [ ]

Electrical [ ]

Legal Stories [ ] Floors [ ] Units [ ] Guest Rooms(T) (R) [ ] Other [ ]

Present Stories [ ] Floors [ ] Units [ ] Guest Rooms(T) (R) [ ] Other [ ]

**LIFE HAZARDS:** [ ] Fumblings/Electrical [ ]

[ ] Stairs need rebuilding/structural weakness [ ] Egress [ ]

Maintenance [ ] Illegal Floors/Units [ ]

Inspection prior to Director's Hearing (Date) [ ] Posting Date [ ]

Inspector's Recommendation to Director [ ]

Refer to FRB [ ] Director's Hearing Date [ ]

Director's Hearing Decision [ ]

Division Representative [ ] Hearing Officer [ ]

**Complaint Details**

Complaint Type [ ] Abatement Type [ ] Date [ ]

Abatement Comment [ ] Inspector [ ] Hours [ ]

Billable [ ]

Complaint Type	Abatement Type	Date	Abatement Comment	Inspector	Hours	Billable
[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]
[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]
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[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]
[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]

Active: Y

Complaint # [ ]

Duration: 00:05

Login Time: [ ]

Division: HIS

User: [ ]

San Francisco Fire Department and Services

## Exhibit 9

### Source Options:

- CA Task Force
- City Attorney Task Force Inspection (Code 19)
- City Attorney Task Force Inspection (Code 20)
- Complaint
- Complaint—Boiler Transfer
- Complaint—Lead
- Energy Inspection
- Hotel Room—Room Insp
- Housing Authority
- Housing Authority Complaint
- Illegal Unit Complaint Received R-2
- Illegal Unit Complaint Received R-3
- License Fee Inspection
- Residential Hotel Room to Room
- Residential Hotel Routines
- Routine Appointment Letter
- Routines
- Soft Story Ordinance
- Tourist Hotel Routine
- 311 Internet Referral
- 311 Phone Referral
- BID Referral
- OCSF Referral
- DCP Referral
- DPH Referral
- DPW Referral
- E-Mail
- Field Observation
- Letter
- Office Visit
- Other Source
- Telephone
- Web Form

## Exhibit 10

### Abatement Type Options

<ul style="list-style-type: none"> <li>● Abatement Appeals Board</li> <li>● Addendum to NOV</li> <li>● Advisement</li> <li>● Appointment Letter Sent</li> <li>● Assessments Due</li> <li>● Bldg Posted &amp; Tenants Notice</li> <li>● Case Abated</li> <li>● Case Closed</li> <li>● Case Continued</li> <li>● Case Received</li> <li>● Case Returned</li> <li>● Case Update</li> <li>● Certified Appointment Letter</li> <li>● Correction Not Issued</li> <li>● Director Hearing Notice</li> <li>● Director's Hearing Decision</li> <li>● District Inspector Does XXX</li> <li>● District Inspector To Review</li> <li>● Emergency Order Issued</li> <li>● Final Bill Sent</li> <li>● Final Warning Letter Sent</li> <li>● First NOV Sent</li> </ul>	<ul style="list-style-type: none"> <li>● Franchise Tax Board Hearing</li> <li>● FTB Referral</li> <li>● Infraction Violation Issued</li> <li>● Initial Bill Sent</li> <li>● Inspection Of Premises Made</li> <li>● Inspection Warrant</li> <li>● Letter/Report—EID</li> <li>● Letter/Report—PID</li> <li>● Misdemeanor Citation Issued</li> <li>● No Entry</li> <li>● Notice Of Penalty</li> <li>● NOV Compliance Assessment</li> <li>● NOV Sent—EID</li> <li>● Office/Counter Visit</li> <li>● Order of Abatement Issued</li> <li>● Order of Abatement Posted</li> <li>● Permit Research</li> <li>● Permit Work—CFC</li> <li>● Pre-Sched Rtn Insp—No Entry</li> <li>● Refer Case To City Attorney</li> <li>● Refer To Compl/Routn</li> <li>● Refer To Director's Hearing</li> </ul>	<ul style="list-style-type: none"> <li>● Refer To Other Agency</li> <li>● Referred To Other Div</li> <li>● Reinsp—Case Abated</li> <li>● Reinspection 1</li> <li>● Reinspection 2</li> <li>● Reinspection 3</li> <li>● Reinspection 4</li> <li>● Reinspection 5</li> <li>● Reinspection 6</li> <li>● Reinspection 7</li> <li>● Reinspection 8</li> <li>● Routine Inspection Approved</li> <li>● Second NOV Sent</li> <li>● SFHA Notification Sent</li> <li>● Telephone Calls</li> <li>● Unable To Enter</li> <li>● Unknown Type During XX</li> <li>● Other</li> </ul>
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Exhibit 11.1

City and County of San Francisco  
Department of Building Inspection



Edwin M. Lee, Mayor  
Tom C. Hui, S.E., C.B.O., Director

HOUSING INSPECTION SERVICES REQUEST FOR INSPECTION APPOINTMENT

11/3/2015

PROPERTY ADDRESS:

Block:

Inspector:

Type of Inspection: ROUTINE INSPECTION

Dear Property Owner:

As in previous years, your cooperation is now being requested to facilitate a required periodic health and safety inspection of the building referenced above. Our records show that this property is due for this inspection, and your assistance is necessary to provide the Housing Inspector entry. Chapters 1, 2, and 3 of the San Francisco Housing Code require that the Department of Building Inspection perform periodic health and safety inspections of the common and public areas of apartment houses (3 or more dwellings) and hotels (6 or more guest rooms). Common and public areas include, but are not limited to, common hallways, required means of egress, fire escapes, roofs accessible by stairways, garages, basements, storage rooms/areas, boiler/utility rooms, common bath rooms, community kitchens, laundry rooms, garbage rooms/areas, court yards, light wells, and rear yards. Please note that the interior of apartment units or guest rooms are not part of this review unless requested by an occupant at the time of inspection.

An inspection of your property as referenced above has been scheduled for November 16, 2015 AT 10:00 AM. Please attend, or have your representative attend, to provide the Department Inspector access as described above. Please confirm this appointment by contacting the Housing Inspector (whose name and phone number appears in the lower right hand corner). The Inspector may be contacted by phone, email, or in person at 1860 Mission Street, 6<sup>th</sup> Floor between 8:00 to 9:00 a.m. and 4:00 to 5:00 p.m., Monday through Friday. You may also leave a voice mail message. If the subject property is a residential condominium building, please provide the contact information of the pertinent home owner's association officer. Also, providing property manager contact information is very helpful in saving you valuable time. Please note that the Inspectors cannot return calls to blocked phone numbers unless you have enabled this feature.

If you or your representative fail to attend this inspection, or you do not make arrangements for another inspection time, the Department will attempt to gain entry to your building as required by Chapter 3 of the Housing Code through an inspection warrant. All costs associated with an inspection warrant will be the responsibility of the property owner.

Your timely cooperation is important to facilitate this inspection which will survey maintenance, egress fire protection, security, proper rodent abatement, and other health and safety features required by the Housing Code that promote public welfare. Please review the attached information, and/or contact your Housing Inspector for more information. Thank you for your assistance.

Very truly yours,

Rosemary Bosque  
Chief Housing Inspector

By:  
Email:  
Phone:

Enclosures: International Maintenance Checklist  
SFHC Section 604 Notice & Affidavit  
Affidavit-Self-Certification of Carbon Monoxide and Smoke Alarms

## Exhibit 11.2



**DEPARTMENT OF BUILDING INSPECTION**  
Housing Inspection Services  
City and County of San Francisco  
1660 Mission Street, 6<sup>th</sup> Floor, San Francisco, California 94103-2414  
Phone: (415) 558-6220 Fax: (415) 558-6249 Department Website: [www.sfdbi.org](http://www.sfdbi.org)

**RESIDENTIAL HABITABILITY INFORMATION  
SAN FRANCISCO HOUSING CODE REQUIREMENTS  
(PROPERTY OWNER MAINTENANCE CHECKLIST)  
REVISED FEBRUARY 26, 2014**

**FOR ONE & TWO FAMILY DWELLINGS,  
APARTMENT HOUSES (3 OR MORE DWELLING UNITS) & RESIDENTIAL/TOURIST HOTELS**

1. **SEC. 505. PROHIBITION ON WOODEN FIXED UTILITY LADDERS**  
Wooden Fixed Utility Ladders shall be prohibited on buildings which contain R-1, R-2, and R-3 Occupancies (hotels and apartment house [and dwellings], as defined by Chapter 4 of this Code. "Fixed Utility Ladder" shall mean any ladder permanently attached to the exterior of a structure or building, but shall not include ladders required by the California Division of Occupational Safety and Health for workplace safety that have been installed with a proper permit, or ladders expressly authorized by the Department of Building Inspection for Building Code or Fire Code compliance purposes. Wooden Fixed Utility Ladders shall be removed or replaced with metal ladders that comply with applicable Building, Fire, and Housing Code requirements.
2. **MAINTAIN CLEAR & UNOBSTRUCTED MEANS OF EGRESS:** Please keep all means of egress, primary (front stairs, exit corridors), and secondary (rear stairs, fire escapes) free from encumbrances (such as storage, flower pots, household items, laundry lines, and any tripping hazards). These paths of travel are to be completely clear at all times for emergency exiting.
3. **MAINTAIN FIRE ESCAPES:** Check all fire escape ladders to ensure that they are fully operational (in particular the cable and all moving parts) and that drop ladders are not obstructed. You should have an industry professional inspect and service your fire escapes annually.
4. **MAINTAIN CENTRAL SMOKE/FIRE ALARM SYSTEMS & SMOKE DETECTORS:** In apartment houses and hotels maintain the central smoke/fire alarm system with the operational light indicating on within the supervision panel box, and annual Fire Department certification clearly posted in those buildings where applicable. In all residential occupancies check to confirm that all required smoke detectors are installed and fully operational in all sleeping or guest rooms, and at the top of every public stairway, and on every third floor below. Replace batteries annually. Do not paint over smoke detectors.
5. **MAINTAIN & RETAG FIRE EXTINGUISHERS:** In all apartment houses and hotels a Type 2A 10BC or equivalent Fire Extinguisher is required on every floor of all public hallways. Required Fire Extinguishers must be serviced and retagged by an industry professional annually (this includes recently purchased fire extinguishers).
6. **MAINTAIN ALL WOOD DECKS, EXIT CORRIDORS, STAIRS, GUARD RAILS, AND HAND RAILS:** You should have all of these existing items inspected annually for dry rot, fungus, deterioration or decay by a licensed professional pest control contractor, general building contractor, architect, or engineer to ensure their safety and stability. Have these professionals provide you with a written report of any recommended repairs. Obtain building permits for all structural repairs.
7. **MAINTAIN VISIBLE PROPERTY ADDRESS NUMBERING:** Your residential building must have the address numbers mounted at the front of the building at a minimum size of 4 inches in a color contrasting from the building. The address numbers should be clearly visible from

## Exhibit 11.3

- the street by emergency vehicles. In addition, all guestrooms should be clearly identified by name, letter, or number.
8. **MAINTAIN GARAGES & STORAGE AREAS:** In all apartment houses of 5 units or more and all hotels, remove combustible storage from all storage areas that do not have fire sprinklers. Absolutely no combustible storage may be kept under stairwells without a proper fire sprinkler system. Garages are only to be used for the vehicle storage incidental to the apartment house or hotel use.
  9. **MAINTAIN GARBAGE ROOMS & GARBAGE RECEPTACLES:** All garbage rooms shall have 28 gauge sheet metal walls and ceilings or approved alternative, fire sprinklers and must be kept clean of debris and vermin with self-closing tight fitting doors. All garbage receptacles must be tightly covered, with a sufficient number to serve the building.
  10. **PROPERLY MAINTAIN SECURITY PROVISIONS SUCH AS SECURITY BARS, GATES, ENTRANCE/EXIT DOORS & DOOR SELF CLOSING DEVICES:** All security bars in sleeping rooms must be operable from the inside with a fully operational manual release (no keys, combination locks, or special knowledge is allowed to open security bars or gates). Absolutely no double cylinder locks (which require a key from the inside and outside) are allowed on any apartment unit or building entry or exit doors. Maintain 135-degree viewers at all apartment unit entry doors mounted no higher than 58 inches above the floor. All entrance and exit doors shall be tight fitting, self closing, and self-locking. In all apartment houses and hotels, all public bathroom, community kitchen, garbage room, roof penthouse, guest room, and dwelling unit entry doors shall be tight fitting and self-closing. No padlocks or padlock hasps are allowed on guest room or dwelling unit entry or exit doors.
  11. **MAINTAIN SHUTOFF TOOL NEAR GAS METER:** In all apartment houses and hotels keep a shutoff tool near the gas meter and post the instructional diagram provided by the Department of Building Inspection in a public area near the gas meter.
  12. **MAINTAIN HEAT & HOT WATER:** If your apartment house or hotel has a central heat source such as a boiler or furnace system, your heat system time clock must be set to provide heat from 5:00 am to 11:00 am and from 3:00 pm to 10:00 pm. (13 hours daily). Maintain all habitable rooms at 68 degrees Fahrenheit during these time periods. Your central source heat system must have a locking thermostat to initiate the heat system located in a habitable room other than an owner or manager's unit (except for an all owner occupied residential condo building). Hot water to all units must be between 105 to 120 degrees Fahrenheit. For boiler heat systems, obtain annual certification per the San Francisco Plumbing Code. Radiators must be in good working order with pressure valves operational and valve shut-off handles in place.
  13. **MAINTAIN ALL FIREPROOFING, GLAZING, WEATHER PROOFING, EXTERIOR STUCCO, EXTERIOR SIDING, INTERIOR WALLS/ CEILINGS, and CHIMNEYS & FLUES:** Maintain these areas free from holes, decay, missing materials and peeling paint.
  14. **MAINTAIN EXIT SIGNAGE:** Common hallway doors & windows leading to fire escapes or exits must have the appropriate signage, with lettering 6 inches in height on contrasting background.
  15. **MAINTAIN ALL ROOF AREAS:** In all apartment houses or hotels, keep all wires/ropes 8 feet above the roof. Remove all tripping hazards. All doors to roof areas must be tight fitting and self-closing and operable from inside the penthouse door leading to the roof. This door must be lockable from inside the stairway to the roof if the roof is accessible from an adjacent roof. Keep the roof area free from combustible storage. Nothing should obstruct access to a roof-mounted fire escape.

## Exhibit 11.4

16. **MAINTAIN ADEQUATE LIGHTING IN ALL PUBLIC AREAS:** Provide adequate lighting to all stairs, public hallways, exit corridors and fire escapes.
17. **MAINTAIN PROPER VENTILATION:** In garages, penthouses, public halls, furnace and boiler rooms, gas meter rooms, garbage rooms, and all other rooms with gas appliances, maintain the proper ventilation and vent systems.
18. **MAINTAIN SMOKE BARRIER DOORS:** All front entry doors to the apartment house or hotel, doors that separate the garage from the public hallway or lobby, hallway doors between floors and stairways (stairway enclosure doors), boiler/furnace room doors, garbage room doors, and penthouse doors must have self closing devices and remain closed to be effective smoke barriers.
19. **MAINTAIN FIRE SPRINKLERS IN GARBAGE & LINEN CHUTES:** In apartment houses and hotels, maintain fire sprinklers at top and bottom of chutes, and as required by the Housing Code. Do not paint over any sprinkler heads.
20. **MAINTAIN ALL LIGHT WELLS:** Keep all light wells clean and free from the accumulation of debris. Keep all light well drains clean and operational.
21. **MAINTAIN ALL ROOMS (VACANT OR OCCUPIED):** In all residential buildings, all dwelling units and guest rooms shall be maintained in a clean and functional manner. Walls, ceilings, floors, windows, doors, lavatory sinks, and private bathrooms shall be properly maintained, weather proofed and free from severe wear, moisture retention, plumbing fixture or roof leakage, chronic and severe mold and mildew or other dilapidated conditions.
22. **MAINTAIN ALL PUBLIC BATH ROOMS:** In all hotels, public bathrooms must be maintained in a clean and functional manner. The San Francisco Housing Code requires a minimum of 2 operational public bathrooms per floor when all guest rooms do not have private bathrooms. This number increases by one for every additional 10-guest rooms (or increment of 10) greater than 20 guest rooms per floor. Mechanical ventilation must be capable of delivering 5 air changes per hour. Windows that provide natural ventilation shall be well maintained and fully operational.
23. **MAINTAIN ALL COMMUNITY KITCHENS:** In hotels, all community kitchens shall be maintained in a clean and functional manner. Approved cooking facilities must have an electrical power source. Entry doors to the community kitchen shall be self-closing and tight fitting. Counters, flooring and sinks shall be of nonabsorbent/impervious materials. Institutional grade materials such as stainless steel counters and tiled floors are recommended.
24. **MAINTAIN ALL HANDRAILS & GUARDRAILS:** All interior and exterior handrails and guardrails shall be properly secured and maintained in a functional manner.
25. **MAINTAIN ELEVATORS REQUIRED BY THE FIRE CODE:** Hotels with a building height exceeding 50 feet (as calculated by the San Francisco Fire Department) shall have at least one operating elevator for the residential occupants' use that is well maintained and operates safely.
26. **MAINTAIN ADEQUATE GARBAGE PICK-UP:** All residential buildings shall maintain garbage pick-up services necessary to prevent the accumulation of garbage and debris that would result in rodent harborage and unsanitary conditions.
27. **MAINTAIN HOT WATER HEATERS:** All hot water heaters must be properly secured and double strapped. Pressure relief valves, shut off valves and vent connectors must be properly in place and operational. When located in a garage the appliance must be a minimum of 18 inches off the floor.



## Exhibit 11.5

28. **MAINTAIN ALL WINDOWS:** All windows shall be well maintained, tight fitting and fully operational. Broken sash cords shall be replaced. No window shall be painted or nailed shut. Replacement windows must have sufficient weather-stripping and a minimum 20 inch width and 24 inch height if required for escape.
29. **MAINTAIN ALL FLOORING & CARPETING THROUGHOUT:** All carpeting or other floor covering shall be kept sanitized and free of extensive wear and tripping hazard. All floor coverings that cannot be sanitized shall be replaced in an appropriate manner to prevent a tripping hazard.
30. **MAINTAIN ALL MATTRESSES & LINEN:** In all hotels or guestrooms where the property owner or building operator provides mattresses and linen, these items shall be maintained in a sanitary condition and free from insect infestation.
31. **REPAIR OR REPLACE LEAKING WINDOWS, PLUMBING FIXTURES & ROOFS:** Investigate and repair leaks from windows, plumbing fixtures or the roof quickly to prevent moisture retention that can cause mold and mildew. Do not cover over leaking areas until the source of the leak is properly repaired.
32. **PROVIDE PROPER NOTIFICATION WHEN DISTURBING LEAD PAINT & OBSERVE REQUIRED REMOVAL PROTOCOLS:** Property owners need to provide residential occupants with proper notification when disturbing interior and exterior lead based paint, provide proper signage, protect interior floors/furnishings, and observe work protocols related to lead paint removal, debris containment and migration, clean-up, etc.
33. **PROPERLY VENT ALL CLOTHES DRYERS:** Moisture exhaust ducts shall be properly maintained, be equipped with a back draft damper and terminate on the outside of the building.
34. **ON SITE CARETAKER:** Apartment houses of 16 or more dwellings or hotels of 12 or more guest rooms must have an onsite caretaker that can be contacted by the city in case of emergency. The name, unit #, and contact information of this individual must be posted at the front entrance to the building.
35. **CARBON MONOXIDE ALARMS:** State Fire Marshal approved alarms and detection systems are required in the common areas, and sleeping rooms of existing residential buildings that contain fuel-burning appliances, such as heaters or gas appliances, fireplaces, etc., as delineated in the San Francisco Building Code.
36. **LOSS OF DWELLING UNITS:** The Planning Department, and Department of Building Inspection will review the proposed loss of any dwelling units in a building greater than two units (legal or illegal) pursuant to Executive Directive 13-01, issued by Mayor Lee on December 18, 2013.

**NOTE:** This informational checklist is provided for the general use of residential occupants, property owners, operators, managers, and the public. This criterion does not address all potential Code violations that may be detected during an on-site inspection and is subject to change without notice. Please contact the Housing Inspection Services Division at (415) 558-6220 during business hours if you require further information.

Exhibit 11.6

City and County of San Francisco  
Department of Building Inspection



Edwin M. Lee, Mayor  
Tom C. Hui, S.E., C.B.O. Director

November 21, 2008

NOTICE OF NEW HOUSING LAW  
AMENDS THE SAN FRANCISCO HOUSING CODE  
BANS EXTERIOR WOODEN FIXED UTILITY LADDERS

Examples of Now-Prohibited Wooden Fixed Utility Ladders



Dear Property Owner/Operator:

Wooden exterior fixed utility ladders – See the examples pictured above – are now prohibited on residential buildings and must immediately be removed with a proper building permit. This action is a result of passage by the San Francisco Board of Supervisors of Ordinance File No. 081010 creating Section 605 of the San Francisco Housing Code. This new law takes effect on December 8, 2008. Due to the potential danger of these structures, the Department is already ciling property owners to encourage immediate removal of these ladders under the general maintenance provisions of the Housing Code.

These wooden ladders may be replaced with metal ladders properly secured to the building constructed with an approved building permit. For replacement requirements see Title 8 of California Code of Regulations Sections 3276 & 3277 (Cal OSHA) and San Francisco Building Code Administrative Bulletin No AB-019 amended January 1, 2008 (visit [www.sfdbi.org](http://www.sfdbi.org) to see this Administrative Bulletin). Failure to voluntarily remove the wooden ladders will result in the issuance of a formal Notice of Violation to the property owner requiring removal within 30 days of issuance. For your information the new law states:

**SEC. 605. PROHIBITION ON WOODEN FIXED UTILITY LADDERS**

*Wooden Fixed Utility Ladders shall be prohibited on buildings which contain R-1, R-2, and R-3 Occupancies (hotels and apartment houses (and dwellings) ), as defined by Chapter 4 of this Code. "Fixed Utility Ladder" shall mean any ladder permanently attached to the exterior of a structure or building, but shall not include ladders required by the California Division of Occupational Safety and Health for workplace safety that have been installed with a proper permit, or ladders expressly authorized by the Department of Building Inspection for Building Code or Fire Code compliance purposes.*

*Wooden Fixed Utility Ladders shall be removed or replaced with metal ladders that comply with applicable Building, Fire, and Housing Code requirements.*

If you have questions or require further information regarding the removal of the wooden ladders please contact the Housing Inspection Services Division at (415) 558-6220; or the Technical Services Division at (415) 558-6205 for information regarding the code standards for metal replacement ladders. Please visit the DBI web site, [www.sfdbi.org](http://www.sfdbi.org) click Housing Inspection Services to see detailed information on the ban on wooden utility ladders.

Housing Inspection Services  
1660 Mission Street - San Francisco CA 94103  
Office (415) 558-6220 - FAX (415) 558-6249 - [www.sfdbi.org](http://www.sfdbi.org)

Exhibit 11.7

Amendment of the Whole  
10/27/08

FILE NO. 081010

ORDINANCE NO. 255-08

1 [Building – Ban on Wooden Fixed Utility Ladders.]

2

3 Ordinance amending the San Francisco Housing Code to add Section 605 prohibiting  
4 wooden fixed utility ladders in R-1, R-2, and R-3 Occupancies, and making findings  
5 under the California Environmental Quality Act.

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Note: Additions are ~~single-underline~~ *italic Times New Roman*;  
deletions are ~~strike-through~~ *italic Times New Roman*.  
Board amendment additions are double underlined.  
Board amendment deletions are ~~strike-through normal~~.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Findings.

(a) General Findings.

(1) Certain structures and buildings within the City and County of San Francisco ("City") have exterior wooden fixed "utility ladders" not required under state, local, or federal safety regulations.

(2) If not properly maintained and secured, wooden utility ladders present health and safety risks to the public due to susceptibility of wood to rotting and deterioration over time.

(3) The condition of wooden fixed utility ladders may be difficult to discern except upon close inspection and, in certain instances, wooden utility ladders may outwardly appear safe for use despite their deteriorated and dangerous condition.

(4) Many property owners are unaware of the safety issues created by failing to remove wooden fixed utility ladders or replace them with metal utility ladders. A weak or failing ladder puts property owners, building residents, tenants, and guests at risk.

Supervisor McGoldick  
BOARD OF SUPERVISORS

Page 1  
10/27/2008

Exhibit 11.8

1 (5) Absent legislative action, property owners may lack regulatory incentives to  
2 inspect, maintain, or remove otherwise code-compliant wooden utility ladders.

3 (6) In order to promote general welfare and safety, it is therefore in the public  
4 interest to require removal of wooden fixed utility ladders or the replacement of such  
5 ladders with safer metal utility ladders.

6 (7) Enforcement of this legislation will occur through the existing routine inspection  
7 program and through other enforcement procedures as developed by the Department of  
8 Building Inspection for R-1 and R-2 Occupancies (hotels and apartment houses) and R-3  
9 Occupancies (one- and two-family dwelling units) delineated in Chapter 3 of the Housing  
10 Code.

11 (b) Environmental Findings. The Planning Department has determined that the  
12 actions contemplated in this Ordinance are in compliance with the California Environmental  
13 Quality Act (California Public Resources Code sections 21000 et seq.). Said determination is  
14 on file with the Clerk of the Board of Supervisors in File No. 081010 and is  
15 incorporated herein by reference.

16  
17 Section 2. The San Francisco Housing Code is hereby amended by adding Section  
18 805, to read as follows:

19 SEC. 605. PROHIBITION ON WOODEN FIXED UTILITY LADDERS

20 Wooden Fixed Utility Ladders shall be prohibited on buildings which contain R-1, and R-2,  
21 and R-3 Occupancies (hotels and apartment houses), as defined by Chapter 4 of this Code. "Fixed  
22 Utility Ladder" shall mean any ladder permanently attached to the exterior of a structure or building,  
23 but shall not include ladders required by the California Division of Occupational Safety and Health for  
24 workplace safety that have been installed with a proper permit, or ladders expressly authorized by the  
25 Department of Building Inspection for Building Code or Fire Code compliance purposes.

Supervisor McGoldrick  
BOARD OF SUPERVISORS

Page 2  
10/27/2008

Exhibit 11.9

File No. 081010

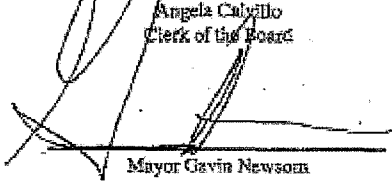
I hereby certify that the foregoing Ordinance was FINALLY PASSED on November 4, 2008 by the Board of Supervisors of the City and County of San Francisco.

11/07/2008

Date Approved



Angela Calabrese  
Clerk of the Board



Mayor Gavin Newsom

File No. 081010

City and County of San Francisco  
Title Report


3

Printed at 5:53 AM on 10/28

Exhibit 11.10

1 Wooden Fixed Utility Ladders shall be removed or replaced with metal ladders that comply  
2 with applicable Building, Fire, and Housing Code requirements.

3 APPROVED AS TO FORM:  
4 DENNIS J. HERRERA, City Attorney

5 By:   
6 Andrew W. Garth  
7 Deputy City Attorney

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Supervisor McGolrick  
BOARD OF SUPERVISORS

Page 3  
10/27/008

Exhibit 11.11



City and County of San Francisco

City Hall  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4080

Tails

Ordinance

File Number: 081010

Date Passed:

Ordinance amending the San Francisco Housing Code to add Section 605 prohibiting wooden fixed utility ladders in R-1, R-2, and R-3 Occupancies, and making findings under the California Environmental Quality Act.

October 28, 2008 Board of Supervisors — PASSED ON FIRST READING

Ayes: 10 - Alioto-Pier, Chu, Daly, Duffy, Elserud, Maxwell, McGoldrick, Mirkarimi, Perkin, Sandoval  
Absent: 1 - Amuniano

November 4, 2008 Board of Supervisors — FINALLY PASSED

Ayes: 11 - Alioto-Pier, Amuniano, Chu, Daly, Duffy, Elserud, Maxwell, McGoldrick, Mirkarimi, Perkin, Sandoval



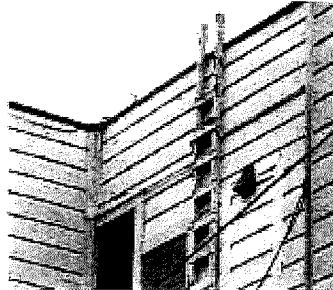
## NEW BAN ON WOODEN FIXED-UTILITY LADDERS

**IF YOU HAVE ONE OF THESE LADDERS ON ANY  
BUILDING YOU OWN, YOU MUST ACT IMMEDIATELY  
TO REMOVE OR REPLACE IT.**

Wooden fixed utility ladders may be dangerous, and are now illegal. These ladders were commonly added to buildings constructed in the City during the 1930s and earlier. They were never part of a building's fire escape system; but they often were installed as a 'convenience' to building owners who wanted roof access without bringing a portable ladder to the site.



These ladders are now prohibited on residential buildings and must be removed with a proper building permit. Action by property owners is required as a result of legislation passed by the Board of Supervisors and signed by the Mayor. The new law takes effect on December 8, 2008. Given the potential danger they pose, DBI is already citing property owners to encourage immediate removal of these ladders.



Protect your building and those living in it by calling the Department of Building Inspection's Housing Inspection Services today to learn what to do.

Obtain helpful information on DBI's website [www.sfgov.org/dbi](http://www.sfgov.org/dbi) or call (415) 558-6220 and comply today with the City's new law by removing these ladders.

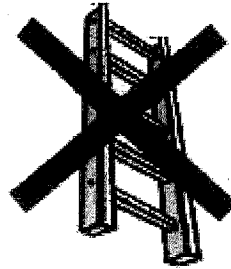




Exhibit 11.13

City and County of San Francisco  
Department of Building Inspection



Edwin M Lee, Mayor  
Tom C. Hui, S.E., C.B.O. Director

**Notice Requiring Compliance Of San Francisco Housing Code Section 604  
For Apartment Buildings/Residential Condos (3 or more units) and Hotels  
(Affidavit is on Reverse Side)**

On September 17, 2003, the Board of Supervisors passed Ordinance # 192-02 which added Section 604 to the San Francisco Housing Code. The pertinent part of the Code Section is provided below for your reference. The following information has been enclosed in this information package to assist your submittal of the required affidavit due now and every 5 years hereafter. This requirement is separate and will cycle independently from the periodic health & safety (routine) inspections required by Chapter 9 of the Housing Code. This information is being distributed with the routine inspection request letters to give property owners the opportunity to ask the field inspectors questions about the affidavit process.

**SEC. 604. STRUCTURAL MAINTENANCE.**

- (a) Affidavit Required. All wood and metal decks, balconies, landings, exit corridors, stairway systems, guardrails, hand rails, fire escapes, or any parts thereof in weather-exposed areas of apartment buildings and hotels shall be inspected by a licensed general contractor, or a structural pest control licensee, or a licensed professional architect or engineer, verifying that the exit system, corridor, balcony, deck, or any part thereof is in general safe condition, in adequate working order, and free from hazardous dry rot, fungus, deterioration, decay, or improper alteration. Property owners shall provide proof of compliance with this section by submitting an affidavit form (provided by the Department) signed by the responsible inspector to the Housing Inspection Services Division every five years. For purposes of this section, weather-exposed areas means those areas which are not interior building areas.

**San Francisco Housing Code Requirements:** Section 604 requires apartment houses (including residential condominium buildings of 3 dwellings or more) and hotel (5 guest rooms or more) owners to have all building appendages to be inspected by a licensed general contractor, or structural pest control licensee, or licensed professional architect or engineer, verifying that the exit system, corridor, balcony, deck, or any part thereof (that exists within the subject building as identified above) is in general safe condition, in adequate working order, and free from hazardous dry rot, fungus, deterioration, decay, or improper alteration. Appendages are described as all wood and metal decks, balconies, landings, exit corridors, stairway systems, guardrails, handrails, fire escapes, or any parts thereof in weather-exposed areas (excluding interior building areas).

**Note for Residential Condominiums:** The San Francisco Housing Code defines residential condominiums (of three dwellings or more) to be apartment houses and therefore subject to this requirement. Residential condominium owners should have their home owners association complete the enclosed affidavit if the building appendages described above are in the common or public areas of the building. If they are not part of the common area, but related to a specific dwelling/condo, then that residential condominium owner must complete the affidavit and return it to the Department of Building Inspection per the instructions indicated below.

**Proof of Compliance & Mailing Instructions:** Property owners shall provide proof of compliance with this Section by submitting the enclosed affidavit, with verification (if applicable) completed and signed by the licensed professional who inspected the subject building. Completed affidavits must be submitted to the Housing Inspection Services Division as indicated below, every 5 years. Please send completed and signed affidavits to the:

San Francisco Department of Building Inspection  
Housing Inspection Services Division  
Attn: Section 604 H.C. Affidavit Filing  
1000 Mission Street, 5<sup>th</sup> Floor  
San Francisco, CA 94103-2414

**Code Enforcement for Failure to File:** Code enforcement proceedings as required by the San Francisco Housing Code will be initiated against those property owners who do not file completed and signed affidavits to the Department of Building Inspection. If you have any questions on this matter please call the Housing Inspection Services Division at (415) 556-6220.

**Housing Inspection Division**  
1660 Mission Street- San Francisco CA 94103  
Office (415) 558-6220 - FAX (415) 558-6249 - www.sfgov.org/dbi

Exhibit 11.14

City and County of San Francisco  
Department of Building Inspection



Erwin M. Lee, Mayor  
Tom C. Hui, S.E., C.B.O. Director

COMPLIANCE AFFIDAVIT  
SECTION 504 OF THE SAN FRANCISCO HOUSING CODE  
(Requirements are described in the Notice on the reverse side)

Building Location:  
Building Address:  
Assessors Block/Lot:

Building Type (select one)

- Apartment House
- Hotel
- Residential Condo Building (Apartment House with 3 or more dwellings - building appendage in common areas)
- Individual Residential Condo (Individual Dwelling Unit with building appendages in private area)

Property Owner Information (select one & complete)

- Name of Property Owner: \_\_\_\_\_
- Name of Residential Condominium Association Representative: \_\_\_\_\_
- Mailing Address for building contact (owner or condo association): \_\_\_\_\_
- Phone # of Contact Person: \_\_\_\_\_

Licensed Professional Information (select type of professional & complete)

- Name of Licensed Professional that reviewed building: \_\_\_\_\_
- Mailing Address of Licensed Professional: \_\_\_\_\_
- Phone # of Licensed Professional: \_\_\_\_\_
- License #: \_\_\_\_\_
- Type of professional:  General Contractor
- Architect
- Civil Engineer
- Structural Engineer
- Structural Pest Control Inspector

Affidavit Verification: (select one, if first square selected verification is not necessary).

- Exterior building appendages (see reverse for description) do not exist at the subject building.
- Exterior building appendages do exist at the subject building. (Complete verification below)

I, \_\_\_\_\_, hereby verify to the best of my knowledge that at the time of my inspection on \_\_\_\_\_, all wood and metal decks, balconies, landings, exit corridors, stairway systems, guardrails, handrails, fire escapes, or any parts thereof in weather-exposed areas, (that exist at the subject building identified above) are in general safe condition, adequate working order, and free from deterioration, decay, or improper alteration that could cause a safety hazard.

Signature of Licensed Professional indicated above

Date Signed

Please make a copy of this Affidavit for your records prior to submittal to the Department of Building Inspection. If you have any questions, please contact the Housing Inspection Services Division at (415) 558-6226. Please submit completed & signed affidavit to the Department of Building Inspection addressed as follows:

San Francisco Department of Building Inspection  
Housing Inspection Services  
Attn: Section 504 H.C. Affidavit Filing  
1660 Mission Street, 5<sup>th</sup> Floor  
San Francisco, CA 94103-2414

Housing Inspection Division  
1660 Mission Street - San Francisco CA 94103  
Office (415) 558-6220 - FAX (415) 558-6248 - www.sfgov.org/dbi

Exhibit 11.15

City and County of San Francisco  
Department of Building Inspection



Edwin M. Lee, Mayor  
Tom C. Hul, S.E., C.B.D., Director

**AFFIDAVIT – SELF CERTIFICATION FOR THE  
INSTALLATION OF CARBON MONOXIDE AND SMOKE ALARMS**

FOR COMPLIANCE WITH SECTIONS 420.4, 907.2.11 & 3401.6.1 OF THE SAN FRANCISCO BUILDING CODE

PROPERTY ADDRESS: \_\_\_\_\_  
PERMIT APPLICATION NO.: \_\_\_\_\_ BLOCK: \_\_\_\_\_ LOT: \_\_\_\_\_  
NUMBER OF CARBON MONOXIDE ALARMS INSTALLED: \_\_\_\_\_  
NUMBER OF SMOKE ALARMS INSTALLED: \_\_\_\_\_  
NUMBER OF MULTI-PURPOSE ALARMS INSTALLED: \_\_\_\_\_

**CARBON MONOXIDE ALARMS:** See San Francisco Building Code Section 420.4

<http://publiccodes.citation.com/st/ca/sf/b200v10/index.htm?bu=CA-P-2010-000008>

**SMOKE ALARMS:** See San Francisco Building Code Section 907.2.11 and 3401.6.1

<http://publiccodes.citation.com/st/ca/sf/b200v10/index.htm?bu=CA-P-2010-000008>

[http://www.amlgal.com/vxt/gateway.dll/California/sfbuilding/buildingcode2010edition/chapter34exis tingstructures?F=templates\\$fn=document-frameset.htm\\$q=3401.6.1%20server\\$3.0#PH11](http://www.amlgal.com/vxt/gateway.dll/California/sfbuilding/buildingcode2010edition/chapter34exis tingstructures?F=templates$fn=document-frameset.htm$q=3401.6.1%20server$3.0#PH11)

**FOR HOTEL OR MOTEL REQUIREMENTS,  
PLEASE CALL HOUSING INSPECTION SERVICES AT (415) 558-6220.**

Inspection Services Division  
1660 Mission Street – San Francisco CA 94103-2414  
Office (415) 658-6570 – FAX (415) 558-6261 – [www.sfdbl.org](http://www.sfdbl.org)

Exhibit 11.16

**SMOKE & CARBON MONOXIDE ALARMS**  
Example of Location for Smoke & CO Alarms

<p><b>Legend</b></p> <p><input type="radio"/> Photoelectric smoke alarms shall be installed on ceiling or wall at each floor level including basement but not including crawl spaces and uninhabitable attics, in each bedroom and outside each sleeping area in the immediate vicinity of the bedrooms.</p> <p><input checked="" type="radio"/> Dual sensor (Photoelectric/ionization) smoke alarms shall be used if located less than 20 ft from kitchen, fireplace or wood-burning stove. Avoid locating dual sensor smoke alarms in the following locations:</p> <ol style="list-style-type: none"> <li>Outside a bathroom</li> <li>In a kitchen or within 20 ft of an entry to a kitchen.</li> <li>In a room with a wood burning appliance or within 20 ft of an entry to a room containing a wood burning appliance.</li> <li>In a garage or mechanical room/closet.</li> </ol> <p><input type="checkbox"/> Carbon Monoxide (CO) Alarms shall be installed outside of each separate dwelling unit sleeping area in the immediate vicinity of the bedroom(s) AND on every level of the dwelling unit including basements.</p>	
<p><b>Special Considerations:</b> Hallways over 40 ft in length need a smoke alarm at each end. Smoke detectors are either to be ceiling or wall mounted. Wall mounted smoke alarms are not to be located lower than 12 inches below the ceiling. Smoke alarms are not to be mounted within 4 inches of a wall/ceiling corner.</p>	

FOR ILLUSTRATION ONLY. THIS DIAGRAM IS NOT PART OF THE SAN FRANCISCO BUILDING CODE.

As owner of the above-referenced property, I hereby certify that carbon monoxide/smoke alarm(s) have been installed in accordance with the manufacturer's instructions and in compliance with Sections 420.4, 907.2.11 and 3401.6.1 of the San Francisco Building Code. The carbon monoxide/smoke alarms have been tested and are operational.

Print Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

This certification must be returned to the Building Inspector prior to final sign-off of all building permits requiring compliance with Sections 420.4, 907.2.11 and 3401.6.1 of the San Francisco Building Code. This form may be mailed to Inspection Services at the address provided below.

**Inspection Services Division**  
1660 Mission Street – San Francisco CA 94103-2414  
Office (415) 558-6570 – FAX (415) 558-8261 – www.sfdh.org

## Exhibit 12

### EXPLANATION OF DBI CODE ENFORCEMENT PROCESS

The following is a detailed explanation of the DBI code enforcement process.

**Notice of Violation.** Once an inspector discovers a code violation (either from a routine inspection or from a complaint investigation) the inspector will write up a Notice of Violation (“NOV”). If the violation is abated right then and there, they will not issue an NOV; technically the violation no longer exists. For example, this may happen when an exit is padlocked and the padlock is cut-off when the inspector brings it to the property owner’s attention. Problems may arise if the immediately abated violation is not documented by the inspector because the violation may recur right after the inspector leaves. For example, a new padlock may be put back on the exit door or personal items that were blocking an exit that were removed could be put right back after the inspector leaves. We’ve been told that this is not uncommon and that inspectors rarely document the immediately abated violations.

An NOV may include one or many violations and should be issued within three days of the site inspection. When an NOV is issued, a copy of it is sent to the property owner. If there is a complainant, they also get a copy. The NOV will also be posted on the R-2. An NOV usually gives the property owner 30 days to fix a violation and will specify the date for reinspection. If a property owner cannot make the scheduled reinspection date, they can contact HIS to reschedule. Life/safety violations, such as lack of heat or hot water, illegal occupancy, inoperable fire alarms or blocked exits, property owners only have 24-48 hours to correct these violations. (See Appendix, Exhibit 13)

**Reinspections.** If, upon reinspection, the inspector finds that the violation(s) has not been corrected, he/she can give the property owner additional time to fix the violation(s) or issue a Final Warning Letter (“FWL”). At this point, some violations listed on the NOV may be abated while others may not. Reinspections will occur throughout the code enforcement process as long as a violation goes without abatement.

**Final Warning Letter.** A FWL warns the property owner that he has a maximum of 30 additional days from the date of the initial reinspection to abate the violation, otherwise, the case will proceed to an administrative hearing called a Director’s Hearing (“DH”). For unabated life/safety violations, the inspector may go straight to the DH and not issue a FWL. Even if a FWL has been issued to the property owner and the FWL warns about the possibility of unabated violations being referred to a DH, not all uncorrected violations automatically proceed to a DH. (See Appendix, Exhibit 14.)

If a case has not been referred to a DH, HIS will encourage compliance through continued reinspections and assessment of costs (discussed below). Inspectors have shared that these cases sometimes “fall through the cracks.”

**Administrative hearing—the Director’s Hearing.** In anticipation of referring a case for a DH, the inspector reviews CTS to ensure all inspection notes and photos taken of the violation are

sufficiently detailed and all enforcement efforts well documented. This information is then printed out and assembled along with the paper based “enforcement file” into a package for the the senior inspector to review and decide if the case should proceed to DH.

If the case proceeds to a DH, it is assigned to a senior for presentation at the DH. Since there are a limited number of slots for a DH and there is a 14-day advance notice requirement that property owners, not all cases are promptly scheduled. A DH case may include one or more NOVs, and each NOV may include one or more unabated violations.

The DH is conducted by a hearing officer who is usually the chief of another division within DBI. Currently, HIS cases are being heard by the Chief of the Plumbing Division. HIS Director’s Hearings occur every Thursday at 9:30 a.m. and are open to the public. DHs are designed to give the property owner the opportunity to show cause for the continued lack of abatement. As such, property owners are encouraged to bring in evidence of permits that have been obtained or filed for, contracts for work that will be performed, and other pertinent evidence.

The hearing officer typically renders a decision at the hearing. The DH decision will be one of the following: (1) return to staff; (2) issue a continuance; 3) issue an advisement; or (4) issue an Order of Abatement. If the case is returned to staff this may mean that the NOV is not valid, the case needs further documentation, or a City Attorney Task Force inspection is needed. Only one 30-day continuance can be issued per case. An advisement gives the property owner additional time and one last chance to abate the violations without an Order of Abatement being issued. If the time for advisement passes without abatement, an Order of Abatement will be issued.

**Order of Abatement.** An Order of Abatement (OA) specifies that a property owner must fix the violation(s) within a set time frame. Otherwise, the OA is recorded and becomes part of the property’s title until the violation(s) is corrected and the outstanding assessed costs of enforcement are paid in full. Orders of Abatement may be appealed to the Appeals Abatement Board (“AAB”) within 15 days after the Order was posted or served.<sup>50</sup> The AAB is comprised of the same individuals who sit on the Building Inspection Commission (“BIC”).

After the time for appeal has passed (15 days after the OA has been served or posted), the OA will be recorded with the property’s title. All banks and financial institutions with an interest in the property will be notified that the OA has been recorded. If an OA has been issued on a case that proceeds to litigation or is subject to a stipulated agreement, then punitive penalties may be awarded in addition to civil penalties.<sup>51</sup> (See City Attorney Code Enforcement, below)

**City Attorney Code Enforcement.** If the NOV has not been corrected after an OA has been recorded, the case may be referred to the City Attorney’s Code Enforcement division (“City Attorney”). A case will be “ripe” for referral if it meets the following criteria: (1) a property owner who has a history of unabated violations; (2) there are several open NOVs; (3) there is a

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<sup>50</sup> SOP, Page 61, Item 1(a).

<sup>51</sup> San Francisco Housing Code, Section 204

history of NOVs at the same R-2; and/or (4) there is significant deferred maintenance and/or lack of cleanliness at the R-2.

Once a case has been approved for referral to the City Attorney by a senior inspector, the inspector will conduct another inspection and take current photos. A minimum of 15 days notice will be given to the property owner before the case proceeds to the Litigation Committee of the BIC. The Chief Housing Inspector or a senior inspector will present the case to the Litigation Committee, which meets every two months. The Litigation Committee will ultimately decide whether the case is referred to the City Attorney.

Shortly after the HIS case is received by the City Attorney, the Chief Attorney for the Neighborhood and Resident Safety Division will usually assign it to the Deputy City Attorney (the “attorney”) who covers the district in which the subject R-2 is located. Initially, the attorney will pursue options other than litigation. Usually the process starts with a demand letter asking the property owner to correct the unabated violations within a short period of time — oftentimes, two weeks. Alternatively, cases may be sent back to HIS if the attorney doesn’t think the case is strong enough to pursue. Or, the case may be a limited referral where litigation is not the right tool and working with the property owner with more of a social worker mindset may be more effective. In hoarding cases, for example, it may be more effective to bring in a family member, or others, to help deal with the mental health aspects surrounding the violation.

The attorney assigned to the case will meet with property owners and inspect the building shortly after being assigned to the case. If they cannot get into the building, the attorney will seek a warrant allowing the attorney to gain entrance and inspect the building. Depending on the facts and circumstances, if there is no movement towards compliance, the attorney may file a lawsuit against the property owner.

Relief sought by the City Attorney for these cases may include: (1) injunctive relief requiring NOV abatement and maintaining the property for a probationary period after the cure; (2) civil penalties up to \$1,000 per day for failure to fix a public nuisance; (3) civil penalties up to \$2,500 per violation which is determined as every time the landlord collects rent; (4) civil penalties up to \$500 for each NOV; (5) punitive penalties if an Order of Abatement was issued; and, (6) attorney fees when there’s a finding that tenants were substantially endangered. The attorney rarely seeks recovery of DBI assessed costs as there is another mechanism for this. (See Special Assessment Lien, below.)

When issuing a decision, the judge considers the financial condition of the property owner, facts and circumstances of the case, the number of people affected and the severity and duration of the violation. Attorneys may also seek the appointment of a receiver to take over management of the R-2 and oversee the abatement process. We were told that judges may be reluctant to provide immediate relief or award attorneys fees in cases where HIS inspectors took too many years to refer a case to the City Attorney for litigation.

Also, we were told that CA code enforcement must be weighed against the possibility of displacing tenants (even if the tenants are there illegally). Therefore, there may be instances

where only the egregious violations are fixed while the less significant violations go unabated because fixing them may displace tenants.

**Assessment of Costs.** Assessment of costs is not a penalty but a way for HIS to recover costs of enforcement. HIS bills only for its time (“costs”) and does not charge penalties for unabated violations. The initial inspection and one reinspection are included in the property owner's annual R-2 fee so there is no additional cost. After that, almost everything that is done on a case by the inspector and support staff is billed. This includes time spent on reinspections, writing up the NOV, preparing a case for a DH, title search, sending copies to the property owner, etc. Time is billed at the inspector rate of currently \$158 per hour and support staff rate of roughly \$96 per hour. In addition, a monthly monitoring fee of roughly \$48 may be assessed after sixty days from when the NOV was issued.

Typically, HIS only bills the property owner twice. The initial bill is sent shortly after sixty days of noncompliance (from when the NOV was issued). The final billed is issued after the NOV has been abated. We've been told that HIS billing is labor intensive and that HIS doesn't have sufficient staff to bill more frequently. If there is a Special Assessment Lien (discussed below), property owners will be billed one additional time.

**Special Assessment Lien.** We learned from our interviews with HIS personnel, that it is not uncommon for property owners to neglect paying the costs that have been assessed, even when violations have been abated. Every year, usually in May, HIS examines its cases from the previous twelve months for unpaid costs. A case with unpaid costs will be reviewed and updated in preparation for the possibility of going before a hearing with the San Francisco Board of Supervisors (“BOS”). At the BOS hearing, DBI will ask that a Special Assessment Lien be placed on the R-2 for which the assessed costs have gone unpaid.

The property owner is given sixty days notice of the BOS hearing and an opportunity to schedule a hearing with DBI twice. The first hearing occurs approximately twelve business days into the sixty day notice period. The second opportunity for a hearing comes one day before the BOS hearing. Interest starts accruing on the assessed costs if they are not paid by 5pm the evening before the BOS hearing. Cases that are eligible to go to the BOS hearing include those where the violations were abated but the assessed costs have not yet been paid, in addition to those for which the violations are still unabated.

If a case has not been settled at one of the DBI hearings, the case will proceed to the BOS hearing, which usually occurs sometime in late July. At the BOS hearing, DBI will seek a Special Assessment Lien be put on the subject property's tax bill. The amount of the Special Assessment Lien will include the delinquent assessed costs, an interest penalty and recording fees. Property owners must pay the entire tax bill (including the Special Assessment Lien) or they will be delinquent on paying their property taxes. They cannot choose to pay only one part of the property tax bill. Failure to pay property taxes will result in the Tax Collector pursuing the property owner for unpaid property taxes. This process can take up to five years. We were told that most property owners pay the outstanding assessed costs before the Tax Collector gets involved and abates the violations during this process.



Exhibit 13.1



**DEPARTMENT OF BUILDING INSPECTION**

Housing Inspection Services Division  
City and County of San Francisco  
1660 Mission Street 6th Floor, San Francisco, California 94103-2414  
(415) 558-6220 Fax: (415) 558-6249 Email: DBIHD.Complaints@sfgov.org Website: www.sfdbl.org

**NOTICE OF VIOLATION**

**COMPLAINT:**

**OWNER/AGENT:  
MAILING  
ADDRESS:**

**DATE:  
LOCATION:  
BLOCK:            LOT :  
NOTICE TYPE: ROUTINE**

**BUILDING TYPE: NA                    USE TYPE: NA**

**YOU ARE HEREBY ORDERED TO COMPLY WITH THE FOLLOWING REQUIREMENTS:**

ITEM	DESCRIPTION
1 THIS NOTICE INCLUDES VIOLATIONS FOR THE AREAS NOTED.	Common area of subject property.
2 REMOVE EGRESS OBSTRUCTION AT (801,1004(I) HC)	From rear stairs at first level.
3 PROVIDE STRUCTURAL MAINTENANCE AFFIDAVIT (504 HC)	Provide completed compliance affidavit for section 604 of San Francisco housing code.
4 INSPECTOR COMMENTS	It is the property owner's responsibility to be present or direct his/her representative to attend, the reinspection as scheduled on this Notice of Violation for the purpose of providing entry to the Inspector of those areas not accessed during the initial inspection as specified, and/or to provide access to all areas cited within this Notice.  If the property owner cannot attend the scheduled reinspection (as specified on this Notice) it is his/her responsibility to secure a different inspection date and time with the Inspector, and provide all tenants with notification as required by California Civil Code Section 1954 (San Francisco Housing Code Section 303(b), if any dwellings, apartment units or guest rooms are to be accessed during the reinspection

ALL ITEMS MUST BE COMPLETED WITHIN 21 DAYS. REINSPECTION DATE: 20 May 2016 10:00 AM

IT IS RECOMMENDED THAT THE OWNER/OWNERS REPRESENTATIVE CONFIRM REINSPECTION DATE/TIME.

CONTACT HOUSING INSPECTOR :

FOR EVERY INSPECTION AFTER THE INITIAL RE-INSPECTION, A \$170.00 FEE WILL BE CHARGED UNTIL THE VIOLATIONS ARE ABATED. SFBC 168.8

## Exhibit 13.2



### DEPARTMENT OF BUILDING INSPECTION

Housing Inspection Services Division  
City and County of San Francisco  
1660 Mission Street 6th Floor, San Francisco, California 94103-2414  
(415) 558-6220 Fax: (415) 558-6249 Email: DBIHUDComplaints@sfgov.org Website: www.sfdbi.org

#### NOTICE OF VIOLATION WARNINGS

TO THE PROPERTY OWNER(S), THEIR SUCCESSORS, AND ALL OTHER PERSONS HAVING ANY INTEREST IN THE ABOVE DESCRIBED PROPERTY LOCATED IN THE CITY AND COUNTY OF SAN FRANCISCO PLEASE TAKE NOTICE:

**COMPLIANCE WITHIN SPECIFIED TIME FRAME REQUIRED:** The described premises were inspected by inspector(s) of the Department of Building Inspection. As a result of the inspection(s), violations were found to exist and were listed in the Notice of Violation mailed to the property owner(s). ACCORDINGLY, the owner(s) of the above described property are required, within the time frame set forth in this Notice, to make application (if required) for the necessary permits, to correct the conditions diligently and expeditiously, and to complete the work within the specified time on the attached NOTICE(S), to be verified by the appropriate Inspector through site inspection.

**COST OF CODE ENFORCEMENT WILL BE BORNE BY THE PROPERTY OWNER:** Section 102A.3 of the San Francisco Building Code provides that in addition to the civil penalties described therein, the property owner shall be assessed all attendant, administrative, and inspection's costs incurred by the Department of Building Inspection for the property owner's failure to comply with this Notice. These costs arise from department time accrued pertaining but not limited to: (1) monthly violation monitoring, (2) case inquiries (phone calls, counter visits, response to correspondence, etc.), (3) case management, (4) permit history research, (5) notice/hearing preparation, (6) inspections, (7) staff appearances/reports at hearings, and (8) case referrals.

Assessment of Costs will accrue when the property owner fails to comply with this Notice through: (1) a monthly violation monitoring fee of \$52.00, and (2) an hourly rate of \$104.00 for case management/administration, and \$170.00 for inspections, as provided for in Sections 102A.3, 102A.17, and Section 110A, Tables IA-D, and IA-K of the San Francisco Building Code. The property owner will be notified by letter of the accrued Assessment of Costs following failure to comply with this Notice. Failure to pay the Assessment of Costs shall result in: (1) the case not being legally abated until all assessments are paid, and (2) tax lien proceedings against the property owner pursuant to Sections 102A.3, 102A.16, 102A.17, 102A.18 et seq., 102A.19 et seq., and 102A.20 of the San Francisco Building Code.

**REFERRAL TO STATE FRANCHISE TAX BOARD:** Section 17274 and 24436.5 of the Revenue and Taxation Code provide, inter alia, that a taxpayer who derives rental income from housing determined by the local regulatory agency to be substandard by reason of violation of state or local codes dealing with housing, building, health and/or safety, cannot deduct from state personal income tax and bank and corporate income tax, deductions for interest, depreciation of taxes attributable to such substandard structure where substandard conditions are not corrected within six (6) months after Notice of Violation by the regulatory agency. If corrections are not completed or being diligently and expeditiously and continuously performed after six (6) months from the date of this Notice of Violation, notification will be sent to the Franchise Tax Board as provided in Section 17274(c) of the Revenue and Taxation Code.

Page 1 of 2

## Exhibit 13.3

### NOTICE OF VIOLATION WARNINGS! (Continued from page 1)

**PUBLIC NUISANCES & MISDEMEANORS:** Section 102A of the San Francisco Building Code and Sections 204, 401 and 1001(d) of the San Francisco Housing Code provide that structures maintained in violation of the Municipal Code are public nuisances and as such are subject to the code enforcement action delineated therein. Section 204 of the Housing Code provides that any person, the owner(s) or his authorized agent who violates, disobeys, omits, neglects or refuses to comply with the Housing Code, or any order of the Director, made pursuant to this Code, shall be guilty of a misdemeanor, upon conviction thereof punishable by a fine not exceeding \$1,000.00, or by imprisonment not exceeding six (6) months, or by both fine and imprisonment, and shall be deemed guilty of a separate offense for every day such violations continue.

**PERMIT REQUIREMENTS:** Any required permit application must be applied for within the time limit set forth in the attached Notice(s). Permit applications are to be filed with the requisite plans, drawings, and specifications at the Central Permit Bureau, Department of Building Inspection, at 1660 Mission Street, 1st Floor. A post card will be mailed to you by the Central Permit Bureau when the building permit is ready to be picked up. Pursuant to Sections 107A.5, and 110A, Table 1A-K of the San Francisco Building Code investigation fees, are charged for work begun or performed without permits or for work exceeding the scope of permits. Such fees may be appealed to the Board of Permit Appeals within 15 days of permit issuance at 1660 Mission Street, 3rd floor, Room 3036 at (415) 575-6880.

**NOTIFICATION TO BUILDING TENANTS:** Pursuant to Sections 17980.1 and 17980.6 of the California Health & Safety Code, and Section 102A.3 of the San Francisco Building Code, when issuing a Notice of Violation the local jurisdiction shall post a copy of the Notice in a conspicuous place on the property and make available a copy to each tenant thereof.

**PROPERTY OWNER/LESSOR MAY NOT RETALIATE AGAINST TENANT/LESSEE FOR MAKING A COMPLAINT:** Pursuant to Section 17980.6 of the California Health & Safety Code, the property owner may not retaliate against the tenant/lessee for exercising rights under the Section 1942.5 of the California Civil Code.

**REINSPECTION FEES:** For every inspection, after the initial re-inspection, a \$170.00 fee will be charged until the violations are abated pursuant to Sections 108A.8 and 110A, Table 1A-G of the San Francisco Building Code.

**VIOLATIONS OF WORK PRACTICES FOR LEAD-BASED PAINT DISTURBANCE:** Section 3423 of the San Francisco Building Code regulates work that disturbs or removes lead paint. Failure to comply with these requirements may result in a penalty not to exceed \$500.00 per day plus administrative costs as provided by Section 3423.8 of this Code.

Upon completion of all required work, you must contact the designated Housing Inspector for a final inspection, unless otherwise specified. Please contact the Housing Inspection Services Division if you have any questions. If you want more information on the overall code enforcement process you may request a copy of the Department brochure entitled What You Should Know About the Department of Building Inspection Code Enforcement Process or download the document from the Department website.  
NCTS\_NOV.rdf revised 6/22/2011

Exhibit 14

DEPARTMENT OF BUILDING INSPECTION



Housing Inspection Services Division  
City and County of San Francisco

1690 Mission Street, 6<sup>th</sup> Floor, San Francisco, California 94103-2414  
(415) 550-6220 Fax No. (415) 558-6249 Email: DBIHDComplaints@sfgov.org  
Website: www.sfdbi.org

PROPERTY OWNER ..

DATE:

PROPERTY ADDRESS:

BLOCK/LOT:

CTS #:

NOTICE OF VIOLATION FINAL WARNING

Dear Property Owner(s):

**NOTICE OF VIOLATION OUTSTANDING**

On \_\_\_\_\_ your property was inspected and a Notice of Violation was issued informing you of required code abatement, and warnings for failure to comply. The time period to correct all cited code violations indicated in this Notice has passed, and the Department records indicate that the required code abatement work remains outstanding.

**ASSESSMENT OF COSTS NOW IMPOSED:**

Therefore, pursuant to Section 102A.3 of the San Francisco Building Code you will be assessed costs arising from department time accrued pertaining but not limited to: (1) site inspections and re-inspections, (2) case management, updates, and data entry, (3) case inquiries (meetings, office visits, phone calls, emails, response to correspondence etc), (4) permit history research, (5) notice/hearing preparation, (6) staff appearances/reports at hearings, (7) case referrals, and (8) monthly violation monitoring.

**AVOID FURTHER ASSESSMENT:**

To keep the assessment of costs at a minimum, and avoid the accrual of further time spent on the actions above such as administrative hearing preparation, and monthly violation monitoring, etc., please complete all work within thirty (30) days of the initial reinspection date delineated on the Notice of Violation referenced above, and call Housing Inspector \_\_\_\_\_ at (415) \_\_\_\_\_ to schedule a site inspection to verify all requisite repairs have been completed within this time frame.

**IF PERMITS ARE REQUIRED:**

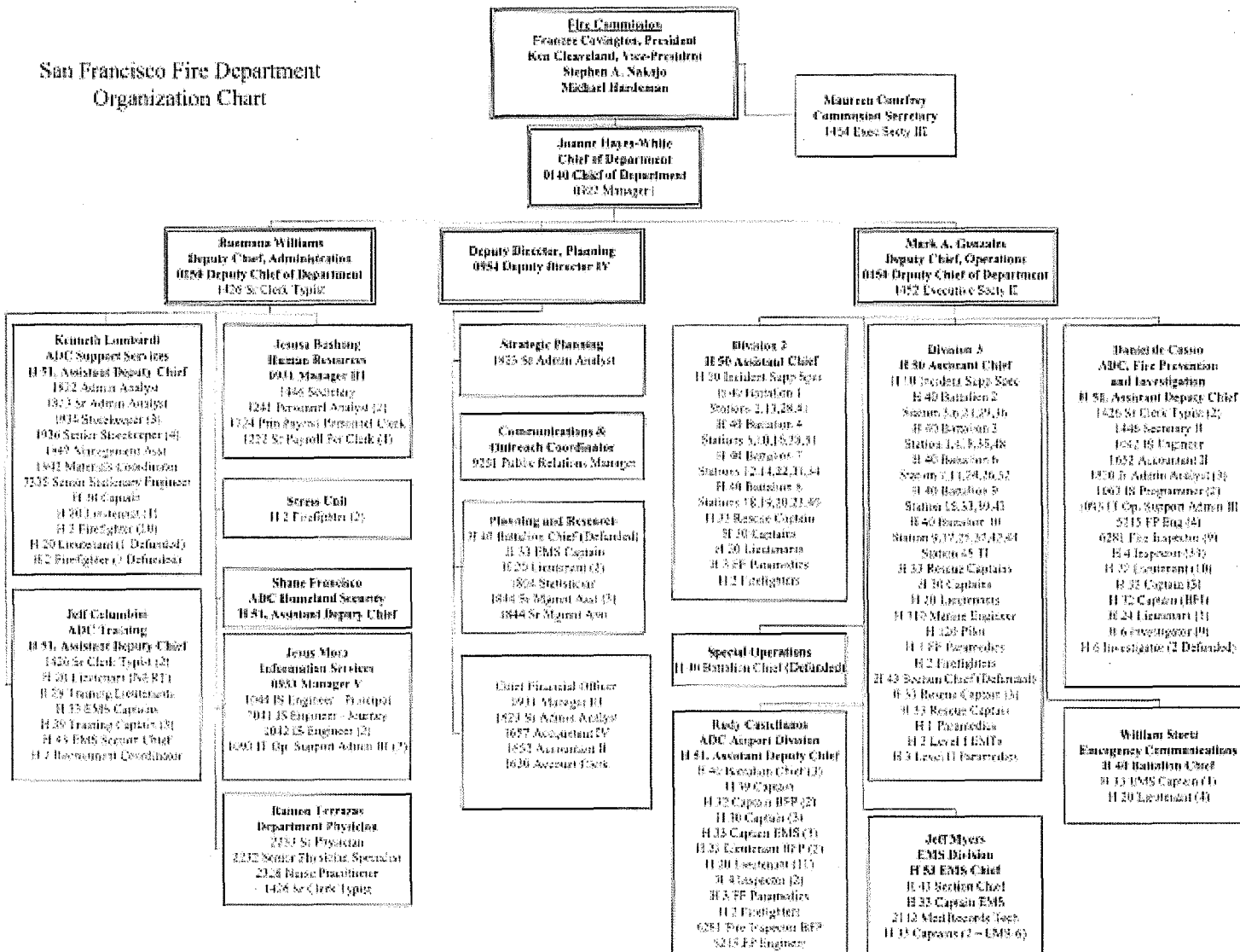
Please note that you must also obtain all necessary building, plumbing, and/or electrical permits and obtain final sign-off from the Building, Plumbing, and/or Electrical inspector(s) assigned the job card for your issued permit(s) before the required work will be considered completed.

**CASE WILL BE CLOSED WHEN ALL WORK & ASSESSMENT OF COSTS PAID:**

This case will not be closed and assessment of costs will continue to accrue until (1) all required repairs are completed as verified by site inspection of the assigned Housing Inspector, (2) final sign-offs are obtained for all required permits, and (3) all assessment of costs are paid by cashiers check or money order.

YOUR PROMPT ACTION IS REQUESTED & APPRECIATED!

San Francisco Fire Department  
Organization Chart



**Exhibit 16**

Inspection Worksheet -  
 Date: 11/01/2015 Start Tm: \_\_\_\_\_ End Tm: \_\_\_\_\_ Insp. No: \_\_\_\_\_ Pending

**ITEMS #1 THROUGH #6 SHALL BE INSPECTED AND REPORTED IN HRMS**

- 1. EXTERIOR**
- Are street numbers legible from the street (4" minimum)? [ ] [ ] [ ]
- If applicable, is fire escape "gooseneck" ladder reasonable safe and secure? [ ] [ ] [ ]
- 2. EXITING COMPLIANCE (Select N/A if not applicable or accessible)** [ ] [ ] [ ]
- Is exiting system free of obstructions (including doors, corridors, stairs, and fire escapes)? Bicycles, toys, grills, furniture, refuse or similar items are not to be stored in the path of exit travel). [ ] [ ] [ ]
- Are roof access doors operable from the inside without the use of keys or other tools (no padlocks)? [ ] [ ] [ ]
- 3. FIRE PROTECTION SYSTEMS (Select N/A if not applicable or accessible)** [ ] [ ] [ ]
- Fire Alarm Operational? (In service, power on, and no trouble lights present)? [ ] [ ] [ ]
- Does the fire alarm system panel have an inspection and service sticker dated within the past year? Date of last service: \_\_\_\_\_ [ ] [ ] [ ]
- Are all fire alarm pull stations unobstructed and visible? [ ] [ ] [ ]
- Is sprinkler system operational (Pressure in the system)? [ ] [ ] [ ]
- Does the automatic sprinkler system riser or standpipe have an inspection and testing sticker dated within the past 5 years? Date of last service: \_\_\_\_\_ [ ] [ ] [ ]
- Are caps installed on fire department connections? [ ] [ ] [ ]
- Are caps easily removed? [ ] [ ] [ ]
- OSY valve locked or monitored? [ ] [ ] [ ]
- 4. HOUSEKEEPING (Select N/A if not applicable or accessible)** [ ] [ ] [ ]
- Is storage a minimum 2 feet below the ceiling in non-sprinklered buildings? [ ] [ ] [ ]
- Is storage a minimum 18 inches below sprinkler heads? [ ] [ ] [ ]
- Does storage have at least 3 feet of clearance from heat sources (furnaces, hot water heaters) to prevent ignition? [ ] [ ] [ ]
- Are LPG tanks securely stored outside of building? [ ] [ ] [ ]
- Maximum of two 5-gallon LPG tanks allowed in outdoor locations (including attachments to grill or heater) in compliance? [ ] [ ] [ ]
- Are flammable liquids (gasoline, paint thinner) securely stored to prevent tampering (or falling) and away from ignition sources? [ ] [ ] [ ]
- Are all grills or heaters more than 10 feet from any combustible material (walls, weeds, overhangs, balconies)? [ ] [ ] [ ]
- 5. ELECTRICAL (Select N/A if not applicable or accessible)** [ ] [ ] [ ]
- Are electrical panel covers in place? [ ] [ ] [ ]
- Is there clear access to electrical panels and emergency shut-off devices? [ ] [ ] [ ]

**TO BE INSPECTED AND FOLLOWED-UP BY FIELD COMPANY**

- Have all portable fire extinguishers been serviced within the past year and in the "green"? Date of last service: \_\_\_\_\_ [ ] [ ] [ ]
- Are existing exit signs maintained? [ ] [ ] [ ]
- Are existing emergency light fixtures operational? [ ] [ ] [ ]

**RADIO TEST:** Basement: \_\_\_\_\_ Stairway: \_\_\_\_\_ Hallway: \_\_\_\_\_

**REQUIRED COMMENTS (State whether reasonable fire safety exists or other additional comments for BFP follow-up):**

---

Note: Immediate notification by telephone should be made to the Bureau of Fire Prevention at 415-508-3300, or after hours, 415-724-2108, whenever violations involving life safety are found. Examples of "life safety" violations are drained or blocked exit doors, malfunctioning fire alarm or sprinkler systems. Every effort shall be made to abate an unsafe condition before leaving the premises.  
 Company Officer shall obtain and update the responsible party information.

**Exhibit 17.1**

**San Francisco Fire Department**  
 Division of Fire Prevention and Investigation

**Building History**

**BUILDING**

<b>Address</b>										<b>Cross St</b>	
3222 22ND ST SAN FRANCISCO, CA 94110										BARTLETT ST	
<b>Block</b>	<b>Lot</b>	<b>Batt.</b>	<b>Engine</b>	<b>Occu. Type</b>	<b>Const. Type</b>	<b>Year</b>	<b>Sq. Ft.</b>	<b>Height</b>	<b>St. Above</b>	<b>St. Below</b>	
3576	008	06	07		5	1910	0	40	3	1	

**OCCUPANT**

<b>DBA Name</b>	<b>Unit No</b>	<b>Insp. Area</b>	<b>Sq. Ft.</b>
	06 - DISTRICT 6		0
<b>Primary Contact</b>	<b>Company</b>	<b>Phone</b>	

J & R ASSOCIATES  
 VIRGINIA

**ADDITIONAL CONTACTS**

<b>Contact Name</b>	<b>Phone</b>	<b>Alt. Phone</b>
OWNER (ASSESSOR'S) HAWK LING & KETTY FONG LOU		

**INSPECTIONS**

Insp. No.	Schd. Dt.	Area	Type	Disposition	Inspector
208199	02/10/15	05	04	C	Pat
Remarks: COMPLAINT 05 - ALARM SYSTEMS. OCCUPANTS REPORT FAILURE OF FIRE ALARM SYSTEM TO ACTIVATE.					
<b>Date</b>	<b>From</b>	<b>To</b>	<b>Insp.</b>	<b>Remarks</b>	
02/10/15	16:30	16:45	Sperisen	Complaints are nullified due to fire. Owner to provide fire alarm inspection report if one is required.	
Insp. No.	Schd. Dt.	Area	Type	Disposition	Inspector
111582	09/13/11	06	04	C	Gee
Remarks: COMPLAINT 02 - BLOCKED EXITS. FIRE ESCAPE LADDERS ARE OBSTRUCTED BY AWNINGS.					
<b>Date</b>	<b>From</b>	<b>To</b>	<b>Insp.</b>	<b>Remarks</b>	
09/13/11	11:45	12:30	Gee	Awnings that are obstructing drop ladders belong to Popsy's which has an official address of 2596 Mission.	
Insp. No.	Schd. Dt.	Area	Type	Disposition	Inspector
53874	09/13/11	06	04	C	Gee
Remarks: COMPLAINT 02 - BLOCKED EXITS. Per station 6 - the 3rd floor fire escape (near 316) is blocked by furniture. Mgr in 205 was left a correction form.					

3222 22ND ST

Exhibit 17.2

COMPLAINTS				
No	Date Entered	Complaint Type	Disp.	Disp. Date
9175		02 BLOCKED EXITS	CC	
Remarks: Per station 6 - the 3rd floor fire escape (near 316) is blocked by furniture. Mgr in 205 was left a correction form.				
19232	09/14/11	02 BLOCKED EXITS	CC	
Remarks: FIRE ESCAPE LADDERS ARE OBSTRUCTED BY AWNINGS.				
37261	01/29/15	05 ALARM SYSTEMS	CC	02/11/15
Remarks: OCCUPANTS REPORT FAILURE OF FIRE ALARM SYSTEM TO ACTIVATE.				
	01/29/15	02 BLOCKED EXITS	CC	
Remarks: BARS ON WINDOWS TO ACCESS FIRE ESCAPE.				
	01/28/15	99 UNCATEGORIZED COMPLAINT	CC	
Remarks: FIRE ESCAPE DROP LADDERS REPORTED INOPERABLE.				

3222 22ND ST



Exhibit 17.3

**OCCUPANT**

DBA Name	Unit No	Insp. Area	Sq. Ft.
21 - R1 COMPANY INSPECTION			

Primary Contact	Company	Phone
LOU ABRAHAM	¾ HAWK LING & KETTY F LOU	

**ADDITIONAL CONTACTS**

Contact Name	Phone	Alt. Phone
R1 CONTACT Hawk Loulou		
OWNER (ASSESSOR'S) HAWK LING & KETTY FONG LOU		

**INSPECTIONS**

Insp. No.	Schd. Dt.	Area	Type	Disposition	Inspector
203506	10/24/15	21	21	C	McPartlan

Remarks: Remarks: Recent fire building. Unable to inspect

Contact: Hawk Loulou

Date	From	To	Insp.	Remarks
10/24/15	11:00	11:05	McPartlan	

Insp. No.	Schd. Dt.	Area	Type	Disposition	Inspector
160876	06/22/14	21	21	C	Walsh

Remarks: 3-story bottom 2 commercial 18 units on 3rd floor. access to roof on east of building, (mission side)

Date	From	To	Insp.	Remarks
06/22/14	10:30	10:50	Walsh	

Insp. No.	Schd. Dt.	Area	Type	Disposition	Inspector
14E155	06/12/13	21	21	C	O'Connell

Remarks: Alarm panel on second floor hallway had no power. Fire extinguisher adjacent to alarm panel was missing. Unable to locate shut off valve for sprinkler system in basement. Left message for inspector Patt at BFP noting these violations.

Date	From	To	Insp.	Remarks
06/12/13	10:20	11:00	O'Connell	

Insp. No.	Schd. Dt.	Area	Type	Disposition	Inspector
118770	04/25/12	21	21	C	Peoples

Remarks: Commercial occupants on 1st and 2nd floors, residential apartments on 3rd floor.

Date	From	To	Insp.	Remarks
04/25/12	10:50	11:05	Peoples	

Insp. No.	Schd. Dt.	Area	Type	Disposition	Inspector
96992	04/26/11	21	21	C	Cremen

3222 22ND ST

Exhibit 17.4

Remarks: Penthouse door was pad locked from the inside. 3 out of 4 fire escape ladders are obstructed by awnings. Ladders do not reach the ground. Owner sat on scene and notified.

Date	From	To	Insp.	Remarks	
04/26/11	10:00	10:30	Cremen		
Insp. No.	Schd. Dt.	Area	Type	Disposition	Inspector
78970	02/19/10	21	21	C	Cremen
Remarks: missing extinguisher					
Date	From	To	Insp.	Remarks	
02/19/10	10:00	10:25	Cremen		
Insp. No.	Schd. Dt.	Area	Type	Disposition	Inspector
52557	02/27/09	21	21	C	O'Connell
Remarks:					
Date	From	To	Insp.	Remarks	
02/27/09	11:00	11:15	O'Connell	T11 EXTINGUISHERS PAST DUE FOR SERVICING TOP FLOOR - SOFA BLOCKING HALLWAY LEADING TO FIRE ESCAPE ON BRAVO SIDE OF BUILDING	
Insp. No.	Schd. Dt.	Area	Type	Disposition	Inspector
16739	04/26/08	21	21	C	Gong
Remarks:					
Date	From	To	Insp.	Remarks	
04/26/08	10:15	10:45	Gong	LT. PEREZ - T11 REASONABLE FIRE SAFETY EXISTS	

3222 23RD ST

**Exhibit 17.5**

**OCCUPANT**

DBA Name	Unit No	Insp. Area	Sq. Ft.
		05 - DISTRICT 6	0

Primary Contact	Company	Phone
LOU HAWK LING		

**ADDITIONAL CONTACTS**

Contact Name	Phone	Alt. Phone
OWNER (ASSESSOR'S) HAWK LING & KETTY FONG LOU		

**INSPECTIONS**

Insp. No.	Schd. Dt.	Area	Type	Disposition	Inspector
123463	02/03/15	05	38	C	Falt
Remarks: VIOLATION 10EX113 - Exits/Fire Escapes. Clear ALL items including plants and garland located on fire escapes around above referenced address and 3222 22nd St. Remove ALL cable wires attached to roof ladders. Install passage for drop ladders through awnings or remove awnings.					

Date	From	To	Insp.	Remarks
02/03/15	08:00	10:00	Falt	Hand in awning was installed per previous complaint, ya failed to open when ladder dropped
02/10/15	16:45	17:00	Sparison	Exting complaint nullified due to fire.

Insp. No.	Schd. Dt.	Area	Type	Disposition	Inspector
121488	05/09/12	05	35	C	Gee
Remarks: VIOLATION 10EX113 - Exits/Fire Escapes. Clear ALL items including plants and garland located on fire escapes around above referenced address and 3222 22nd St. Remove ALL cable wires attached to roof ladders. Install passage for drop ladders through awnings or remove awnings.					

Date	From	To	Insp.	Remarks
05/09/12	11:45	12:30	Gee	Violation not abated.

Insp. No.	Schd. Dt.	Area	Type	Disposition	Inspector
114183	03/29/12	06	33	C	Gee
Remarks: VIOLATION 10EX113 - Exits/Fire Escapes. Clear ALL items including plants and garland located on fire escapes around above referenced address and 3222 22nd St. Remove ALL cable wires attached to roof ladders. Install passage for drop ladders through awnings or remove awnings.					

Date	From	To	Insp.	Remarks
03/29/12	13:00	14:00	Gee	Violation not corrected.

Insp. No.	Schd. Dt.	Area	Type	Disposition	Inspector
111888	11/29/11	05	33	C	Gee
Remarks: VIOLATION 10EX113 - Exits/Fire Escapes. Clear ALL items including plants and garland located on fire escapes around above referenced address and 3222 22nd St. Remove ALL cable wires attached to roof ladders. Install passage for drop ladders through awnings or remove awnings.					

Date	From	To	Insp.	Remarks

2578 MISSION ST

**Exhibit 17.6**

11/29/11 14:33 15:15 Gee

No corrective action at this time.

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2578 MISSION ST

Exhibit 18

San Francisco Fire Department



NOTICE OF CORRECTIVE ACTION REQUIRED

DATE: \_\_\_\_\_  
Month Day Year

TO: \_\_\_\_\_  
Property Owner Occupant Agent Responsible Party

The property at \_\_\_\_\_ has been inspected by the San Francisco Fire Department and one or more conditions were observed that are not in compliance with the San Francisco Fire Code. Please take action within \_\_\_\_\_ hours of the date of this notice to correct.

Allowing this condition to continue could result in the issuance of a Notice of Violation. If a Notice of Violation is issued, then reinspection fees might be assessed.

**REINSPECTION OF VIOLATION FEES: (2007 SFFC Section 112.3 Appendix Chapter 1)**

If an inspection by a designated officer or employee of the Fire Department discloses a violation of this code, the Chief shall determine a period of time that is reasonable to remedy the violation and reinspect the property to verify such correction. The department shall collect a fee to compensate for its costs to perform such reinspection to certify correction of the code violation and secure compliance with the applicable requirements. Inspections which require more than one hour to complete will be subject to an additional fee rate of for each quarter-hour increment beyond the first sixty minutes of the department's on-site review.

**CONDITION REQUIRING CORRECTIVE ACTION: (Check appropriate box)**

- 2007 SFFC Section 304.1 **Combustible Storage Hazard.**
- 2007 SFFC Section 315.2.1 **Ceiling Clearances Maintained.**
- 2007 SFFC Section 901.4.1 **Sprinkler System Maintenance.**
- 2007 SFFC Section 901.5 **Fire Alarm Maintenance.**
- 2007 SFFC Section 906.1 **Fire Extinguisher(s) Required.**
- 2007 SFFC Section 906.2 **Fire Extinguisher(s) Maintained.**
- 2007 SFFC Section 1004.3 **Posting of Occupant Load in Public Assemblies.**
- 2007 SFFC Section 1027.3 **Exit Sign Illumination.**
- 2007 SFFC Section 1027.5 **Emergency Lighting.**
- 2007 SFFC Section 1028.1 **Exits Maintained and Unobstructed.**
- 2007 SFFC Section 3401.1 **Flammable and Combustible Liquid Storage.**
- 2007 SFFC Section 3801.1 **LPG Storage.**
- 2007 SFFC Section 105.6.32, Appendix Chapter 1 **Permit Required for Open Flame/Candles.**
- 2007 SFFC Section 105.6.34, Appendix Chapter 1 **Permit Required for Place of Assembly.**
- 2007 SFFC Section 110.1.1, Appendix Chapter 1 **Unsafe Conditions.**
- Other \_\_\_\_\_
- Other \_\_\_\_\_
- Other \_\_\_\_\_

ISSUED BY: \_\_\_\_\_  
SFFD Officer/Inspector SFFD Company/District Signature

RESPONSIBLE PARTY: \_\_\_\_\_  
Print Name Signature Phone number

Original to responsible party. Copy to Bureau of Fire Prevention. Form BFPN-CAR 011708

Telephone: (415) 558-3300  
 Fax No: (415) 558-3323 or 3324

698 Second Street, Room 109  
 San Francisco, CA 94107

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**From:** Reports, Controller (CON)  
**Sent:** Monday, July 25, 2016 8:47 AM  
**To:** Calvillo, Angela (BOS); Gosiengfiao, Rachel (BOS); BOS-Supervisors; Kawa, Steve (MYR); Howard, Kate (MYR); Steeves, Asja (CON); Campbell, Severin (BUD); Newman, Debra (BUD); Rose, Harvey (BUD); SF Docs (LIB); CON-EVERYONE; Nuru, Mohammed (DPW); Lopez, Edgar (DPW); Dawson, Julia (DPW); Spielman, Kenneth (DPW); Robertson, Bruce (DPW); dbader@ccorpusa.com; adewulf@ccorpusa.com; ogacevska@ccorpusa.com  
**Subject:** Issued: Bond Expenditure Audit: 2011 Road Repaving Bond Program

The Office of the Controller's City Services Auditor Division (CSA) today issued a memorandum on its audit of the Department of Public Works' 2011 Road Repaving and Street Safety (2011 RRSS) General Obligation Bond Program expenditures. The audit found that expenditures for the 2011 RRSS bond program were in accordance with the ballot measure and that funds were not used for any administrative salaries or other general governmental operating expenses other than those specifically authorized in the ballot measure for such bonds.

To view the full memorandum, please visit our website at:  
<http://openbook.sfgov.org/webreports/details3.aspx?id=2335>

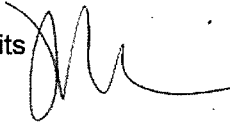
This is a send-only e-mail address. For questions about the memorandum, please contact Director of City Audits Tonia Lediju at [tonia.lediju@sfgov.org](mailto:tonia.lediju@sfgov.org) or 415-554-5393 or the CSA Audits Unit at 415-554-7469.

Follow us on Twitter @SFController



## MEMORANDUM

TO: Mohammed Nuru, Director  
Department of Public Works

FROM: Tonia Lediju, Director of City Audits  
City Services Auditor Division 

DATE: July 25, 2016

SUBJECT: Expenditures at the Department of Public Works for the 2011 Road Repaving and Street Safety Bond Program Were in Accordance With the Ballot Measure

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### EXECUTIVE SUMMARY

The City Service Auditor Division (CSA) of the Office of the Controller (Controller) engaged Cumming Construction Management (Cumming) to audit the expenditures of the 2011 Road Repaving and Street Safety (2011 RRSS) General Obligation (GO) Bond program of the City and County of San Francisco (City) to determine whether bond revenues were spent in accordance with the ballot measure. The City's Department of Public Works (Public Works) has led the implementation of this bond program's scope of work related to repaving and reconstruction of roads, rehabilitation and seismic improvement of street structures, replacement of sidewalks, installation and renovation of curb ramps, and redesign of streetscapes to include pedestrian and bicycle safety improvements.

Cumming found that audited expenditures under the 2011 RRSS Bond program were in accordance with the ballot measure and that funds were not used for any administrative salaries or other general governmental operating expenses other than those specifically authorized in the ballot measure for such bonds. Cumming tested \$86 million (64 percent) of the \$135 million that had been spent through 2015 and found that all audited expenditures complied with the voter-approved requirements. However, Public Works does not have written policies and procedures for the pre-bond reimbursement process. Cumming recommends that Public Works finalize and implement the Pre-Bond Reimbursement Guidelines for all current and future GO bond programs to ensure that pre-bond expenditures and related scopes of work are clearly and appropriately described and assigned.

## BACKGROUND, OBJECTIVE, AND METHODOLOGY

### Background

This audit was conducted under the authority of the City's Proposition F, adopted by San Francisco voters in March 2002. The proposition established the Citizens' General Obligation Bond Oversight Committee (CJOB) to inform the public about the expenditure of GO bond proceeds. CSA engaged Cumming to conduct a performance audit of expenditures to fulfill the CJOB Bylaws, Article I, Section 3, which state:

The Committee shall actively review and report on the expenditure of taxpayers' money in accordance with the voter authorization. The Committee shall convene to provide oversight for ensuring that: (1) general obligation bond revenues are spent only in accordance with the ballot measure, and (2) no general obligation bond funds are used for any administrative salaries or other general governmental operating expenses, unless specifically authorized in the ballot measure for such general obligation bonds.

The 2011 RRSS GO Bond program includes six projects with an original bond amount of \$248 million. Through two bond sales, \$202 million was appropriated, and \$135 million had been spent through 2015. The exhibit below shows the bond program projects by scope, budget, and status.

<b>EXHIBIT 2011 Road Repaving and Street Safety Bond Program Projects</b>							
Project	Project Scope	Original Budget	Appropriated	Expended	Project Completion Dates		
					Original	Revised	Completed
Street Repaving and Reconstruction	Pavement resurfacing, sidewalk, bus pad, curb ramp, and roadway striping <i>Reduced scope from 1,389 to 1,275 blocks</i>	\$146.5M	\$122.7M	\$97.5M	01/2016	06/2017	-
Streetscapes, Bike and Pedestrian Safety	<ul style="list-style-type: none"> <li>• 51 Follow the Paving (FTP) projects</li> <li>• 24 large-scale project</li> </ul> <i>Reduced from 75 to 66 projects</i>	\$49.2M	\$35.2M	\$22.8M	01/2016	06/2017	-
Traffic Signal and Street Improvement <sup>a</sup>	Replace and upgrade signal hardware for more than 1,100 intersections	\$19.7M	\$15.5M	\$14.8M	05/2016	-	-
Installation and Renovation of Curb Ramps	Provide better accessibility compliant to the Americans With Disabilities Act <i>Reduced scope from 1,700 to 1,563 curb ramps</i>	\$13.8M	\$13.8M	\$13.5M	12/2014	10/2015	-
Sidewalk Accessibility	Sidewalk Inspection and Repair Program (SIRP) Accelerated Sidewalk Abatement Program (ASAP)	\$7.9M	\$7.9M	\$7.7M	12/2014	-	10/2015
Street Structures	Complete 36 of 350 street structures	\$6.9M	\$6.9M	\$6.8M	06/2015	-	03/2016
<b>Total</b>		<b>\$244.0M<sup>b</sup></b>	<b>\$202.0M<sup>c</sup></b>	<b>\$163.1M</b>			

**Notes**

<sup>a</sup> Project is managed by San Francisco Municipal Transportation Agency (SFMTA) and was excluded from the audit.

<sup>b</sup> Amount excludes Accounting and Cost of Insurance budget of \$4 million.

<sup>c</sup> The audit drew its sample of tested expenditures from only \$135 million of this amount. The additional \$28.1 million was expended by SFMTA or was expended by Public Works in 2016, after the audit period.



## **Objective**

The purpose of the audit was to determine whether 2011 RRSS GO Bond funds were spent in accordance with the ballot measure, including whether funds were used for any administrative salaries or other general governmental operating expenses, which is impermissible unless specifically authorized in the ballot measure for such bonds.

## **Methodology**

To achieve the objective, Cumming collected and reviewed the following documents:

- Construction agreements and change orders
- Design agreements and amendments
- Work authorizations to city departments
- Public Works direct labor and non-labor costs
- Vendors invoices with citywide contracts for which project-specific contracts do not exist

Cumming reviewed expenditures totaling \$86 million, or approximately 64 percent of the \$135 million that Public Works had spent under the 2011 RRSS GO Bond program through December 31, 2015.

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

## **RESULTS**

**Finding 1 – Audited expenditures under the 2011 RRSS GO Bond program were spent in accordance with the ballot measure, and funds were not used for any administrative salaries or other general governmental operating expenses other than those specifically authorized in the ballot measure.**

Public Works provided supporting documentation for all of the \$86,632,601 in bond expenditures audited, and Cumming found that all the funds were spent in accordance with the ballot measure. The majority of the bond expenditures, \$56,171,570 or 64 percent of expenditures reviewed, consisted of construction costs from contracts for sewer and water main replacement/installation. Cumming reviewed the design documents Public Works used for these contractor solicitations and found that the documents were appropriately prepared, with the project scope and funds clearly segregated for funding purposes.

There is no recommendation for this finding, Public Works should continue to ensure bond expenditures are spent in accordance with the ballot measure and funds are not used for any administrative salaries or other general governmental operating expenses.

**Finding 2 – Public Works has no written policies or procedures for the 2011 RRSS GO Bond pre-bond cost reimbursements.**

Public Works does not have guidelines for the 2011 RRSS GO Bond program pre-bond reimbursement process. Public Works established Pre-Bond Reimbursement Guidelines for the 2014 Earthquake Safety and Emergency Response (ESER) GO Bond program, but has yet to develop and implement guidelines for other bond programs, including the 2011 RRSS Bond program.

The objectives of the guidelines for the 2014 ESER GO Bond program are to establish procedures and define the documents needed to process a pre-bond reimbursement. The guidelines also stipulate the required oversight from the Controller's director of public finance and director of Accounting Operations and Systems Division, City Attorney's Office, bond counsel, and the City's director of city planning.

Cumming found that expenditures on project codes that had exceeded budget were reallocated to the general fund for re-appropriation to other capital projects. Because no applicable written policies exist, Cumming could not determine whether this practice is allowable. Also, the Labor Charge Abatement Authorization Form showed that the same employee requested and authorized the expenditures transfer without a second level of review or any review by the oversight entities mentioned above. This demonstrates a lack of proper segregation of duties and a lack of proper oversight.

Adequate segregation of duties is critical to effective internal control because it reduces the likelihood that errors, both intentional and unintentional, will remain undetected by providing for separate processing by different individuals at various stages of a transaction and for independent reviews of work performed. Written policies and procedures should address the proper system entries and approval process to prevent the above instances from occurring.

Public Works' guidelines for the 2014 ESER GO Bond program are appropriate and valuable. Similar written policies and procedures for the 2011 RRSS GO Bond program would formally communicate to employees management's commitment to protecting the City's assets and instruct employees on how to carry out management's directives. Written procedures are also essential to ensure that staff can effectively and consistently perform its duties in adherence with documented policies.

**Recommendation**

The Department of Public Works should finalize and implement pre-bond reimbursement guidelines for all current and future general obligation bond programs to ensure that pre-bond expenditures and related scopes of work are clearly and appropriately described and assigned.

cc: Public Works  
Edgar Lopez  
Julia Dawson  
Bruce Robertson  
Kenneth Spielman

Controller  
Ben Rosenfield  
Todd Rydstrom  
Mark de la Rosa  
Cherry Bobis

Board of Supervisors  
Budget Analyst  
Citizens Audit Review Board  
City Attorney  
Civil Grand Jury  
Mayor  
Public Library

## ATTACHMENT: DEPARTMENT RESPONSE

---



Edwin M. Lee  
Mayor

Mohammed Nuru  
Director

Bruce Robertson  
Finance Manager

General Administration/Finance  
1155 Market St., 4th floor  
San Francisco, CA 94103  
tel 415-554-5418

[sfpublicworks.org](http://sfpublicworks.org)  
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[twitter.com/sfpublicworks](https://twitter.com/sfpublicworks)

July 12, 2016

Ms. Tonia Lediju  
Director of City Audits  
City Services Auditor Division  
City Hall, Room 476  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102

**Subject: Expenditures at the Department of Public Works for the 2011 Road Repaving and Street Safety Bond Program Were in Accordance With the Ballot Measure**

Dear Ms. Lediju,

In response to your memo dated June 24, 2016, San Francisco Public Works (SFPW) concurs with your recommendation and plans to complete and implement the Pre-Bond Reimbursement Guidelines by December 31, 2016. This is consistent with your recommendation and our response to the 2010 Earthquake Safety and Emergency Response Bond Program memo. SFPW will implement these guidelines for all current and future general obligation bond programs to ensure that pre-bond expenditures and related scope of work is clearly described and appropriately assigned.

Sincerely,

A handwritten signature in black ink, appearing to read "BRUCE ROBERTSON".

Bruce Robertson  
Finance Manager

CC: Mohammed Nuru, Edgar Lopez, Julia Dawson, John Thomas, Kenneth Spielman

For each recommendation, the responsible agency should indicate whether it concurs, does not concur, or partially concurs. If it concurs with the recommendation, it should indicate the expected implementation date and implementation plan. If the responsible agency does not concur or partially concurs, it should provide an explanation and an alternate plan of action to address the identified issue.

**RECOMMENDATION AND RESPONSE**

Recommendation	Response	Expected Implementation Date
The Department of Public Works should finalize and implement pre-bond reimbursement guidelines for all current and future general obligation bond programs to ensure that pre-bond expenditures and related scopes of work are clearly and appropriately described and assigned.	<input checked="" type="checkbox"/> Concur <input type="checkbox"/> Do Not Concur <input type="checkbox"/> Partially Concur  San Francisco Public Works (SFPW) concurs with your recommendation and plans to complete and finalize the Pre-Bond Reimbursement Guidelines by December 31, 2016. Further, SFPW agrees to implement these guidelines on all current and future general obligation bond programs to ensure that pre-bond expenditures and related scope of work is clearly described and appropriately assigned.	December 31, 2016

**From:** Board of Supervisors, (BOS)  
**To:** BOS-Supervisors  
**Subject:** FW: United States Postal Service, v#58047 - 12(b) Waiver Request  
**Attachments:** United States Postal Service (12b) - \$5,000.pdf

---

**From:** Hon, Stephanie (DPH)  
**Sent:** Monday, July 25, 2016 11:52 AM  
**To:** Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>  
**Cc:** Winchester, Tamra (ADM) <tamra.winchester@sfgov.org>; Folmar, David (DPH) <david.folmar@sfdph.org>  
**Subject:** United States Postal Service, v#58047 - 12(b) Waiver Request

Board of Supervisor Required: Copy of Waiver Request Sent to Board of Supervisors

Attached 12b Waiver Request – United States Postal Service, (v#58047), \$5,000.  
Purchase rental of PO boxes for Community Behavioral Health Services, Mental Health Plan Claims Unit and City Clinics.  
July 15, 2016 through June 30, 2017

No Potential Contractors Comply.  
Administrative Code 12B.5-1(d)

Thank you,  
*Stephanie Hon*  
Office of Contract Management  
1380 Howard Street, Rm 419a  
San Francisco, CA 94103  
415-255-3796 (Voice)



Edwin M. Lee  
Mayor

Barbara A. Garcia, MPA  
Director of Health

MEMORANDUM

TO: Veronica Ng, Director, Contracts Monitoring Division  
THROUGH: Barbara A. Garcia, MPA, Director of Health *AG*  
FROM: Jacquie Hale, Director, DPH Office of Contracts Management *JH*  
DATE: July 14, 2016  
SUBJECT: 12B Waiver

The Department of Public Health (DPH) respectfully requests approval of the attached 12B Waiver for the following:

**United States Postal Service (vendor# 58047)**

**Commodity/Service:** Rental of PO Boxes for Community Behavioral Health Services, Mental Health Plan Claims Unit and City Clinics. The PO Boxes are used by clients, providers, insurance companies, Medicare, Medi-Cal, and fiscal intermediaries. PO Box numbers and addresses are printed on all return envelopes sent to clients in monthly billing statements, letterhead, and correspondence sent by departments.

DPH departments and clinics requires use of a PO Box address, not the Clinic addresses, so correspondence is not identifiable as being from or to the clinics. A PO box address provides anonymity to assure the privacy of individuals (particularly adolescents and sexual partners) who are receiving health care services at City Clinics.

These services require a high level of security for checks and confidential patient correspondence. They also require a locations close to DPH offices and clinics and on short route between offices.

**Amount:** \$5000  
**Funding Source:** General Funds  
**Term:** July 15, 2016 through June 30, 2017

*\*\* Exempt from 14B consideration when State or Federal funds are involved.*

**Rationale for this sole source waiver:**

DPH did a survey of mail box businesses located in the Civic Center and South of Market areas which yielded 4 possible vendors that meet the location requirements: US Postal Service at Civic Center/Fox Plaza, The UPS Store at 77 Van Ness Ave., Mailboxes 4U at 1230 Market Street and A&T Mail Center at 1072 Folsom Street (location only for City Clinic requirements). USPS and UPS are currently city vendors, Mailboxes 4U and A&T Mail Center are not. None of the vendors are 12B compliant.

USPS has the best rates for mailbox rental. UPS Mailbox rentals are more expensive than USPS, e.g. Small box for one year is \$320, USPS is \$94. A&T Mail Center pricing is more than USPS; a small box is \$130 a year. Several phone calls to Mailboxes 4U went unanswered.

USPS has better security than the other vendors, using USPS PO boxes minimizes the amount of handling of check and confidential mail by people other than USPS and DPH staff.

DPH departments have been using USPS mail boxes since 1998. PO Box addresses are printed on all return billing envelopes, letterhead, and other correspondence. All patients, insurance companies, Medicare, Medical, doctors, and other providers have these PO Box numbers as the mailing addresses for CBHS, Mental Health and City Clinics.

Since no vendors are compliant, USPS meets location and security requirements, is less expensive, and changing the mailing address of the billing offices and clinics would be costly to the departments and create confusion with patients and providers, DPH requests a sole source waiver for USPS PO Boxes.

For questions concerning this waiver request, please call the Office of Contract Management at 554-3621. Thank you for your consideration.



CITY AND COUNTY OF SAN FRANCISCO
CONTRACT MONITORING DIVISION

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

Send completed waiver requests to:
cmd.waiverrequest@sfgov.org or
CMD, 30 Van Ness Avenue, Suite 200, San Francisco, CA
94102

FOR CMD USE ONLY
Request Number:
[Empty box for request number]

Section 1. Department Information

Department Head Signature: [Handwritten signature]
Name of Department: Department of Public Health
Department Address: 101 Grove St. Rm 307 San Francisco CA 94102
Contact Person: Jacquie Hale, Director, Contract Management and Compliance
Phone Number: 554-2609 E-mail: Jacquie.Hale@sfdph.org

Section 2. Contractor Information

Contractor Name: United States Postal Service Vendor No.: 58047
Contractor Address: PO Box 4715 Los Angeles, CA 90096
Contact Person: Contact Phone No.:

Section 3. Transaction Information

Date Waiver Request Submitted: Type of Contract:
Contract Start Date: 07/15/2016 End Date: 06/30/2017 Dollar Amount of Contract: \$ 5,000.00

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

[X] 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
[X] D. No Potential Contractors Comply (Required) Copy of waiver request sent to Board of Supervisors on:
E. Government Bulk Purchasing Arrangement (Required) Copy of waiver request sent to Board of Supervisors on:
F. Sham/Shell Entity (Required) Copy of waiver request sent to Board of Supervisors on:
G. Subcontracting Goals
H. Local Business Enterprise (LBE)

CMD/HRC ACTION
12B Waiver Granted: 14B Waiver Granted:
12B Waiver Denied: 14B Waiver Denied:
Reason for Action:
CMD Staff: Date:
CMD Director: Date:
HRC Director (12B Only): Date:



---

**From:** Board of Supervisors, (BOS)  
**To:** BOS-Supervisors  
**Subject:** FW: Memberships Office Memberships for FY 2016-17  
**Attachments:** Memberships\_7.21.2016.pdf

**From:** Lu, Carol (MYR)  
**Sent:** Thursday, July 21, 2016 8:46 AM  
**To:** Calvillo, Angela (BOS) <angela.calvillo@sfgov.org>; Alvarado, Orealis (CON) <orealis.alvarado@sfgov.org>  
**Cc:** Whitehouse, Melissa (MYR) <melissa.whitehouse@sfgov.org>; Tan, Vicky (ECN) <vicky.tan@sfgov.org>  
**Subject:** Memberships Office Memberships for FY 2016-17

## MEMORANDUM

**DATE:** July 21, 2016  
**TO:** Angela Calvillo, Clerk of the Board of Supervisors  
Orealis M. Alvarado, Office of the Controller  
**FROM:** Carol Lu, Director of Administration & Finance, Mayor's Office  
**SUBJECT:** Mayor's Office Memberships for Fiscal Year 2016-17

---

Per San Francisco Administrative Code 16.6, the Office of the Mayor is requesting appropriation for the memberships listed below in the next Annual Appropriation Ordinance for Fiscal year 2016-17. No memberships have been added or deleted from the previous year's listing:

Vendor Name	Amount
US Conference of Mayors / MWMA	26,216
League of California Cities Peninsula Div - Mayor's Office Due	102,486
League of California Cities Peninsula Div - Mayor's Office Membership Dues	100
National League of Cities	35

Carol Lu  
Administration and Finance  
Office of Mayor Edwin M. Lee  
415-554-6486  
[carol.lu@sfgov.org](mailto:carol.lu@sfgov.org)



**MEMORANDUM**

DATE: July 21, 2016

TO: Angela Calvillo, Clerk of the Board of Supervisors  
Orealis M. Alvarado, Office of the Controller

FROM: Carol Lu, Director of Administration & Finance, Mayor's Office

SUBJECT: Mayor's Office Memberships for Fiscal Year 2016-17

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National League of Cities	35

OFFICE OF THE MAYOR  
SAN FRANCISCO



*BOS-11 Aides, COB,  
Deputies, Dep City Atty  
Mayor's office*  
EDWIN M. LEE  
MAYOR *CPAGE*

July 20, 2016

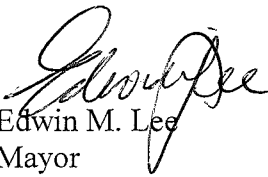
Ms. Angela Calvillo  
San Francisco Board of Supervisors  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102

Dear Ms. Calvillo,


Pursuant to Charter Section 3.100, I hereby designate Supervisor Mark Farrell as Acting-Mayor from the time I leave the State of California on Thursday, July 21, at 2:20 p.m., until Tuesday, July 26, at 2:00 p.m. and Supervisor Katy Tang from Tuesday, July 26, at 2:01 p.m. until I return on Friday, July 29, at 10:39 a.m.

In the event I am delayed, I designate Supervisor Katy Tang to continue to be the Acting-Mayor until my return to California.

Sincerely,

  
Edwin M. Lee  
Mayor

cc: Mr. Dennis Herrera, City Attorney

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2016 JUL 20 PM 4:34  
BY 

10

1 DR. CARLTON B. GOODLETT PLACE, ROOM 200  
SAN FRANCISCO, CALIFORNIA 94102-4681  
TELEPHONE: (415) 554-6141

OFFICE OF THE MAYOR  
SAN FRANCISCO



ORIG: Rules  
C: COB, Leg Dep, Dep.  
City atty., CPAGE  
EDWIN M. LEE ac  
MAYOR File

July 20, 2016

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,

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

Gloria Bonilla, to the Recreation & Park Commission, for a four-year term ending June 27, 2020

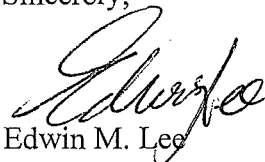
Tom Harrison, to the Recreation & Park Commission, for a four-year term ending June 27, 2020


Kat Anderson to the Recreation & Park Commission, assuming the seat formerly held by Meagan Levitan, for a term ending June 27, 2020

I am confident that Ms. Bonilla, Mr. Harrison and Ms. Anderson, electors of the City and County, will serve our community well. Attached herein for your reference are their qualifications to serve.

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

Sincerely,

  
Edwin M. Lee  
Mayor

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BOARD OF SUPERVISORS  
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BY 



## **Gloria Bonilla Biography**

Since moving to San Francisco in 1976, Gloria Bonilla has been active in the Mission District community. For the past 30 years, she has served in top leadership positions at Centro Latino de San Francisco, Inc. From 1985 to the present she has held the position of Executive Director. In this capacity she has developed and implemented services (on-site and home delivered meals, paratransit, recreation and education activities, English as a second language classes, naturalization classes, and health care advocacy) that address the essential needs of low-income, at-risk seniors, immigrants, youth and families.

Prior to her current role as Executive Director, Ms. Bonilla was an administrator for youth programs. During her tenure at CYO she oversaw the implementation of programs that offered year-round and summer employment training for youth, 14-21 years of age; a daycare program for elementary school age children; and an after school recreation and sports program for teens.

Commissioner Bonilla has provided leadership to community groups in various capacities and served on distinguished nonprofit boards. Some of these include: San Francisco Giants Community Fund, UCSF Community Advisory Group, and Mission Housing Development Corporation.

Born in San Luis Obispo, CA and raised in Fresno, CA, Ms. Bonilla holds a degree in government from University of San Francisco.

## **Tom Harrison Biography**

Tom Harrison, born and raised in San Francisco, was appointed to the Recreation and Park Commission in October 2004 by Mayor Gavin Newsom. He was sworn into office by Mayor Newsom in November 2004.

Mr. Harrison worked for the Recreation and Park Department beginning in 1964 as an Assistant Gardener and was promoted to Gardener in 1972. After 28 years of service and many assignments after, he was then hired by Laborers Local 261 as a Union Representative. Mr. Harrison was appointed to serve the Gardeners and Laborers of the City. In 2002 he was promoted to Assistant Business Manager of Local 261. He retired from City Employment in 2004 completing 30 years of service to the City and County of San Francisco.

Commissioner Harrison take great personal pride in his appointment to the Recreation and Parks Commission, "I have a great respect for the people of San Francisco for whom I serve."

# Kat Anderson

65 Avila Street San Francisco, CA 94123  
(415) 420-7503; katanderson63@me.com

## Personal Summary

A savvy and collaborative civic leader with lifelong dedication to public service and grassroots advocacy. A lawyer by training and current labor union leader driven to improve the lives of women, families and those most in need in San Francisco. Seeking opportunities to apply skills and experience to preserving San Francisco's parks and outdoor activities for youth, adults and families.

## Strengths and Expertise

Executive Leadership	Building Relationships
Legal Analysis	Nonprofit Advocacy
Government Relations	Fundraising
Media Relations	Youth Mentoring
Strategic Communications: Print and Digital	Grassroots Organizing

## Professional Experience

**Pacific Media Workers Guild – Union Representative/Administrative Officer** 2011-present

Secure fair salary and benefits from employers for journalists and other communications workers through collective bargaining and contract enforcement. Organize and mobilize members to fight unfair practices and protect the integrity of local news media organizations.

Developed and founded Bay News Rising, a program that gives journalism students access to mentoring, training and networking opportunities to assist them in finding meaningful employment after graduation. Continue to build and maintain partnerships with San Francisco State University and City College of San Francisco with a focus on recruiting women and students from diverse communities to participate in the program.

Administer guild scholarship program. Manage and mentor students and a CORO Fellow. Assist in other administrative matters, including human resources, executive committee meetings, building corporation issues, fundraising, outreach to unions and public officials, developing all-member email communications. Serve as trustee of Health and Welfare Trust and advisor on various legal matters.

**Law Office of Kathleen Stewart Anderson** 1998-2011

Provided full range of legal services to individuals, public entities and nonprofits. Specialized in employment and labor relations, personal injury, estate planning and contract matters. Past clients include: Cities of Fremont and Oakland, AC Transit, Diablo Valley College and Bishop's Ranch. Worked with union leaders and lawyers, business agents and general membership.

**Deputy District Director, California State Senate, 3<sup>rd</sup> District (Carole Migden)** 2008

Managed district office employees, responded to constituent requests, drafted speeches, handled correspondence, facilitated resolutions to constituent concerns and represented Senator at community events.

**Heller Ehrman White & McAuliffe and Baker & McKenzie** 1990-1998

Handled all aspects of employment litigation from discovery to summary judgment or arbitration/mediation/trial. Counseled officers and employees in labor and employment matters.

## Education

**UC Hastings College of the Law, Juris Doctor** 1991

Specialized in contracts, employment law and mediation. Senior Note Editor of the Hastings Communications and Entertainment Law Journal. Interned for Justice Carl W. Anderson, California Court of Appeal, drafted ten proposed legal opinions (one published).

**Stanford University, Bachelor of Arts** 1986

Graduated with Distinction with a major in Political Science and minor in Economics. Studied law at Stanford-in-Oxford during summer of 1985. [Transferred from UC Irvine 1984.]

Community  
Engagement

**San Francisco Democratic County Central Committee, Recording Secretary** 2012 – 2016  
Registered new voters, increased voter education and engagement, campaigned for endorsed candidates and ballot measures through phone banking, door knocking and fundraising. Advocated for candidates and ballot measure that put forth practical solutions to San Francisco's most pressing issues. Recorded and kept minutes and attendance of all meetings.

**Shared Schoolyard Project, Key Partner** 2010 – Current  
One of the lead funders at project re-launch in 2010. Involvement includes ongoing fundraising and neighborhood outreach.

**Bishop's Ranch, Board Member** 2010 - Current  
Episcopal conference center in Healdsburg that focuses on environmental education and recreational activities for youth and families. Stewardship of 500 acres of land in Healdsburg, including an organic orchard, summer camps, and environmental education programs for the public.

**City Democratic Club, President** 2010 - Current  
Plan public fora featuring speakers to increase awareness of local political issues. Endorse local candidates and initiatives in every election and produce state mailer to support endorsed individuals and measures.

**Florence Crittenton Services, President** 1993 - 2001  
Joined as a Board Member in 1993 and moved through different leadership roles. Set policy and assisted staff in running programs to support pregnant and parenting teens and provide childcare for low income families. Led fundraising efforts, strengthened community relations, and did event planning and grant writing.

**Marina Community Association, Vice President** 2010 - 2013  
Worked with neighbors and city departments to address issues of concern among residents, such as parking, traffic and small business diversity. Solicited community input on changes happening in the Marina. Helped launch the first annual Marina Family Fest.

**United Way Women's Leadership Council, Founding Co-Chair** 2011- 2014  
Launched council to build community among women leaders throughout the Bay Area to increase engagement in the United Way's efforts to help those most in need. Assisted in the design of economic empowerment programs (SparkPoint Centers Bay Area) and family assistance initiatives. Engaged major donors and grew donor pool, participated in networking events to educate others about the United Way.

**Bay News Rising, Founder and Program Director** 2012 - Current  
Provide journalism students with the tools and training to launch fulfilling and economically sound careers.

**Foundation of City College of San Francisco, Board Member** 2010 - Current  
Work with colleagues to direct the responsible allocation and spending of \$17M in scholarship funds.

**Kat Anderson Media Workers Support Fund Scholarship** 2012 - Current  
Created annual scholarship at San Francisco State University to support students seeking careers in journalism and communications.



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**From:** Board of Supervisors, (BOS)  
**To:** BOS-Supervisors  
**Subject:** FW: San Francisco Police Department - Report - Admin Code Section 96A  
**Attachments:** 2016 First Quarter-Executive Summary Final.pdf; 2016\_06\_30\_Chapter 96A Report JanMar 2016 Data Final.pdf; 2016\_07\_26\_Ltr Cover Chapter 96A JanMar 2016.pdf

**From:** Chaplin, Toney (POL)  
**Sent:** Tuesday, July 26, 2016 4:52 PM  
**To:** Nicita, Carl (MYR) <carl.nicita@sfgov.org>; Elliott, Jason (MYR) <jason.elliott@sfgov.org>; Jacobson, Caitlin (MYR) <caitlin.jacobson@sfgov.org>; Breed, London (BOS) <london.breed@sfgov.org>; BreedStaff, (BOS) <breedstaff@sfgov.org>; Calvillo, Angela (BOS) <angela.calvillo@sfgov.org>; Suzy Loftus <suzyloftus@hotmail.com>; SFPD, Commission (POL) <SFPD.Commission@sfgov.org>; Info, HRC (HRC) <hrc.info@sfgov.org>  
**Cc:** Major, Erica (BOS) <erica.major@sfgov.org>; Sainez, Hector (POL) <hector.sainez@sfgov.org>; Chaplin, Toney (POL) <toney.chaplin@sfgov.org>  
**Subject:** San Francisco Police Department - Report - Admin Code Section 96A

Honorable Mayor, Honorable Breed, Commissioner Loftus, and Commissioner Christian;

Attached is the San Francisco Police Department's first report required by Administrative Code Section 96A, Law Enforcement Reporting Requirements.

We apologize for the delay in its release.

The report will be posted on the Department's website on Wednesday, July 27.

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

Thank you.

Toney D. Chaplin  
Acting Chief of Police  
San Francisco Police Department  
1245 3rd Street  
San Francisco, CA 94158

**EXECUTIVE SUMMARY**  
**Use of Force and Arrest Report – January 1, 2016 – March 31, 2016**  
**(First Quarter)**

**SUMMARY**

This is the first report by the San Francisco Police Department as required under Administrative Code 96A, Law Enforcement Reporting Requirements. As per the requirements of Sec. 96A.3, the first quarterly report contains information relating to Arrests and Use of Force, which includes the following information:

Sec. 96A.3.

- (b) For Use of Force
  - (1) The total number of Uses of Force;
  - (2) The total number of Uses of Force that resulted in death to the person on whom an Officer used force; and
  - (3) The total number of Uses of Force broken down by race or ethnicity, age, and sex.
  
- (c) For arrests:
  - (1) The total number; and
  - (2) The total number broken down by race or ethnicity, age, and sex.

**COMPARABLE DATA**

At this time, a statistical comparison has not been done between the San Francisco Police Department and other jurisdictions with similar population and police staffing due to the lack of national reporting standards.

However, pointing a firearm as a reportable use of force is becoming the pattern of practice for many agencies throughout the country. It will be a recommendation for cities that are part of the Department of Justice review process to include pointing of a firearm as a reportable use of force as part of their policy. Therefore, future reports may allow for some comparisons.

**USE OF FORCE**

It is important to provide some background on the use of force, its definition, policies and procedures relating to its use, and the collection of data.

***Policy:***

Beginning in April 2015, the Department began to reassess the way members are trained to determine if improvements can/should be made with an emphasis on safeguarding the life, dignity, and liberty of all persons. The Department was invited by the Police Executive Research Forum (PERF) to participate in a nationwide effort to reengineer the use of force – from policy changes to training.

The use of force by members of the San Francisco Police Department is regulated through policies which are established according to local, state, and federal mandates. Since the end of 2015, the Department's policies relating to the use of force have been under review and are being

reformed with input from community members, private and public organizations, and other stakeholders. The final draft was approved by the Police Commission on June 22, 2016, and is in the final stages of implementation. In the spirit of transparency, documents relating to this reform process, including copies of drafts and discussion notes, are available on our website at [www.sanfranciscopolice.org/use-force-documents](http://www.sanfranciscopolice.org/use-force-documents).

The improvements to our use of force policy will emphasize several key principles including the safeguarding of human life and dignity, de-escalation techniques, proportionality of force, crisis intervention, and ensuring members are acting in a manner that is fair and impartial. These changes make it clear as to when, what level, and what type of force is allowed, and equally, when force is not allowed.

It is important to note that the updated Department General Order has not been finalized. However, there were key principles in this updated policy which needed to be implemented. As such, a directive was issued by the Chief of Police via a Department Bulletin to immediately adopt these principles as policy. In addition, the following policies governing the use of force have been issued to amend and/or augment the current use of force policies.

- **Department General Order**
  - DGO 5.01: Use of Force
  - DGO 5.02: Use of Firearms
  
- **Department Bulletins – Use of Force**
  - **16-116:** Principles to Consider Regarding the Use and Application of Force
  - **16-046:** Updating Bi-Annual Force Options Training
  - **16-082:** Reminder Regarding DGO 5.02, Use of Firearms: Discharge of Firearm at Operator or Occupant of Moving Vehicles
  - **15-255:** Pointing of Firearms
  - **15-237:** Amended Use of Force Log
  - **15-051:** Use of Force Options: Reporting and Medical Assessment Requirements
  - **15-106:** Avoiding the “Lawful but Awful” Use of Force (Time/Distance)
  - **14-015:** Reminder Regarding DGO 5.02, Use of Firearms: Permissible Circumstances to Discharge Firearm
  - **14-111:** Documenting Use of Force
  
- **Department Bulletins - Equipment**
  - **16-071:** Department Issued Impact Weapon
  - **15-234:** Extended Range Impact Weapon Guide Sheet
  - **15-188:** Extended Range Impact Weapon (ERIW)
  - **15-142:** Extended Range Impact Weapon (Superseded by 15-188)

***Definition of Use of Force:***

The use of force must be for a lawful purpose. Officers may use reasonable force options in the performance of their duties in the following circumstances:

- To effect a lawful arrest, detention, or search.
- To overcome resistance or to prevent escape.
- To prevent the commission of a public offense.
- In defense of others or in self-defense.
- To gain compliance with a lawful order.
- To prevent a person from injuring himself/herself. However, an officer is prohibited from using lethal force against a person who presents only a danger to himself/herself and does not pose an immediate threat of death or serious bodily injury to another person or officer.

***Levels of Force:***

It is the policy of the Department that the degree of force shall be restricted to circumstances authorized by law and to the degree minimally necessary to accomplish a lawful police task. The current force options are:

- Verbal Persuasion
- Physical Control (e.g., passive resister, bent wrist control, excluding the carotid restraint)
- Liquid Chemical Agent (Mace/Oleoresin Capsicum/Pepper Spray)
- Carotid Restraint
- Department Issued Impact Weapons
- Firearm Intentionally Pointed at a Person
- Firearm

***Documenting the Use of Force:***

Members are directed to immediately notify supervisors following a use of force incident, which is then documented and investigated by the supervisor on scene. In addition to improving and reengineering the use of force through training, beginning in December 2015, the pointing of a firearm was designated through Department Bulletin 15-255 as a “reportable” use of force. Prior to this time, only the discharge of a firearm was considered reportable.

Compiling the use of force data up to this point has been done manually. With the enactment of this reporting requirement, the Department had to reconfigure software programs in order to collect the mandated information at the time of an encounter, arrest, and/or use of force. This has been a major undertaking as our systems required re-tooling in order to include the data fields that are mandated to be collected. That project is expected to be complete by the end of the year, and all future reports should include the expanded information mandated by this Section.

Further, in order to better analyze uses of force, the Department centralized where this data is collected. The Risk Management Office (RMO) now tracks and maintains all data relating to use of force incidents reported by each district station and specialized units. RMO, which includes staff assigned to the Early Intervention System (EIS) Unit, will review and generate reports relating to the use of force, i.e., under what circumstance was it used, type/level of force, and subject/officer identifiers.

Use of force reports will be generated monthly and reviewed by staff in the Professional Standards and Principled Policing Bureau prior to being forwarded to the Chief of Police. The final reports will be provided to commanding officers for review with all supervisors at the district station level as a means to monitor and identify concerns immediately. The reports will be posted online and made available to the public as part of our ongoing commitment to transparency.

**USE OF FORCE REPORT/ANALYSIS**

It is important to note that the majority of police contacts with members of the public do not result in the use of force. In the first quarter of 2016, the Department responded to 157,740 calls for service – 99,461 calls that were dispatched and 58,279 self-initiated or “on view” encounters.

Month	Dispatch		On View		Total
	Count	Percent	Count	Percent	
January 2016	32,834	62%	20,577	38%	53,411
February 2016	32,438	65%	17,147	35%	49,585
March 2016	34,189	62%	20,555	38%	54,744
<b>Total</b>	<b>99,461</b>	<b>63%</b>	<b>58,279</b>	<b>37%</b>	<b>157,740</b>

Of the 157,740 contacts during this timeframe, force was used in 341 encounters which represents .20 percent of the Department’s total contacts. During these 341 incidents, one or more officers reported using force resulting in 947 total individual documented uses of force.

Month	Number of Uses of Force	
	Count	Percent
January 2016	293	31%
February 2016	400	42%
March 2016	254	27%
<b>Total</b>	<b>947</b>	<b>100%</b>

The number of officers employing force options during this reporting period was 447.

Age of Officer	# Using Force	Percent
22-29	126	28%
30-39	200	45%
40-49	91	20%
50-59	28	6%
60 and Over	2	<1%
<b>Total</b>	<b>447</b>	<b>100%</b>

This illustrates that more than one officer employed a reportable force option on one or more subjects in a single event. For example, during a felony stop on an armed robbery vehicle with three subjects inside, three officers respond. Two officers point their firearms at the three subjects and order them to exit the vehicle. One officer handcuffs each of the subjects, and the last subject resists arrests. Force is used by that officer to overcome the resistance and the subject makes a complaint of pain. This one scenario involving three officers would result in a total of seven reportable uses of force.

Number of Officers	# of Incidents	Percent
1 Officer	168	49%
2 Officers	108	32%
3 Officers	30	9%
4 Officers	18	5%
5 Officers	8	2%
6 or More Officers	9	3%
<b>Total</b>	<b>341</b>	<b>100%</b>

***Force Options Employed:***

Pointing of firearms became a reportable use of force beginning in December 2015, which accounted for 648 or 68 percent of the type of force used. The Department currently is analyzing the incidents involving the pointing of a firearm to ensure members are meeting the reporting criteria. Members may be over cautious in reporting this type of force including documenting each time a firearm is unholstered in the “low-ready” position, such as prior to search a building on an alarm call, which is not a reportable use of force.

Type of Force Used	Number	Percent
Pointing of Firearms	648	68%
Physical Control	191	20%
Strike by Object/Fist	60	6%
Chemical Agent (OC)	21	2%
Impact Weapon	18	2%
ERIW	1	<1%
Carotid	6	<1%
Other** Strike with door	2	<1%
<b>Quarterly Total</b>	<b>947</b>	<b>100%</b>

**Use of Force Resulting in Death:**

During this reporting period, there were no firearm discharges resulting in death to a member of the public or a sworn officer.

**Type of Call:**

Part I property-related calls were the most common type of call resulting in a reportable use of force. Part I property-related calls made up 22 percent of the incidents. Other common types of calls resulting in force included suspicious person, violent crime, person with a gun, and traffic-related incidents.

The remaining calls for service varied and included classifications such as person with a knife, search warrant, mental health related, check on well-being, vandalism, homeless related, terrorist threat, restraining order violation, alarm, fraud, and prostitution.

Call Type	Percent January Incidents	Number January Incidents	Percent February Incidents	Number February Incidents	Percent of March Incidents	Number of March Incidents	Percent of Total Incidents	Number of Total Incidents
Part I Property	22.9%	25	21.8%	27	21.3%	23	22.0%	75
Suspicious Person	13.8%	15	16.1%	20	33.3%	36	20.8%	71
Part I Violent	22.9%	25	24.2%	30	13.9%	15	20.5%	70
Person with a Gun	5.5%	6	12.1%	15	7.4%	8	8.5%	29
Traffic-Related	7.3%	8	6.5%	8	6.5%	7	6.7%	23
Alarm/Well-being Check	4.6%	5	1.6%	2	5.6%	6	3.8%	13
Person with a Knife	3.7%	4	6.5%	8	0.9%	1	3.8%	13
Mental Health Related	3.7%	4	3.2%	4	3.7%	4	3.5%	12
Search Warrant	2.8%	3	3.2%	4	4.6%	5	3.5%	12
Vandalism	3.7%	4	0.8%	1	1.9%	2	2.1%	7
Homeless Related Call	3.7%	4	1.6%	2	0.0%		1.8%	6
Terrorist Threats	0.9%	1	0.8%	1	0.0%		0.6%	2
Prostitution	0.9%	1	0.8%	1	0.0%		0.6%	2
Restraining Order Violation	0.0%		0.8%	1	0.9%	1	0.6%	2
Citizen Holding a Prisoner	1.8%	2	0.0%		0.0%		0.6%	2
Fraud	1.8%	2	0.0%		0.0%		0.6%	2
<b>Total</b>	<b>100.0%</b>	<b>109</b>	<b>100.0%</b>	<b>124</b>	<b>100.0%</b>	<b>108</b>	<b>100.0%</b>	<b>341</b>

Data Source: AIMS

***Incident Report/Offender Data:***

During this time period, the Department listed 15,192 individuals in the offender section of incident reports. When a report is filed, whether an arrest is made, citation issued, or the subject is gone on arrival, offender data is captured and recorded. Below are the demographics of the offender data captured in these incident reports in the Crime Data Warehouse.

<b>Race</b>	<b>Total</b>	<b>Percent</b>
Asian / Pacific Islander	1020	7%
Black	6783	45%
Hispanic	2864	19%
White	4464	29%
Native American	61	0%
<b>Total</b>	<b>15,192</b>	<b>100%</b>

Data Source: Crime Data Warehouse

***Reason Force Options Were Employed:***

Force is used most often to effect a lawful arrest, 71.4 percent of the 947 reportable uses of force.

<b>Reason</b>	<b>Percent January Uses</b>	<b>Number January Uses</b>	<b>Percent February Uses</b>	<b>Number February Uses</b>	<b>Percent March Uses</b>	<b>Number March Uses</b>	<b>Percent of Total Uses</b>	<b>Number of Total Uses</b>
In defense of others or in self- defense	0.7%	2	1.3%	5	0.0%	0	0.7%	7
To effect a lawful arrest, detention, or search, or to prevent escape	73.7%	216	75.5%	302	62.2%	158	71.4%	676
To gain compliance with a lawful order	22.9%	67	22.0%	88	34.3%	87	25.6%	242
To prevent a person from injuring himself/herself, when the person also poses an imminent danger of death or serious bodily injury to another life	2.4%	7	0.5%	2	3.1%	8	1.8%	17
Not Specified	0.3%	1	0.8%	3	0.4%	1	0.5%	5
<b>Total</b>	<b>100.0%</b>	<b>293</b>	<b>100.0%</b>	<b>400</b>	<b>100.0%</b>	<b>254</b>	<b>100.0%</b>	<b>947</b>

Data Source: AIMS



**Force Options Employed - Race/Ethnicity:**

The use of force breakdown by race is outlined below. Unknown subjects includes race/ethnicity which was not documented in the report for various reasons, i.e., subject fled.

Type of Force Used	Asian	Black	Hispanic	White	Unknown	Quarterly Total	Percent
Pointing of Firearms	37	307	170	121	13	648	68%
Physical Control	13	73	40	61	4	191	20%
Strike by Object/Fist	6	33	15	6		60	6%
OC		12	5	4		21	2%
Impact Weapon	2	10	4	2		18	2%
ERIW				1		1	<1%
Carotid	1	3	1	1		6	<1%
Other		1		1		2	<1%
<b>Quarterly Total</b>	<b>59</b>	<b>439</b>	<b>235</b>	<b>197</b>	<b>17</b>	<b>947</b>	<b>100%</b>
Percent	6%	46%	25%	21%	2%		

In comparing the race/ethnicity and gender of officers who used force during this period against the demographics of the Police Department, there is little variance.

Race/Gender	Officers Using Force		Department Demographics	
	Number	Percent	Total Number	Percent
Asian Female***	6	1%	43	2%
Asian Male***	88	20%	429	20%
Black Female	5	1%	41	2%
Black Male	23	5%	149	7%
Hispanic Female	9	2%	54	3%
Hispanic Male	70	16%	277	13%
Other Female**	2	<1%	6	<1%
Other Male**	8	2%	22	1%
White Female	25	6%	177	8%
White Male	211	47%	916	43%
<b>Total</b>	<b>447</b>	<b>100%</b>	<b>2114</b>	<b>100%</b>

***Use of Force - Age of Subject:***

The data indicates that force is used more often on persons between the age of 18 and 29. Force was used 86 times on persons under the age of 18, a statistic the Department will analyze more closely to ensure the appropriate level of force was used in relation to the age of the subject and they type of incident.

Type of Force Used	Under 18	18-29	30-39	40-49	50-59	60 and Over	Unknown	Quarterly Total	Percent
Pointing of Firearms	67	289	161	80	37	7	7	<b>648</b>	68%
Physical Control	19	70	53	29	16	4		<b>191</b>	20%
Strike by Object/Fist		25	21	8	6			<b>60</b>	6%
OC		7	6	2	6			<b>21</b>	2%
Impact Weapon		6	6	6				<b>18</b>	2%
ERIW					1			<b>1</b>	<1%
Carotid		3	2		1			<b>6</b>	<1%
Other		1	1					<b>2</b>	<1%
<b>Quarterly Total</b>	<b>86</b>	<b>401</b>	<b>250</b>	<b>125</b>	<b>67</b>	<b>11</b>	<b>7</b>	<b>947</b>	<b>100%</b>
Percent	9%	42%	26%	13%	7%	1%	<1%	100%	

***Use of force - Gender of Subject:***

Males are more likely to be involved in an incident in which force is used, accounting for 83 percent of the uses of force.

Type of Force Used	Female	Male	Unknown	Quarterly Total	Percent
Pointing of Firearms	127	518	3	<b>648</b>	68%
Physical Control	24	167		<b>191</b>	20%
Strike by Object/Fist	2	58		<b>60</b>	6%
OC	1	20		<b>21</b>	2%
Impact Weapon		18		<b>18</b>	2%
ERIW		1		<b>1</b>	<1%
Carotid		6		<b>6</b>	<1%
Other		2		<b>2</b>	<1%
<b>Quarterly Total</b>	<b>154</b>	<b>790</b>	<b>3</b>	<b>947</b>	<b>100%</b>
Percent	16%	83%	<1%	1	

**ARRESTS**

The San Francisco Police Department made a total of 5,416 arrests between January 1 and March 31, 2016.

Month	Arrests	Percent
January	1887	35%
February	1716	32%
March	1813	33%
<b>Total</b>	<b>5416</b>	<b>100%</b>

***Arrest by Race, Sex, and Age:***

The arrest breakdown by race is as follow.

Race	Number	Percent	Sex	Number	Percent	Age	Number	Percent
Asian/ Pacific Islander	364	7%	Female	981	18%	Under 18	58	3%
Black	2149	40%	Male	4422	82%	18-29	1915	35%
Hispanic	1058	20%	Unknown*	13	<1%	30-39	1504	28%
White	1678	31%				40-49	1000	18%
Unknown*	167	3%				50-59	610	11%
						60 and Over	223	4%
						Unknown*	13	<1%

\*Subject refused or information was unavailable

**Administrative Code 96A.3**

**2016 Quarter 1 Use of Force Report**

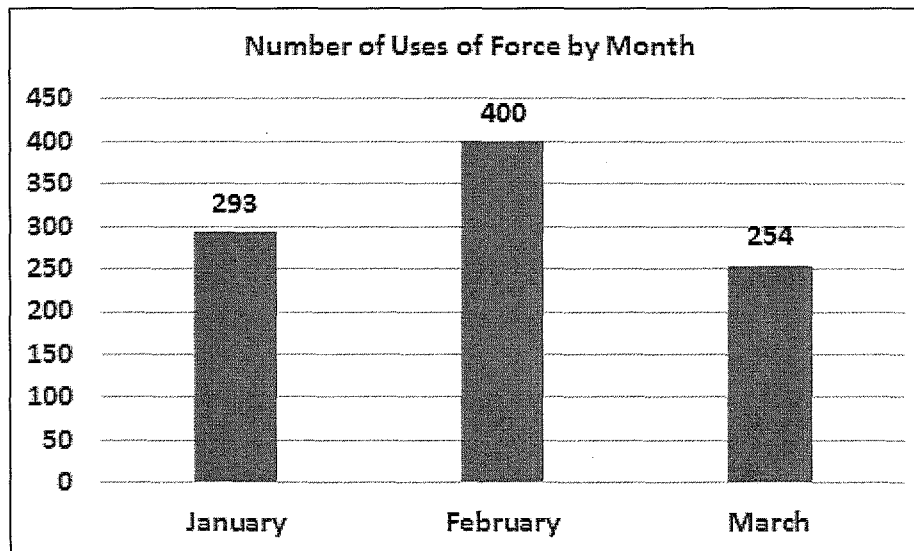
Prepared by San Francisco Police Department Crime Analysis Unit

June 30, 2016



### Total Number of Uses of Force by Month, January-March 2016

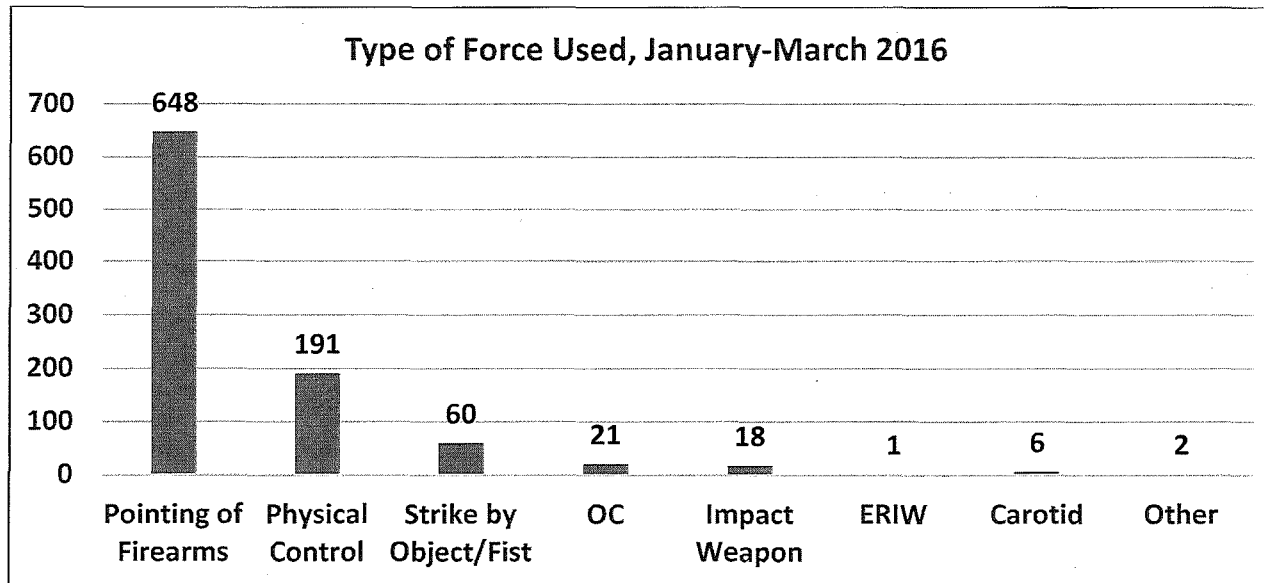
Month	Number of Uses of Force	Percent
January	293	31%
February	400	42%
March	254	27%
<b>Total</b>	<b>947</b>	<b>100%</b>



### Uses of Force by Type, January - March 2016

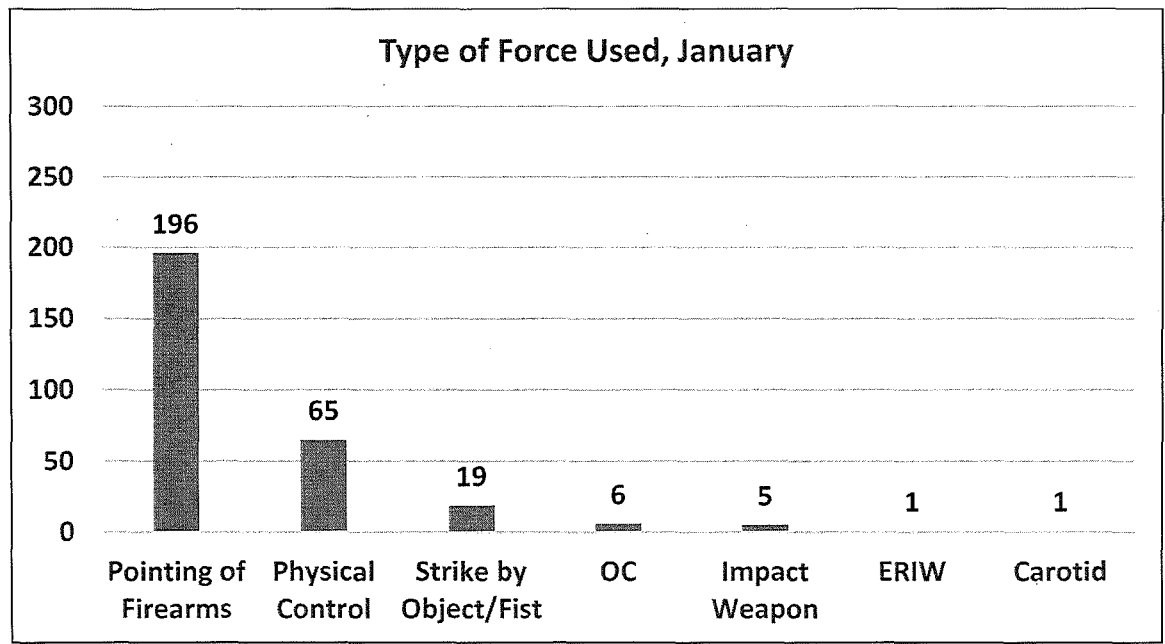
Type of Force Used	Number	Percent
Pointing of Firearms	648	68%
Physical Control	191	20%
Strike by Object/Fist	60	6%
OC	21	2%
Impact Weapon	18	2%
ERIW	1	<1%
Carotid	6	<1%
Other*	2	<1%
<b>Quarterly Total</b>	<b>947</b>	<b>100%</b>

\* Strike with door



### Uses of Force by Type, January 2016

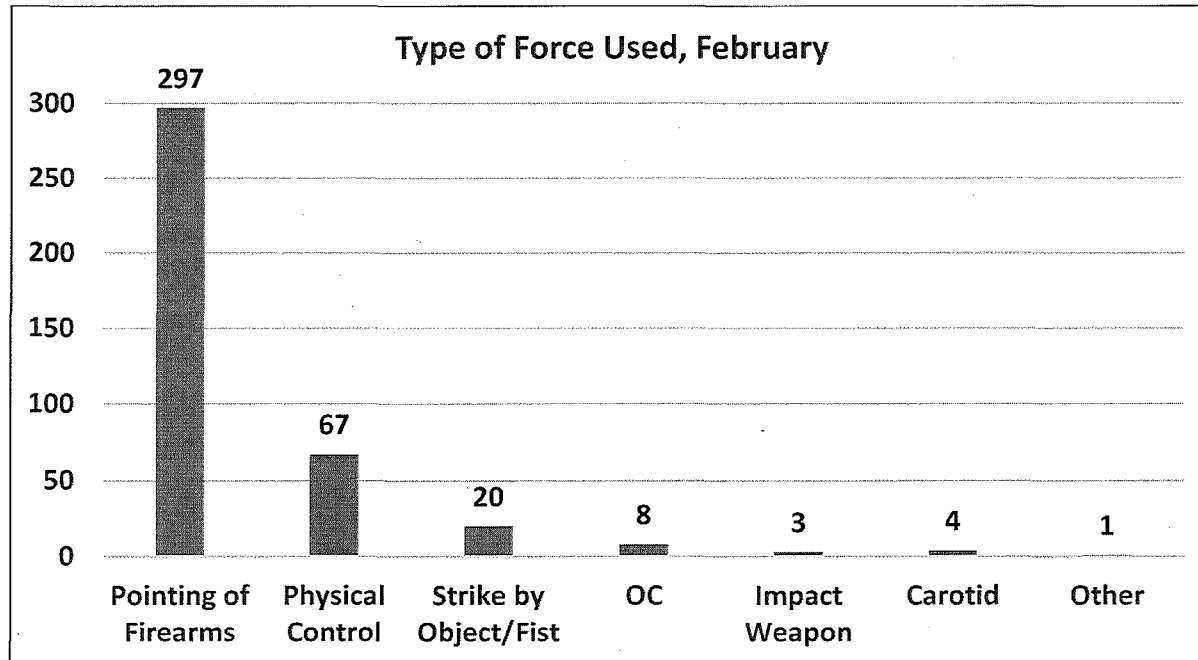
Type of Force	Number	Percent
Pointing of Firearms	196	67%
Physical Control	65	22%
Strike by Object/Fist	19	6%
OC	6	2%
Impact Weapon	5	2%
ERIW	1	<1%
Carotid	1	<1%
<b>Total</b>	<b>293</b>	<b>100%</b>



### Uses of Force by Type, February 2016

Type of Force	Number	Percent
Pointing of Firearms	297	74%
Physical Control	67	17%
Strike by Object/Fist	20	5%
OC	8	2%
Impact Weapon	3	<1%
Carotid	4	1%
Other*	1	<1%
<b>Total</b>	<b>400</b>	<b>100%</b>

\* Strike with door

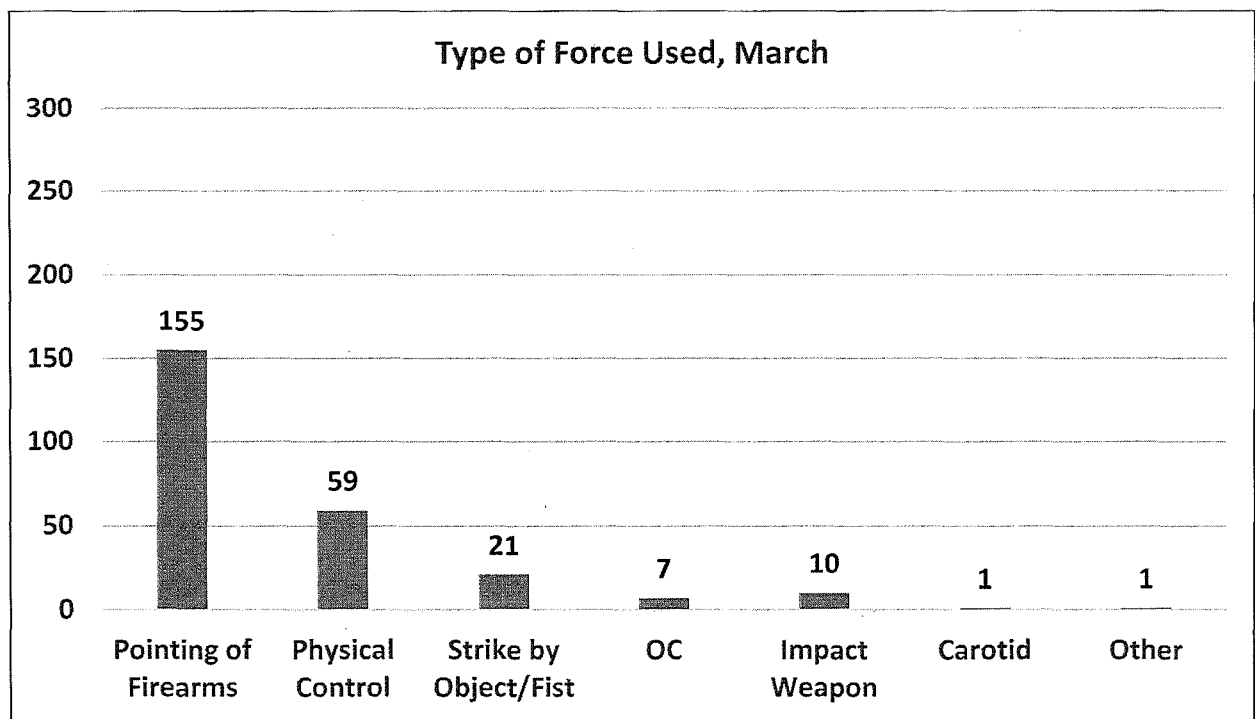




### Uses of Force by Type, March 2016

Type of Force	Number	Percent
Pointing of Firearms	155	61%
Physical Control	59	23%
Strike by Object/Fist	21	8%
OC	7	3%
Impact Weapon	10	4%
Carotid	1	<1%
Other*	1	<1%
<b>Total</b>	<b>254</b>	<b>100%</b>

\* Strike with door



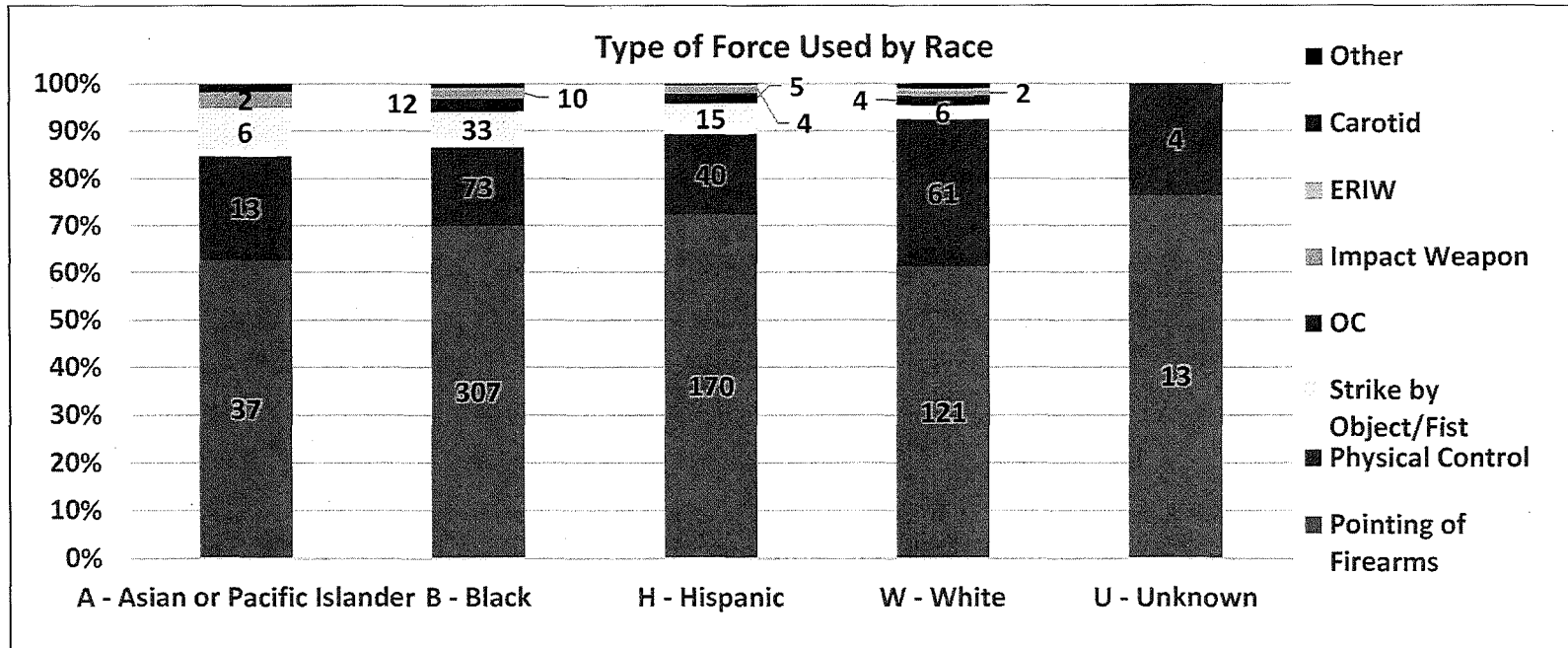
## Uses of Force Resulting in Death

During this reporting period, there were no firearm discharges resulting in death to a member of the public or a sworn officer.

### Type of Force Used by Race, January-March 2016

Race	Carotid	ERIW	Impact Weapon	OC	Other	Physical Control	Pointing of Firearms	Strike by Object/Fist	Total	Percent
A - Asian or Pacific Islander	1		2			13	37	6	59	6%
B - Black	3		10	12	1	73	307	33	439	46%
H - Hispanic	1		4	5		40	170	15	235	25%
W - White	1	1	2	4	1	61	121	6	197	21%
U - Unknown*						4	13		17	2%
<b>Total</b>	<b>6</b>	<b>1</b>	<b>18</b>	<b>21</b>	<b>2</b>	<b>191</b>	<b>648</b>	<b>60</b>	<b>947</b>	<b>100%</b>
<b>Percent</b>	<b>1%</b>	<b>&lt;1%</b>	<b>2%</b>	<b>2%</b>	<b>0%</b>	<b>20%</b>	<b>68%</b>	<b>6%</b>		

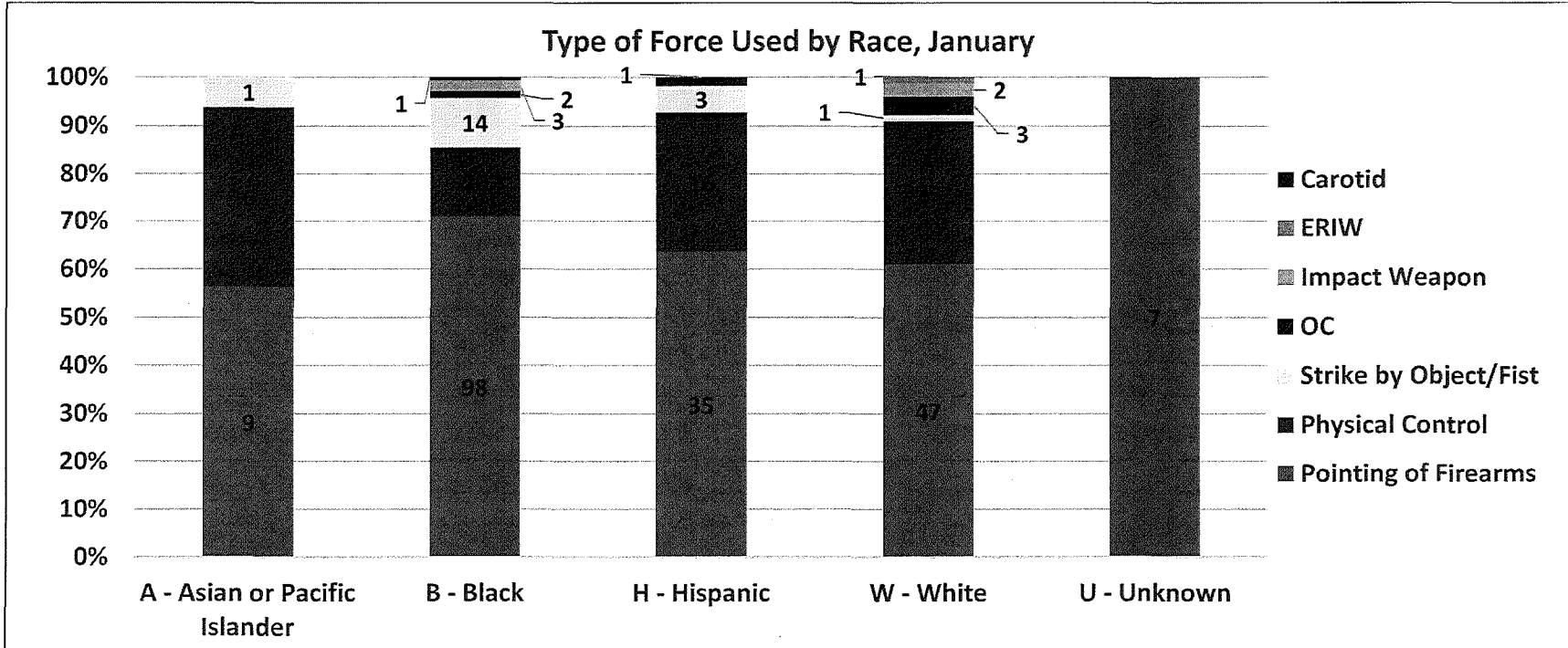
\* Unknown race or ethnicity was not documented in report for various reasons (i.e. suspect fled and race was not known)



### Type of Force Used by Race, January 2016

Race	Carotid	ERIW	Impact Weapon	OC	Other	Physical Control	Pointing of Firearms	Strike by Object/Fist	Total	Percent
A - Asian or Pacific Islander						6	9	1	16	5%
B - Black	1		3	2		20	98	14	138	47%
H - Hispanic				1		16	35	3	55	19%
W - White		1	2	3		23	47	1	77	26%
U - Unknown							7		7	2%
<b>Total</b>	<b>1</b>	<b>1</b>	<b>5</b>	<b>6</b>	<b>0</b>	<b>65</b>	<b>196</b>	<b>19</b>	<b>293</b>	<b>100%</b>
Percent	<1%	<1%	2%	2%	0%	22%	67%	6%		

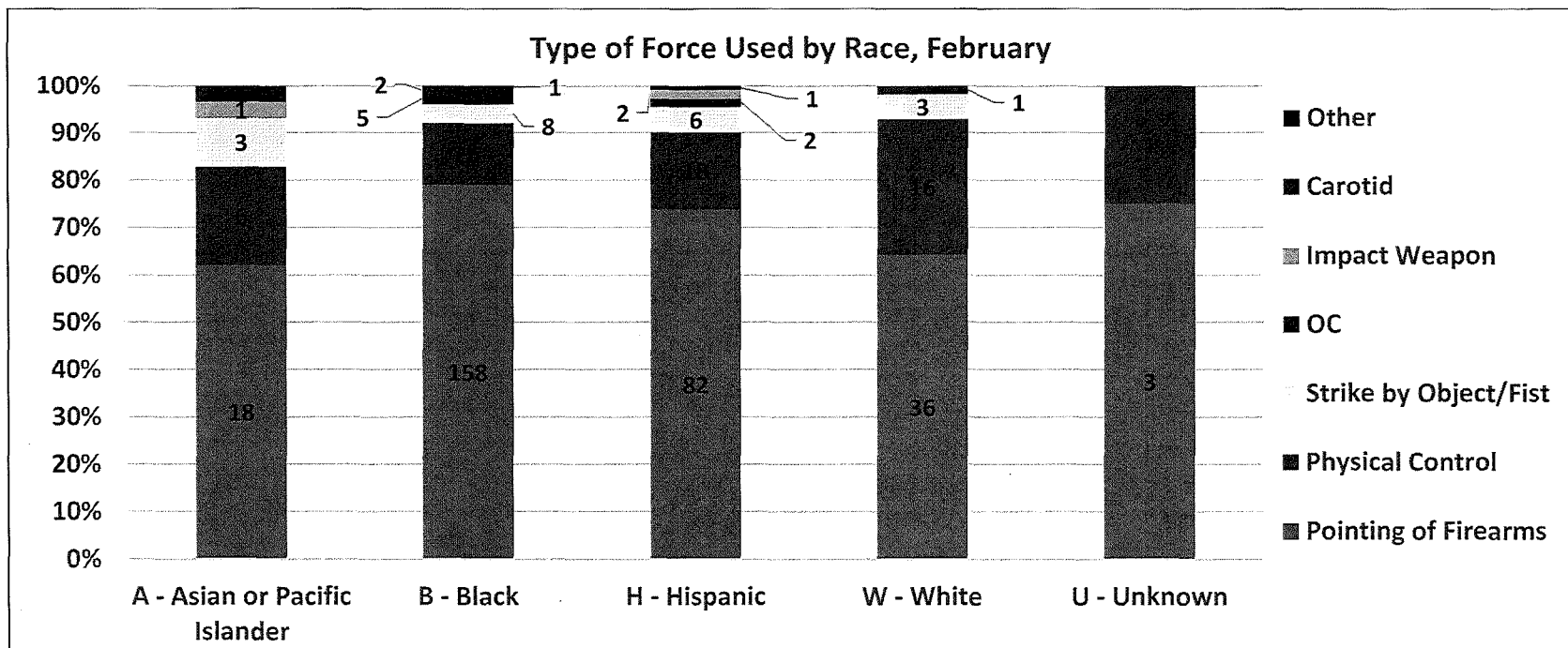
\* Unknown race or ethnicity was not documented in report for various reasons (i.e. suspect fled and race was not known)



### Type of Force Used by Race, February 2016

Race	Carotid	ERIW	Impact Weapon	OC	Other	Physical Control	Pointing of Firearms	Strike by Object/Fist	Total	Percent
A - Asian or Pacific Islander	1		1			6	18	3	29	7%
B - Black	2			5	1	26	158	8	200	50%
H - Hispanic	1		2	2		18	82	6	111	28%
W - White				1		16	36	3	56	14%
U - Unknown						1	3		4	1%
<b>Total</b>	<b>4</b>	<b>0</b>	<b>3</b>	<b>8</b>	<b>1</b>	<b>67</b>	<b>297</b>	<b>20</b>	<b>400</b>	<b>100%</b>
Percent	1%	0%	<1%	2%	<1%	17%	74%	5%		

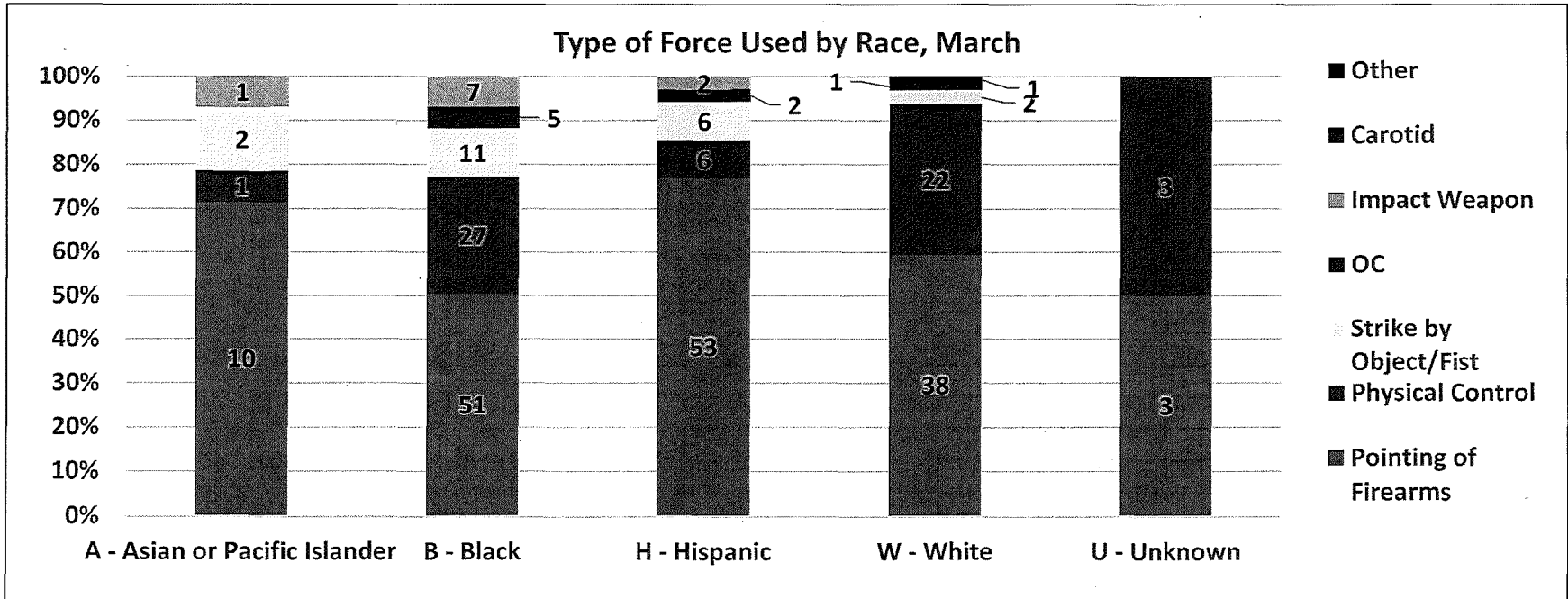
\* Unknown race or ethnicity was not documented in report for various reasons (i.e. suspect fled and race was not known)



### Type of Force Used by Race, March 2016

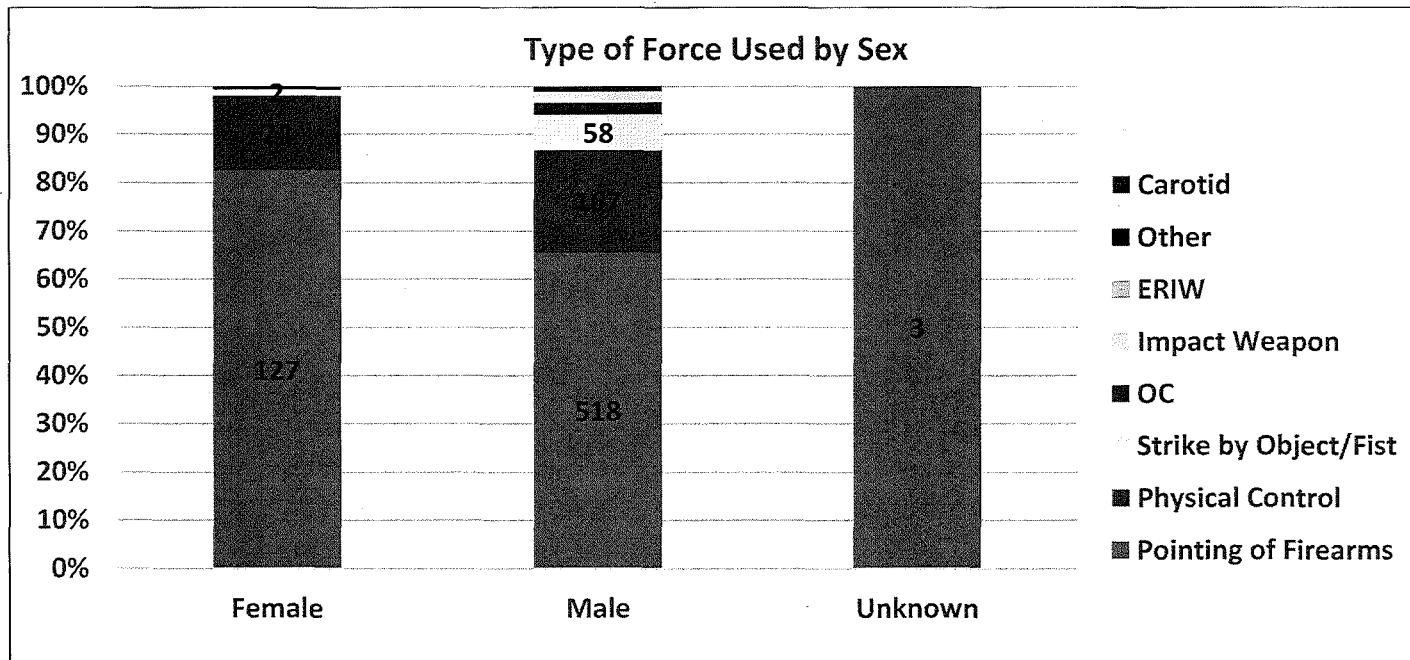
Race	Carotid	ERIW	Impact Weapon	OC	Other	Physical Control	Pointing of Firearms	Strike by Object/Fist	Total	Percent
A - Asian or Pacific Islander			1			1	10	2	14	6%
B - Black			7	5		27	51	11	101	40%
H - Hispanic			2	2		6	53	6	69	27%
W - White	1				1	22	38	2	64	25%
U - Unknown						3	3		6	2%
<b>Total</b>	<b>1</b>	<b>0</b>	<b>10</b>	<b>7</b>	<b>1</b>	<b>59</b>	<b>155</b>	<b>21</b>	<b>254</b>	<b>100%</b>
Percent	<1%	0%	4%	3%	<1%	23%	61%	8%		

\* Unknown race or ethnicity was not documented in report for various reasons (i.e. suspect fled and race was not known)



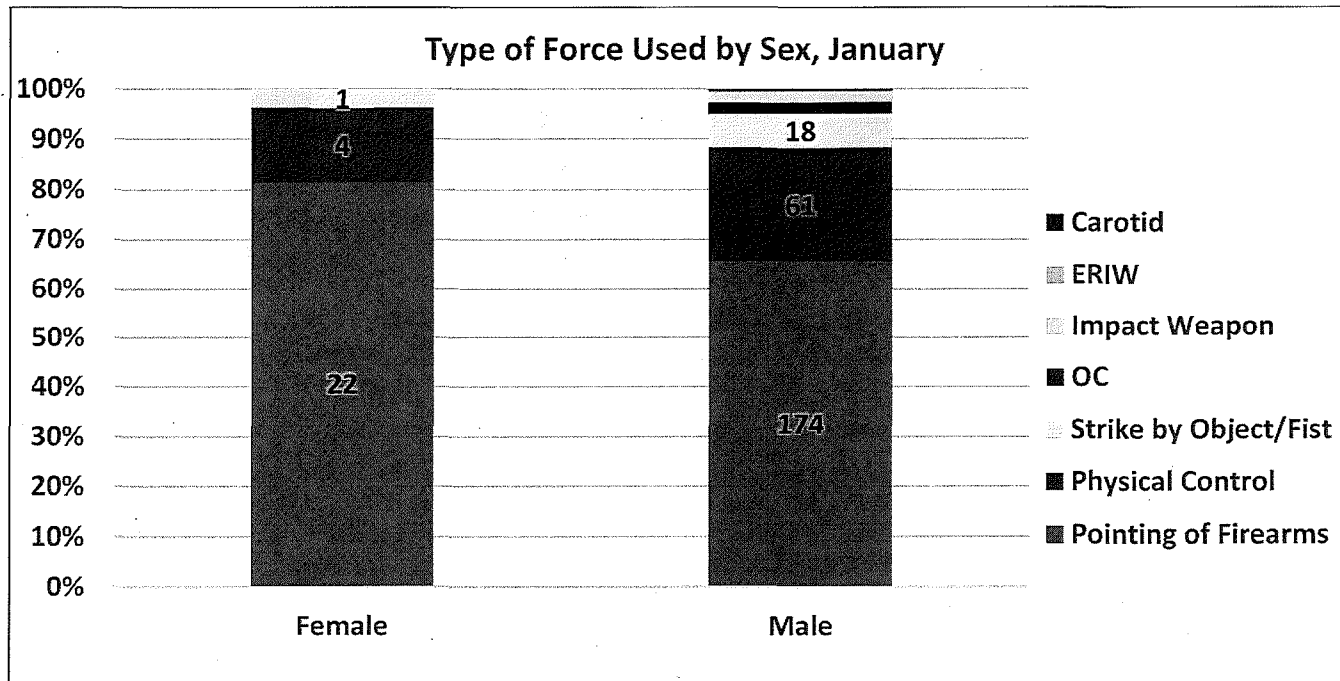
### Type of Force Used by Sex, January-March 2016

Sex	Carotid	ERIW	Impact Weapon	OC	Other	Physical Control	Pointing of Firearms	Strike by Object/Fist	Total	Percent
Female				1		24	127	2	154	16%
Male	6	1	18	20	2	167	518	58	790	83%
Unknown							3		3	<1%
<b>Total</b>	<b>6</b>	<b>1</b>	<b>18</b>	<b>21</b>	<b>2</b>	<b>191</b>	<b>648</b>	<b>60</b>	<b>947</b>	<b>100%</b>
Percent	<1%	<1%	2%	2%	<1%	20%	68%	6%		



### Type of Force Used by Sex, January 2016

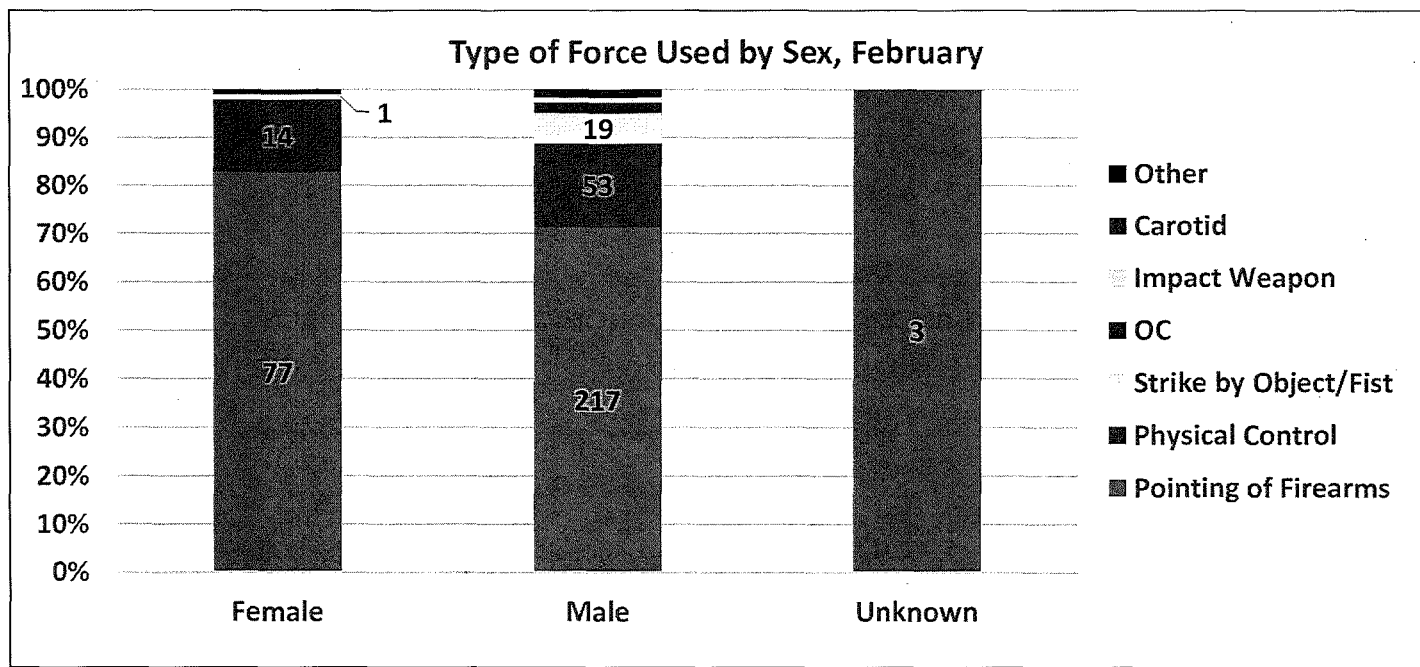
Sex of Subject	Carotid	ERIW	Impact Weapon	OC	Other	Physical Control	Pointing of Firearms	Strike by Object/Fist	Total	Percent
Female						4	22	1	27	9%
Male	1	1	5	6		61	174	18	266	91%
<b>Total</b>	<b>1</b>	<b>1</b>	<b>5</b>	<b>6</b>	<b>0</b>	<b>65</b>	<b>196</b>	<b>19</b>	<b>293</b>	<b>100%</b>
Percent	<1%	<1%	2%	2%	0%	22%	67%	6%		





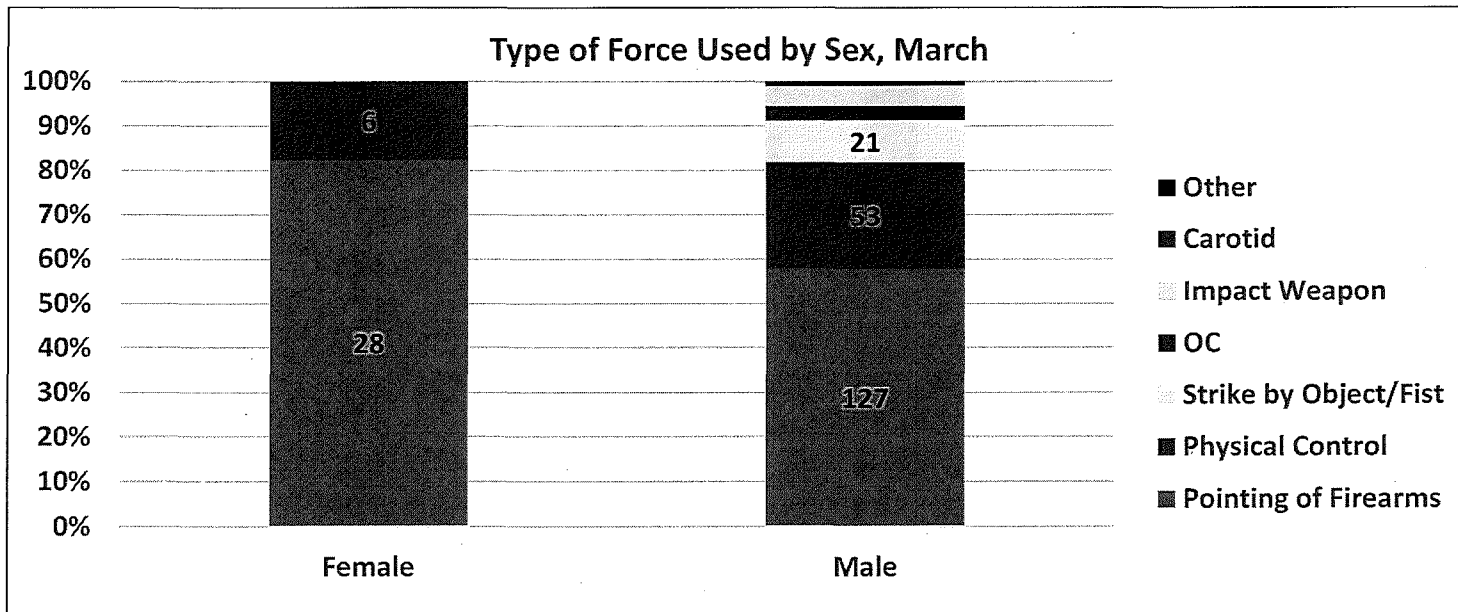
### Type of Force Used by Sex, February 2016

Sex of Subject	Carotid	ERIW	Impact Weapon	OC	Other	Physical Control	Pointing of Firearms	Strike by Object/Fist	Total	Percent
Female				1		14	77	1	93	23%
Male	4		3	7	1	53	217	19	304	76%
Unknown							3		3	<1%
<b>Total</b>	<b>4</b>	<b>0</b>	<b>3</b>	<b>8</b>	<b>1</b>	<b>67</b>	<b>297</b>	<b>20</b>	<b>400</b>	<b>100%</b>
Percent	1%	0%	<1%	2%	<1%	17%	74%	5%		



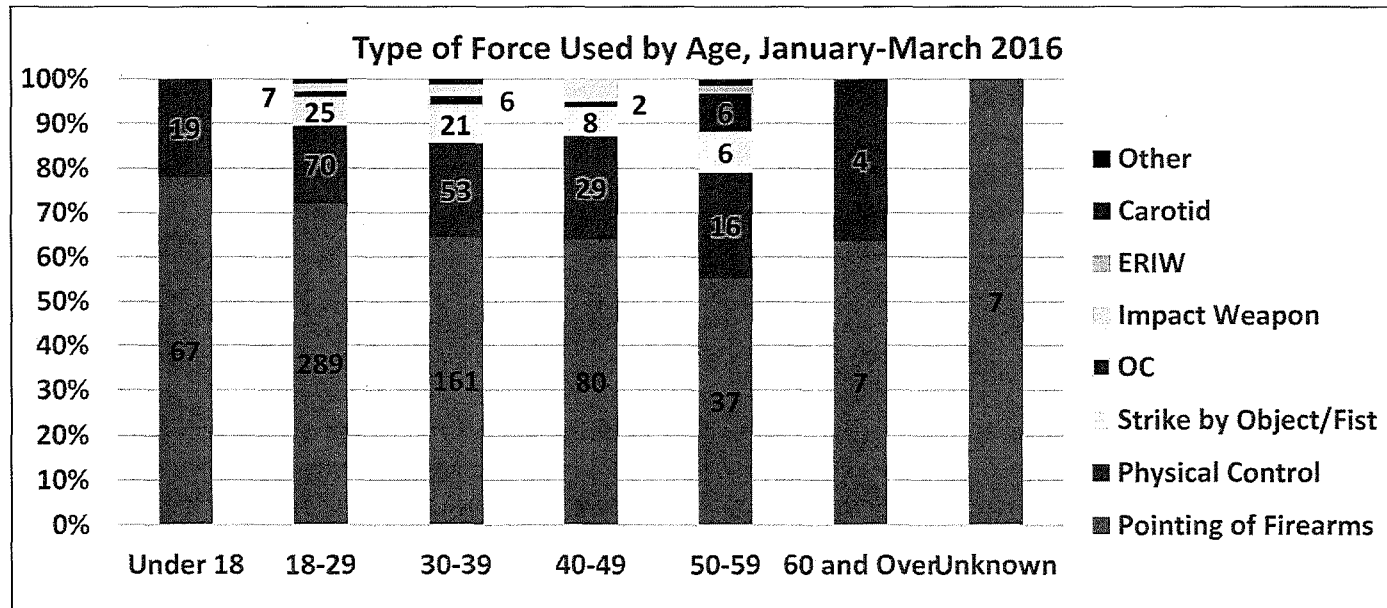
### Type of Force Used by Sex, March 2016

Sex of Subject	Carotid	ERIW	Impact Weapon	OC	Other	Physical Control	Pointing of Firearms	Strike by Object/Fist	Total	Percent
Female						6	28		34	13%
Male	1		10	7	1	53	127	21	220	87%
<b>Total</b>	<b>1</b>	<b>0</b>	<b>10</b>	<b>7</b>	<b>1</b>	<b>59</b>	<b>155</b>	<b>21</b>	<b>254</b>	<b>100%</b>
Percent	<1%	0%	4%	3%	0%	23%	61%	8%		



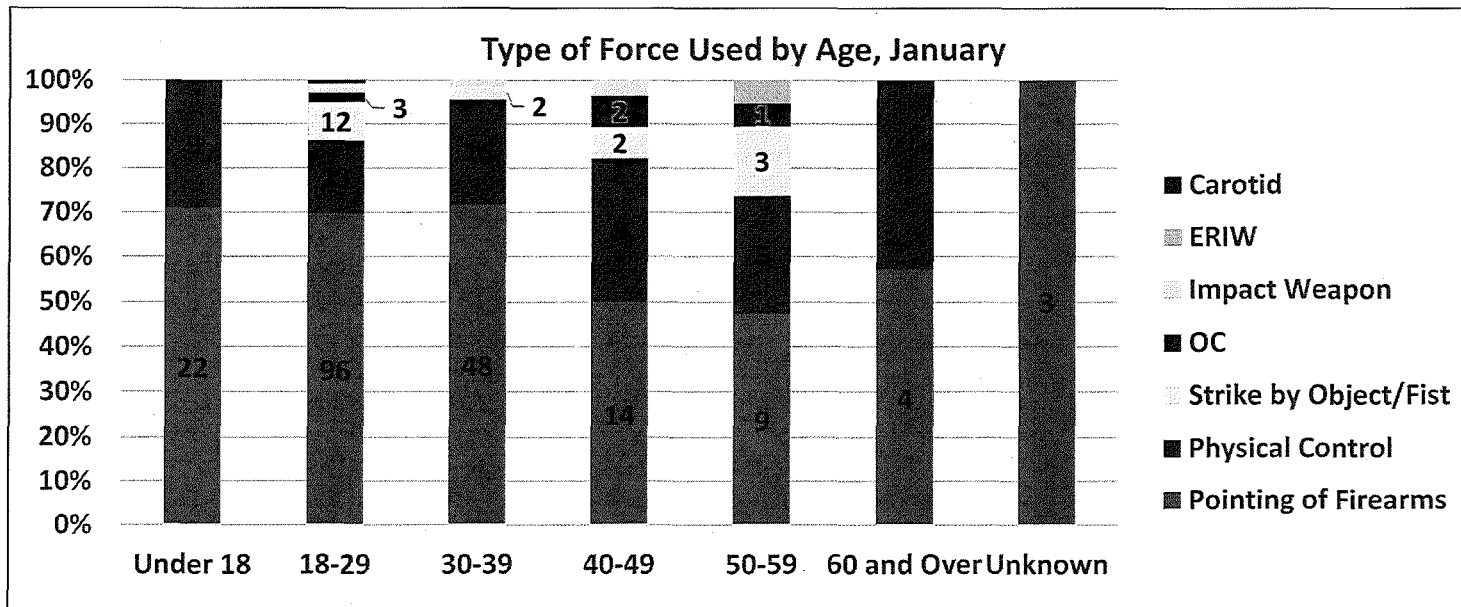
### Type of Force Used by Age, January-March 2016

Age Group	Carotid	ERIW	Impact Weapon	OC	Other	Physical Control	Pointing of Firearms	Strike by Object/Fist	Total	Percent
Under 18						19	67		86	9%
18-29	3		6	7	1	70	289	25	401	42%
30-39	2		6	6	1	53	161	21	250	26%
40-49			6	2		29	80	8	125	13%
50-59	1	1		6		16	37	6	67	7%
60 and Over						4	7		11	1%
Unknown							7		7	<1%
<b>Total</b>	<b>6</b>	<b>1</b>	<b>18</b>	<b>21</b>	<b>2</b>	<b>191</b>	<b>648</b>	<b>60</b>	<b>947</b>	
<b>Percent</b>	<b>&lt;1%</b>	<b>&lt;1%</b>	<b>2%</b>	<b>2%</b>	<b>&lt;1%</b>	<b>20%</b>	<b>68%</b>	<b>6%</b>		



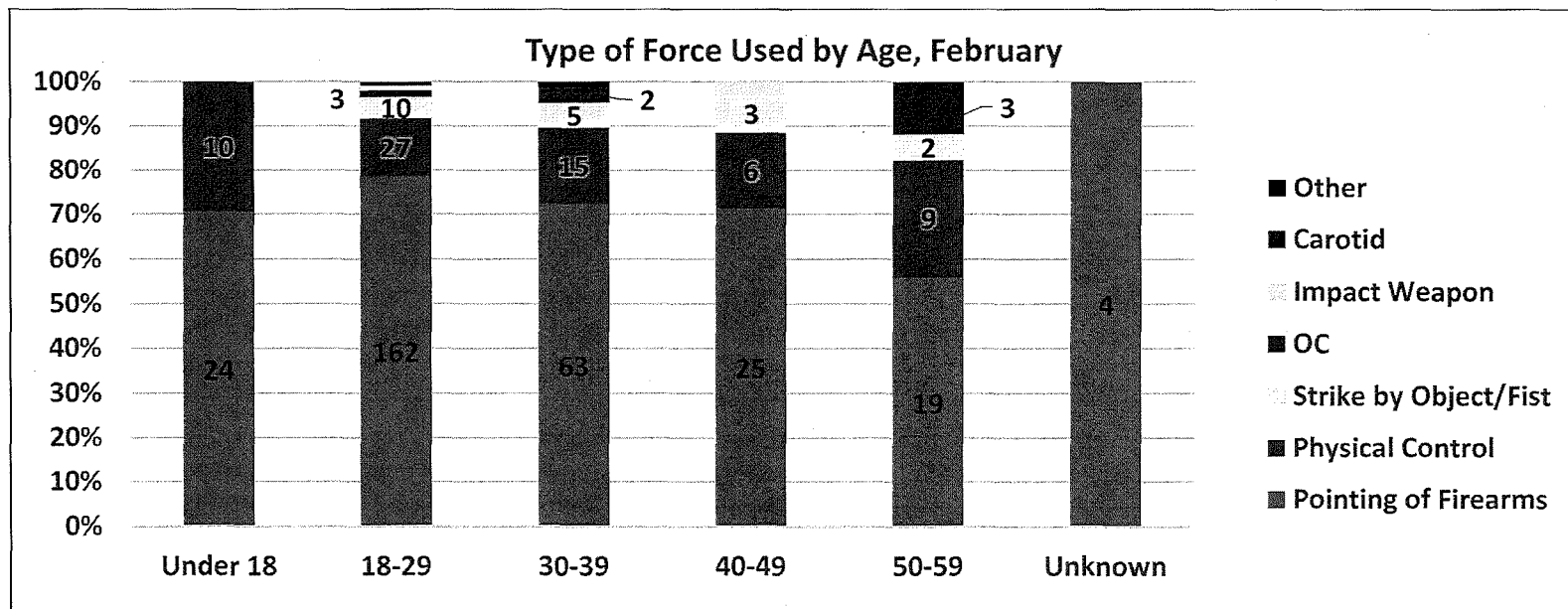
### Type of Force Used by Age, January 2016

Age Group	Carotid	ERIW	Impact Weapon	OC	Other	Physical Control	Pointing of Firearms	Strike by Object/Fist	Total	Percent
Under 18						9	22		31	11%
18-29	1		3	3		23	96	12	138	47%
30-39			1			16	48	2	67	23%
40-49			1	2		9	14	2	28	10%
50-59		1		1		5	9	3	19	6%
60 and Over						3	4		7	2%
Unknown							3		3	1%
<b>Total</b>	<b>1</b>	<b>1</b>	<b>5</b>	<b>6</b>	<b>0</b>	<b>65</b>	<b>196</b>	<b>19</b>	<b>293</b>	
Percent	<1%	<1%	2%	2%	0%	22%	67%	6%		



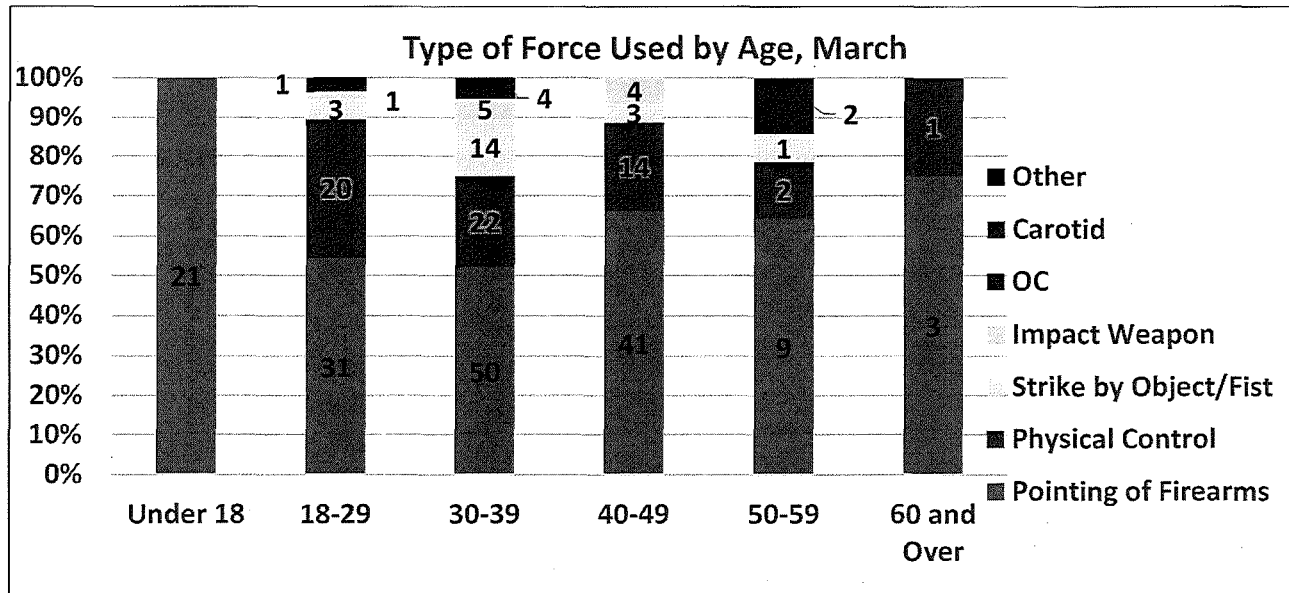
### Type of Force Used by Age, February 2016

Age Group	Carotid	ERIW	Impact Weapon	OC	Other	Physical Control	Pointing of Firearms	Strike by Object/Fist	Total	Percent
Under 18						10	24		34	9%
18-29	2		2	3		27	162	10	206	52%
30-39	1			2	1	15	63	5	87	22%
40-49			1			6	25	3	35	9%
50-59	1			3		9	19	2	34	9%
Unknown							4		4	1%
<b>Total</b>	<b>4</b>	<b>0</b>	<b>3</b>	<b>8</b>	<b>1</b>	<b>67</b>	<b>297</b>	<b>20</b>	<b>400</b>	
Percent	1%	0%	<1%	2%	<1%	17%	74%	5%		



### Type of Force Used by Age, March 2016

Age Group	Carotid	ERIW	Impact Weapon	OC	Other	Physical Control	Pointing of Firearms	Strike by Object/Fist	Total	Percent
Under 18							21		21	8%
18-29			1	1	1	20	31	3	57	22%
30-39	1		5	4		22	50	14	96	38%
40-49			4			14	41	3	62	24%
50-59				2		2	9	1	14	6%
60 and Over						1	3		4	2%
<b>Total</b>	<b>1</b>	<b>0</b>	<b>10</b>	<b>7</b>	<b>1</b>	<b>59</b>	<b>155</b>	<b>21</b>	<b>254</b>	<b>100%</b>
Percent	<1%	0%	4%	3%	0%	23%	61%	8%		



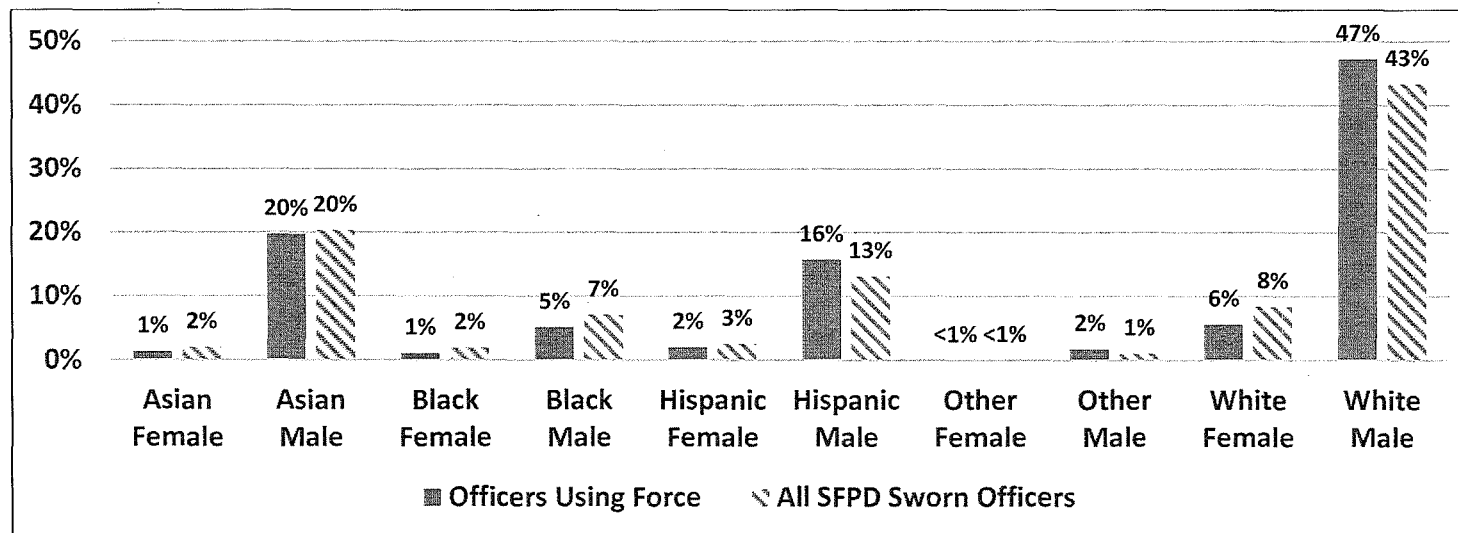
### Officers Using Force by Race and Sex, January-March 2016\*

Race & Gender	# Using Force	Percent	# Total	Percent
Asian Female***	6	1%	43	2%
Asian Male***	88	20%	429	20%
Black Female	5	1%	41	2%
Black Male	23	5%	149	7%
Hispanic Female	9	2%	54	3%
Hispanic Male	70	16%	277	13%
Other Female**	2	<1%	6	<1%
Other Male**	8	2%	22	1%
White Female	25	6%	177	8%
White Male	211	47%	916	43%
<b>Total</b>	<b>447</b>	<b>100%</b>	<b>2114</b>	<b>100%</b>

\* January, February, and March Numbers will not total to January-March because individual officers may use force in more than one month.

\*\* Includes ethnicity outside DOJ definitions and American Indian

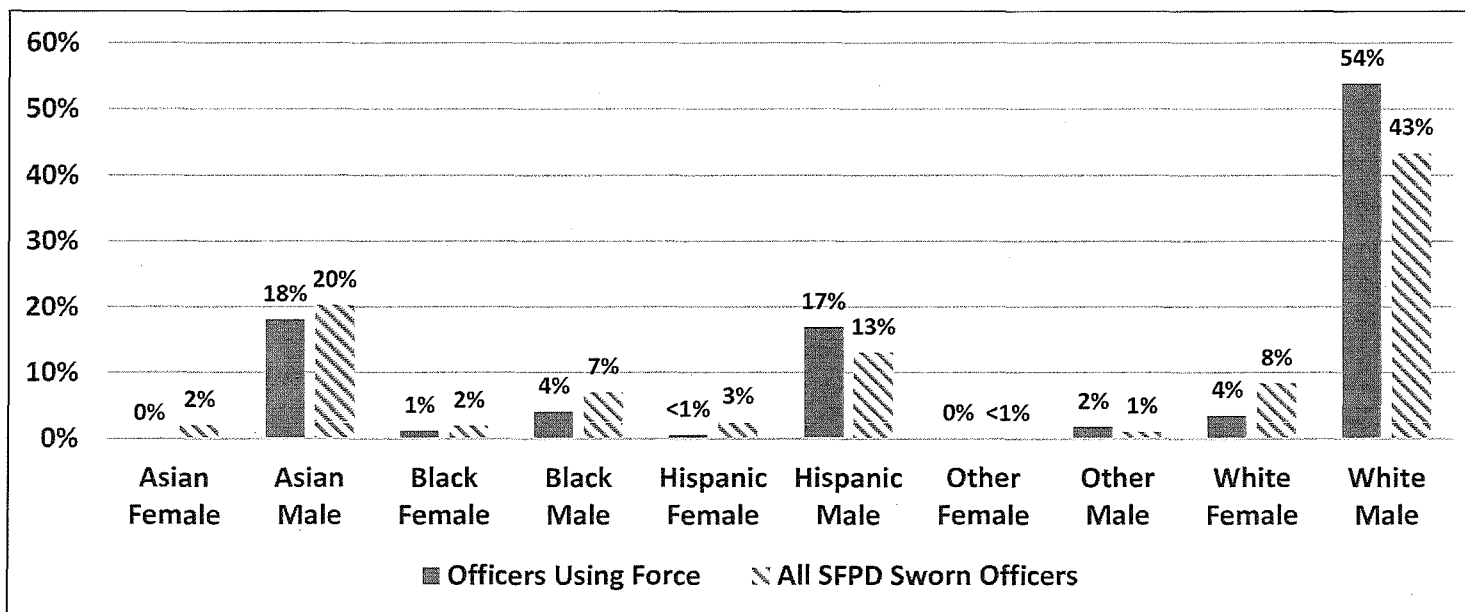
\*\*\* Asian includes Asian and Pacific Islander



### Officers Using Force by Race and Sex, January 2016

Race & Gender	# Using Force	Percent	# Total	Percent
Asian Female	0	0%	43	2%
Asian Male	31	18%	429	20%
Black Female	2	1%	41	2%
Black Male	7	4%	149	7%
Hispanic Female	1	<1%	54	3%
Hispanic Male	29	17%	277	13%
Other Female*	0	0%	6	<1%
Other Male*	3	2%	22	1%
White Female	6	4%	177	8%
White Male	92	54%	916	43%
<b>Total</b>	<b>171</b>	<b>100%</b>	<b>2114</b>	<b>100%</b>

\* Includes ethnicity outside DOJ definitions and American Indian

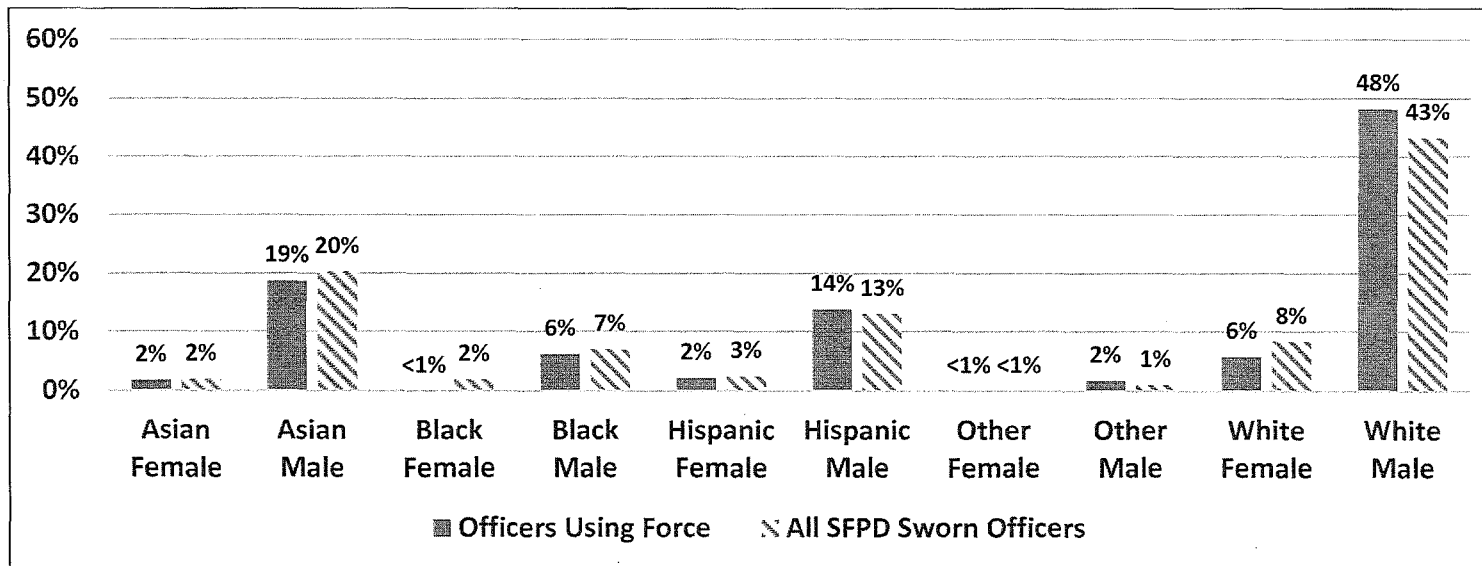




### Officers Using Force by Race and Sex, February 2016

Race & Gender	# Using Force	Percent	# Total	Percent
Asian Female	4	2%	43	2%
Asian Male	42	19%	429	20%
Black Female	1	<1%	41	2%
Black Male	14	6%	149	7%
Hispanic Female	5	2%	54	3%
Hispanic Male	31	14%	277	13%
Other Female*	2	<1%	6	<1%
Other Male*	4	2%	22	1%
White Female	13	6%	177	8%
White Male	108	48%	916	43%
<b>Total</b>	<b>224</b>	<b>100%</b>	<b>2114</b>	<b>100%</b>

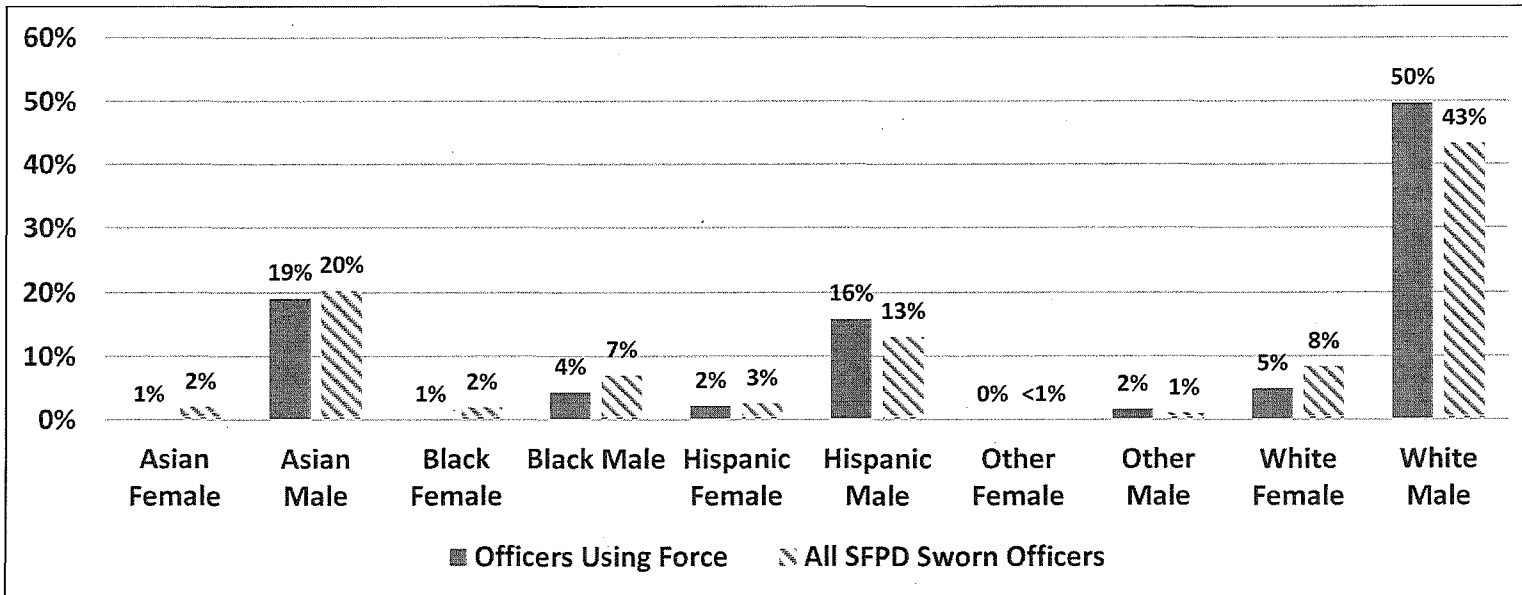
\* Includes ethnicity outside DOJ definitions and American Indian



### Officers Using Force by Race and Sex, March 2016

Race & Gender	# Using Force	Percent	# Total	Percent
Asian Female	2	1%	43	2%
Asian Male	35	19%	429	20%
Black Female	2	1%	41	2%
Black Male	8	4%	149	7%
Hispanic Female	4	2%	54	3%
Hispanic Male	29	16%	277	13%
Other Female*	0	0%	6	<1%
Other Male*	3	2%	22	1%
White Female	9	5%	177	8%
White Male	91	50%	916	43%
<b>Total</b>	<b>183</b>	<b>100%</b>	<b>2114</b>	<b>100%</b>

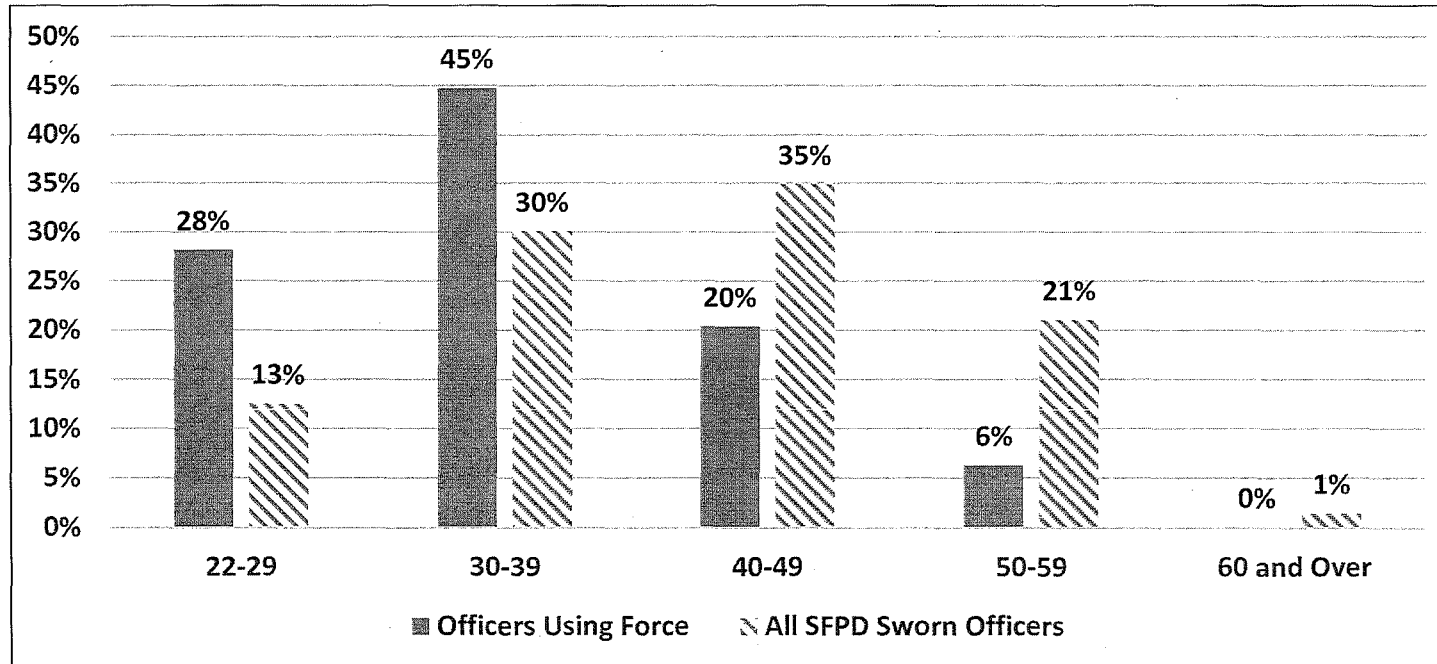
\* Includes ethnicity outside DOJ definitions and American Indian



### Officers Using Force by Age, January-March 2016\*

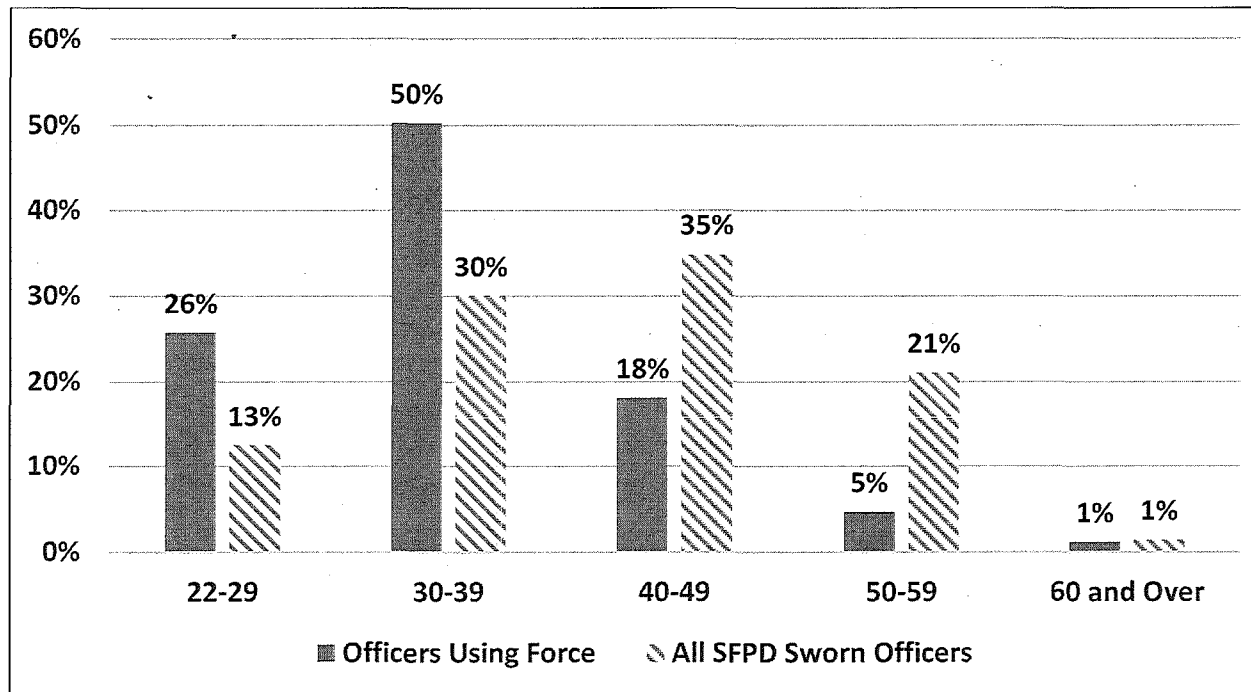
Age	# Using Force	Percent	# Total	Percent
22-29	126	28%	265	13%
30-39	200	45%	636	30%
40-49	91	20%	738	35%
50-59	28	6%	445	21%
60 and Over	2	<1%	30	1%
<b>Total</b>	<b>447</b>	<b>100%</b>	<b>2114</b>	<b>100%</b>

\* January, February, and March Numbers will not total to January-March because individual officers may use force in more than one month.



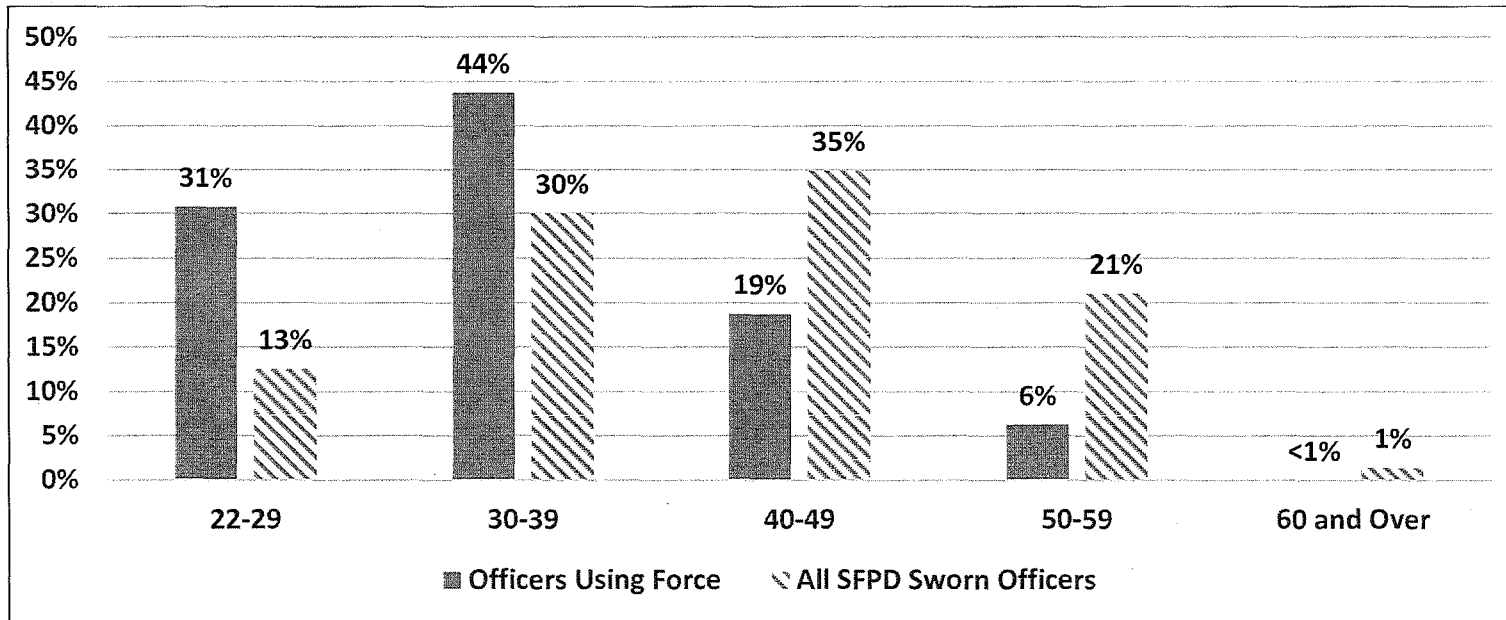
### Officers Using Force by Age, January 2016

Age	# Using Force	Percent	# Total	Percent
22-29	44	26%	265	13%
30-39	86	50%	636	30%
40-49	31	18%	738	35%
50-59	8	5%	445	21%
60 and Over	2	1%	30	1%
<b>Total</b>	<b>171</b>	<b>100%</b>	<b>2114</b>	<b>100%</b>



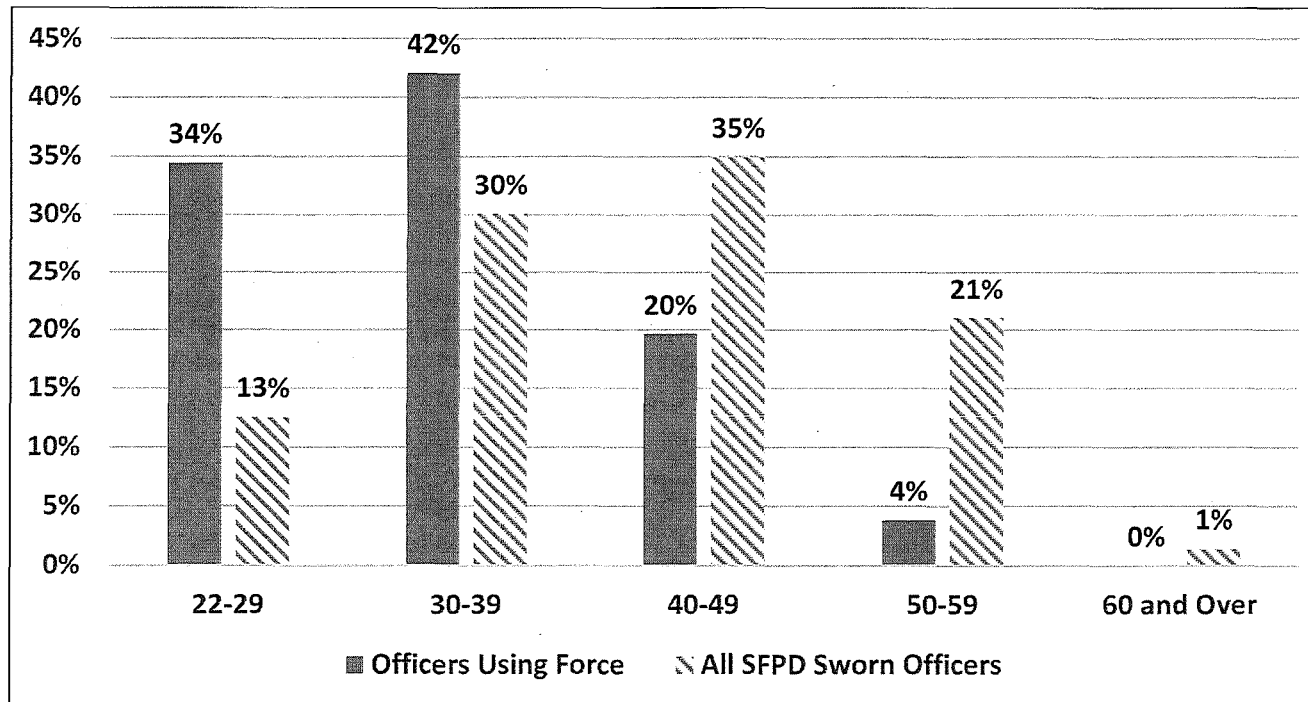
### Officers Using Force by Age, February 2016

Age	# Using Force	Percent	# Total	Percent
22-29	69	31%	265	13%
30-39	98	44%	636	30%
40-49	42	19%	738	35%
50-59	14	6%	445	21%
60 and Over	1	<1%	30	1%
<b>Total</b>	<b>224</b>	<b>100%</b>	<b>2114</b>	<b>100%</b>



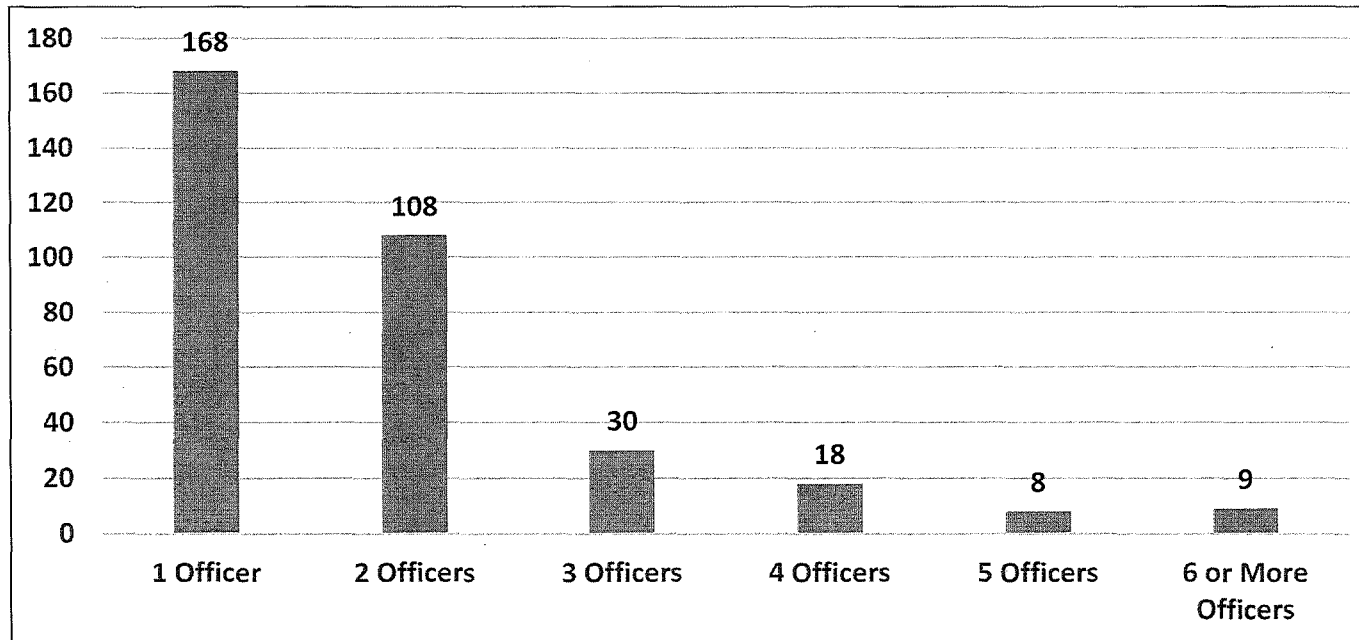
### Officers Using Force by Age, March 2016

Age	# Using Force	Percent	# Total	Percent
22-29	63	34%	265	13%
30-39	77	42%	636	30%
40-49	36	20%	738	35%
50-59	7	4%	445	21%
60 and Over	0	0%	30	1%
<b>Total</b>	<b>183</b>	<b>100%</b>	<b>2114</b>	<b>100%</b>



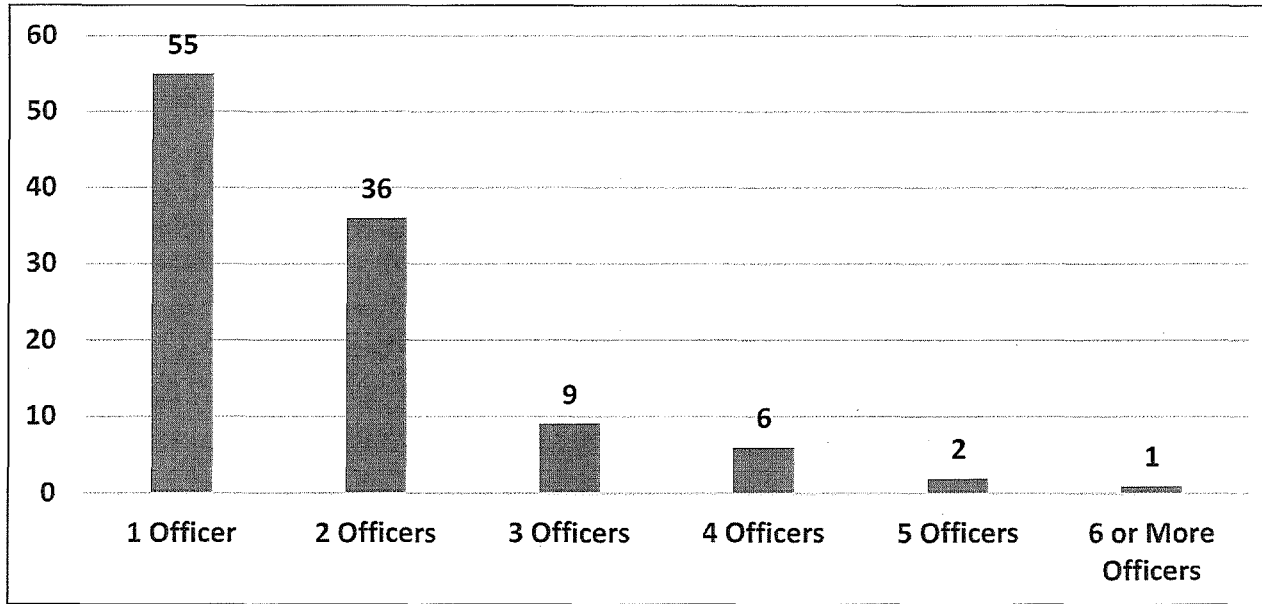
### Use of Force Incidents by Number of Officers Involved, January – March 2016

Number of Officers	# of Incidents	Percent
1 Officer	168	49%
2 Officers	108	32%
3 Officers	30	9%
4 Officers	18	5%
5 Officers	8	2%
6 or More Officers	9	3%
<b>Total</b>	<b>341</b>	<b>100%</b>



### Use of Force Incidents by Number of Officers Involved, January 2016

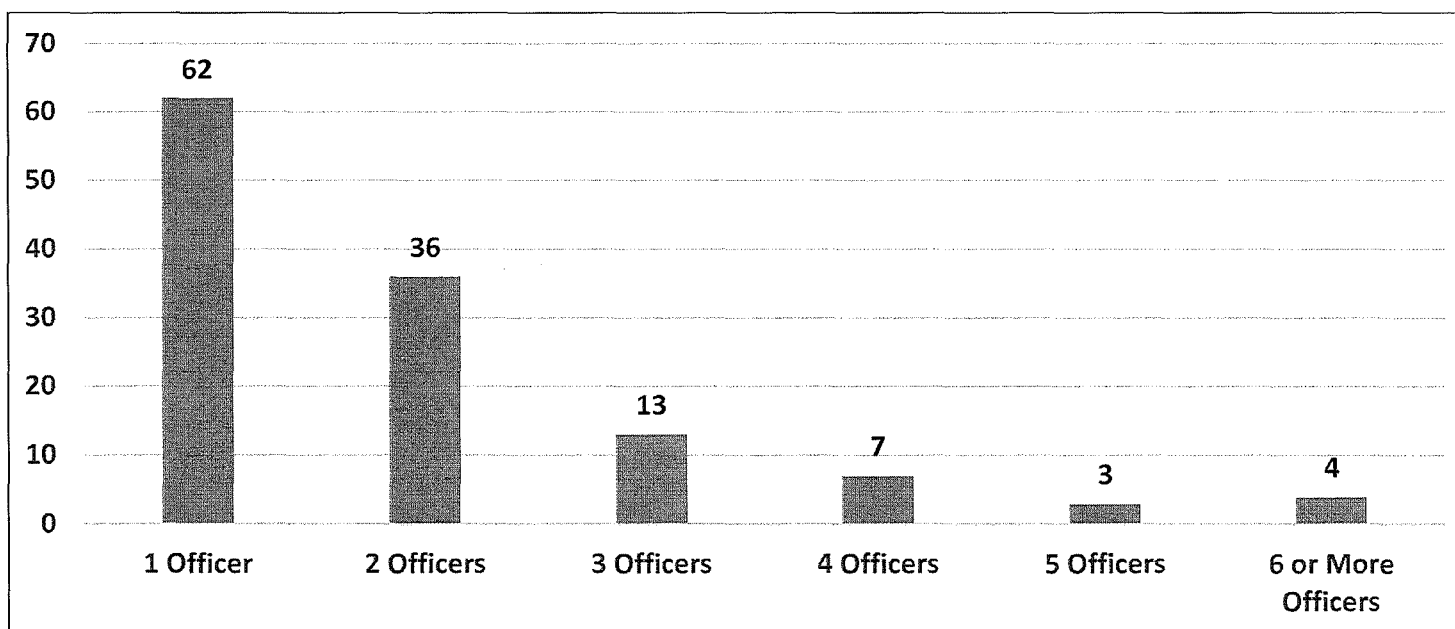
Number of Officers	# of Incidents	Percent
1 Officer	55	50%
2 Officers	36	33%
3 Officers	9	8%
4 Officers	6	6%
5 Officers	2	2%
6 or More Officers	1	1%
<b>Total</b>	<b>109</b>	<b>100%</b>





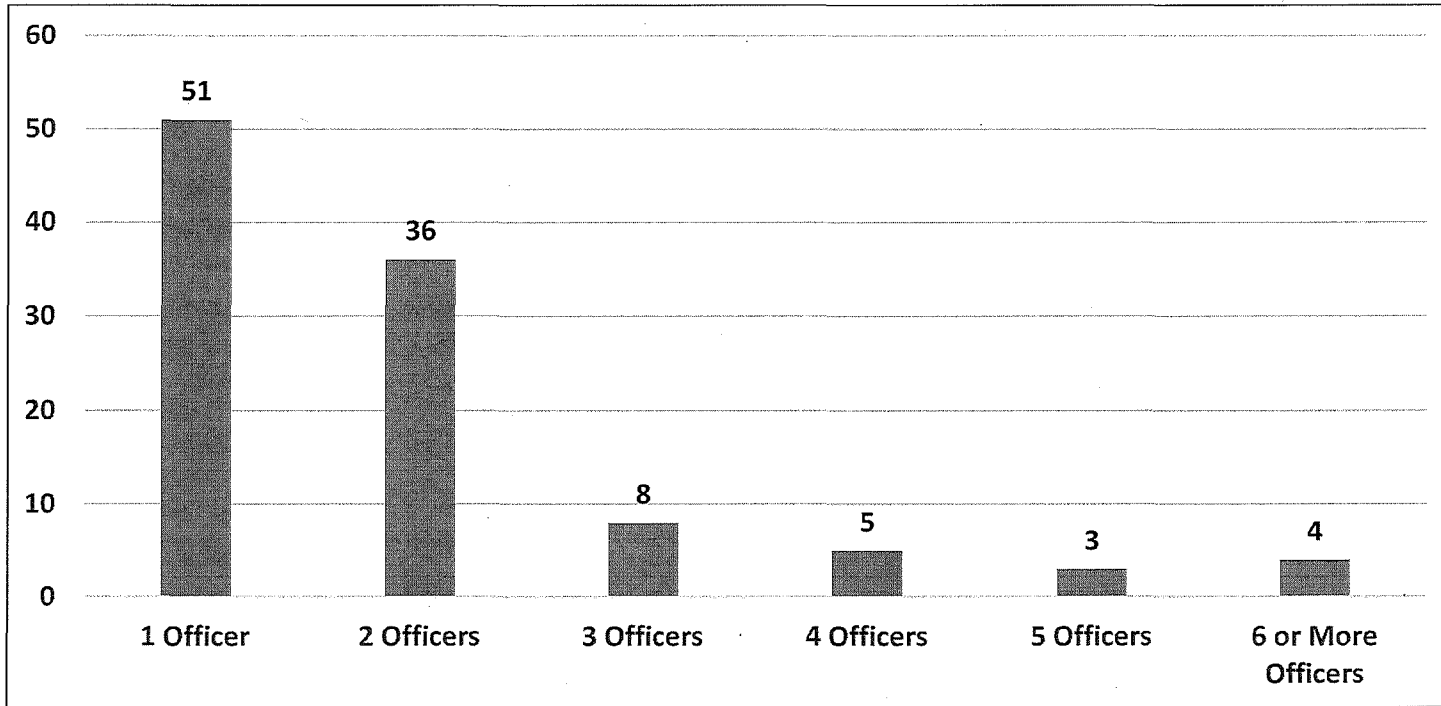
### Use of Force Incidents by Number of Officers Involved, February 2016

Number of Officers	# of Incidents	Percent
1 Officer	62	50%
2 Officers	36	29%
3 Officers	13	10%
4 Officers	7	6%
5 Officers	3	2%
6 or More Officers	4	3%
<b>Total</b>	<b>125</b>	<b>100%</b>



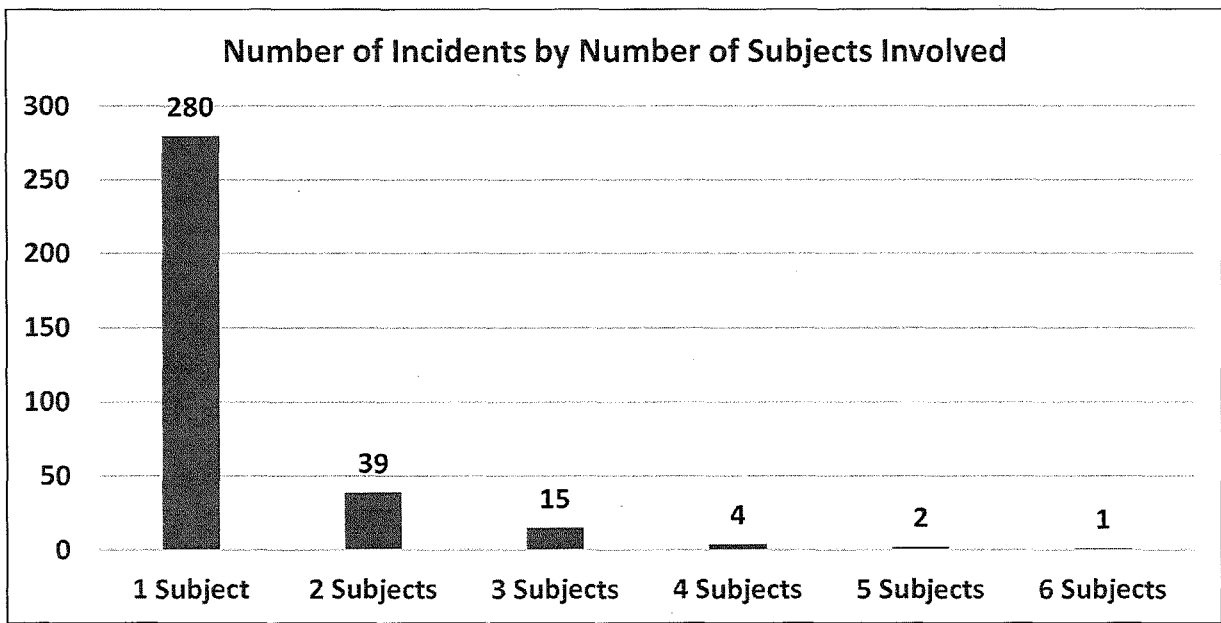
### Use of Force Incidents by Number of Officers Involved, March 2016

Number of Officers	# of Incidents	Percent
1 Officer	51	48%
2 Officers	36	34%
3 Officers	8	7%
4 Officers	5	5%
5 Officers	3	3%
6 or More Officers	4	4%
<b>Total</b>	<b>107</b>	<b>100%</b>



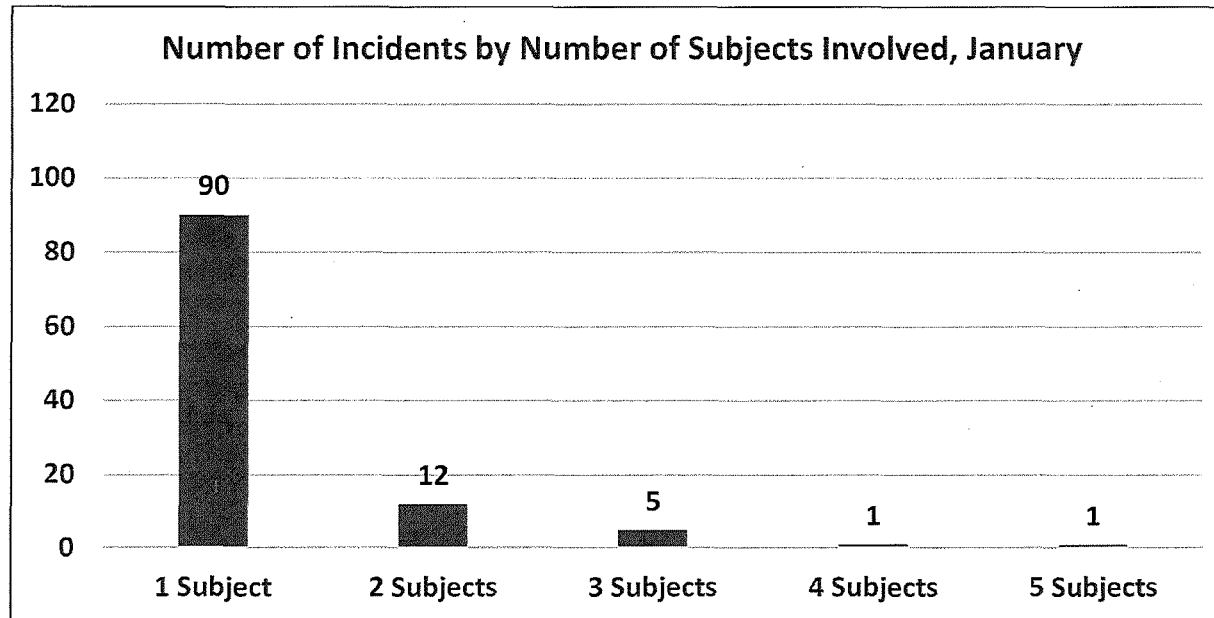
### Use of Force Incidents by Number of Subjects Involved, January-March 2016

Number of Subjects	# of Incidents	Percent
1 Subject	280	82%
2 Subjects	39	11%
3 Subjects	15	4%
4 Subjects	4	1%
5 Subjects	2	<1%
6 Subjects	1	<1%
<b>Total</b>	<b>341</b>	<b>100%</b>



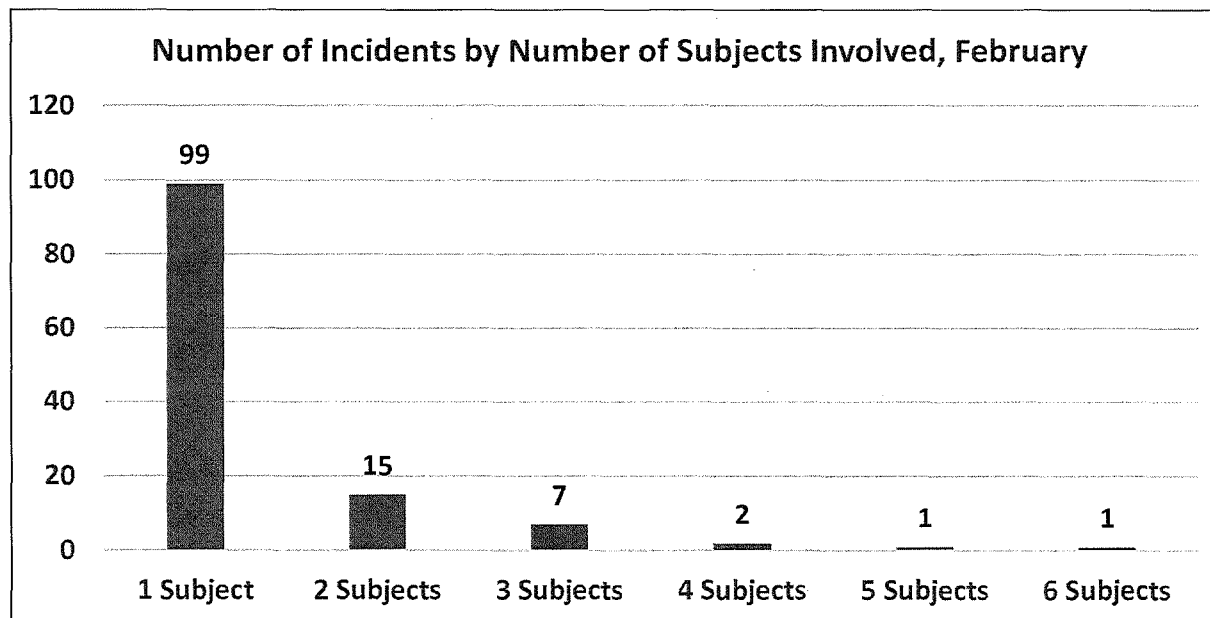
### Use of Force Incidents by Number of Subjects Involved, January 2016

Number of Subjects	# of Incidents	Percent
1 Subject	90	83%
2 Subjects	12	11%
3 Subjects	5	5%
4 Subjects	1	<1%
5 Subjects	1	<1%
<b>Total</b>	<b>109</b>	<b>100%</b>



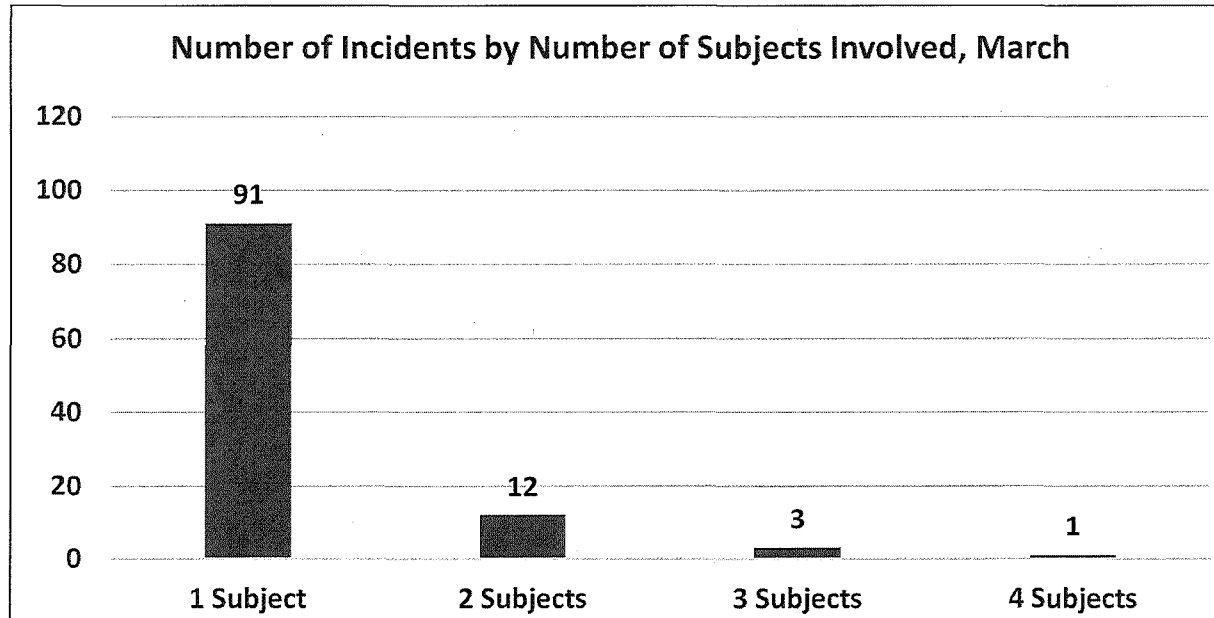
### Use of Force Incidents by Number of Subjects Involved, February 2016

Number of Subjects	# of Incidents	Percent
1 Subject	99	79%
2 Subjects	15	12%
3 Subjects	7	6%
4 Subjects	2	2%
5 Subjects	1	<1%
6 Subjects	1	<1%
<b>Total</b>	<b>125</b>	<b>100%</b>



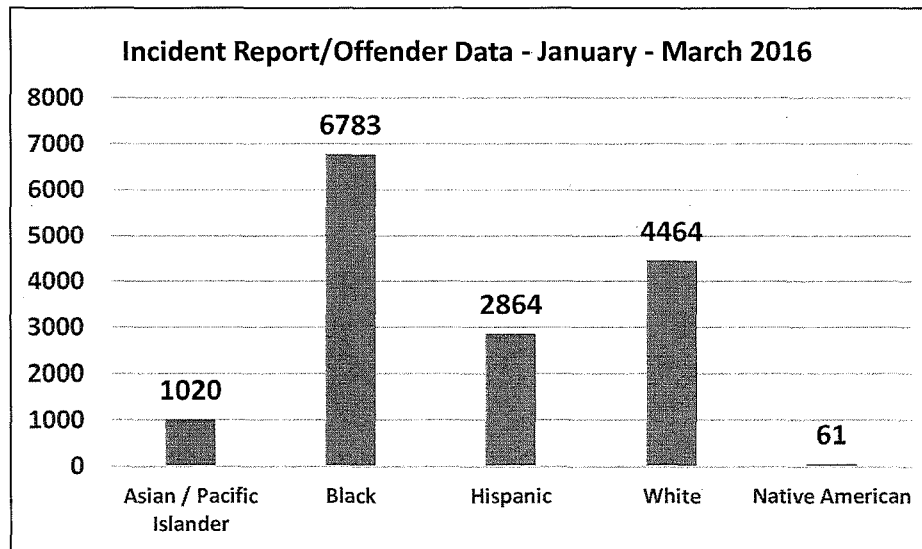
### Use of Force Incidents by Number of Subjects Involved, March 2016

Number of Subjects	# of Incidents	Percent
1 Subject	91	85%
2 Subjects	12	11%
3 Subjects	3	3%
4 Subjects	1	<1%
<b>Total</b>	<b>107</b>	<b>100%</b>



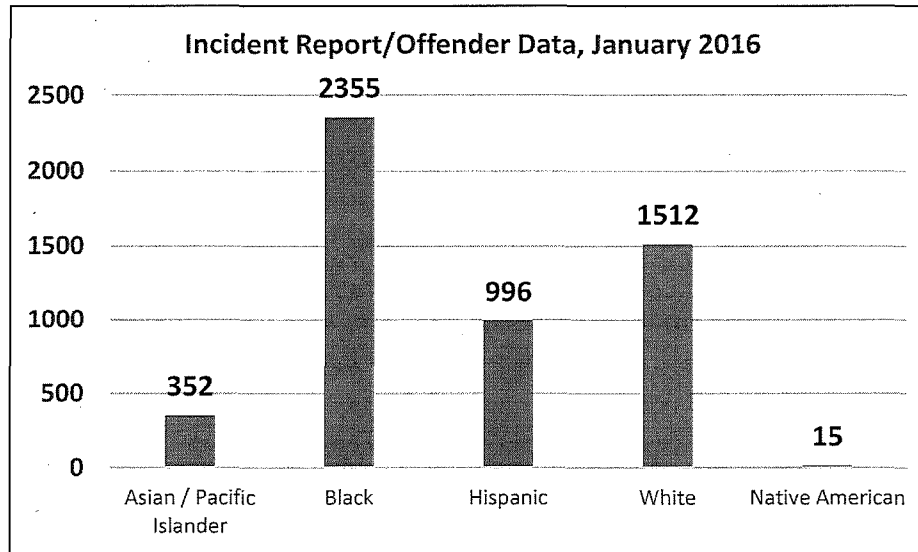
### Incident Report/Offender Data, January – March 2016

Race	Total	Percent
Asian / Pacific Islander	1020	7%
Black	6783	45%
Hispanic	2864	19%
White	4464	29%
Native American	61	0%
<b>Total</b>	<b>15192</b>	<b>100%</b>



### Incident Report/Offender Data, January 2016

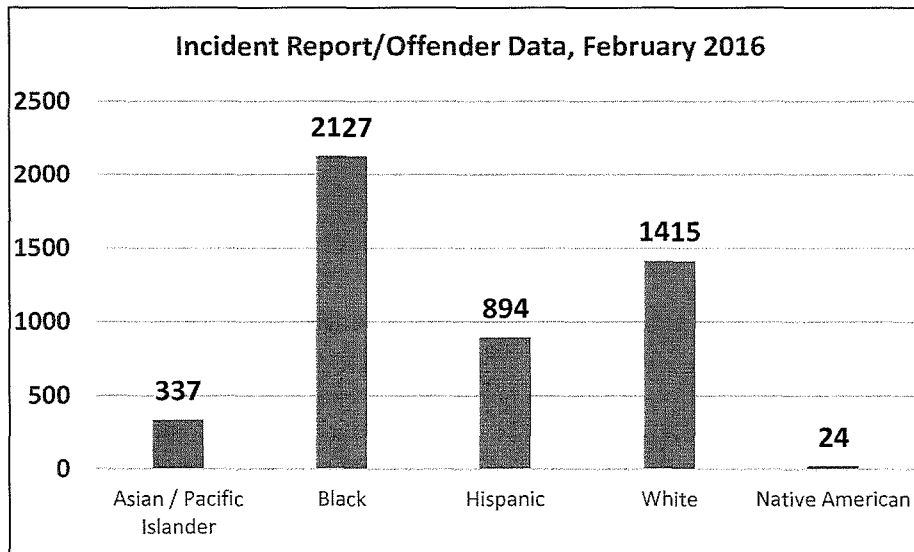
Race	Total	Percent
Asian / Pacific Islander	352	7%
Black	2335	45%
Hispanic	996	19%
White	1512	29%
Native American	15	0%
<b>Total</b>	<b>5230</b>	<b>100%</b>





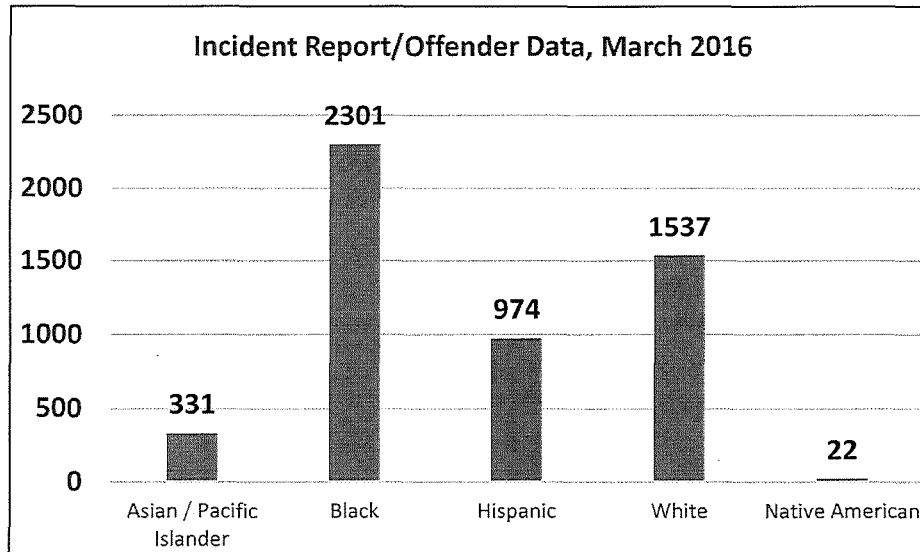
### Incident Report/Offender Data, February 2016

Race	Total	Percent
Asian / Pacific Islander	337	7%
Black	2127	44%
Hispanic	894	19%
White	1415	29%
Native American	24	1%
<b>Total</b>	<b>4797</b>	<b>100%</b>



### Incident Report/Offender Data, March 2016

Race	Total	Percent
Asian / Pacific Islander	331	6%
Black	2301	45%
Hispanic	974	19%
White	1537	30%
Native American	22	0%
<b>Total</b>	<b>5165</b>	<b>100%</b>



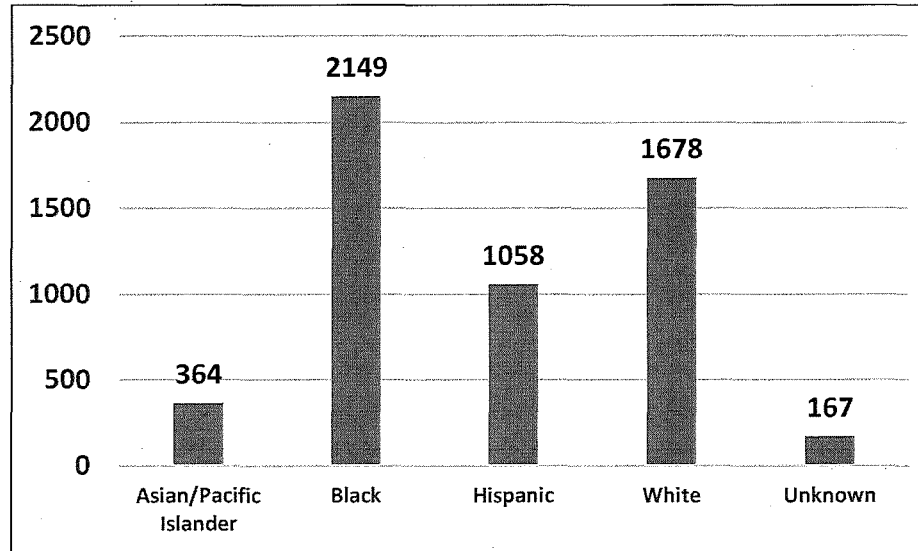
### All Arrests, January-March 2016

<b>Month</b>	<b>Arrests</b>	<b>Percent</b>
January	1887	35%
February	1716	32%
March	1813	33%
<b>Total</b>	<b>5416</b>	<b>100%</b>

### Arrests by Race, January-March 2016

Race	Number	Percent
Asian / Pacific Islander	364	7%
Black	2149	40%
Hispanic	1058	20%
White	1678	31%
Unknown*	167	3%
<b>Total</b>	<b>5416</b>	<b>100%</b>

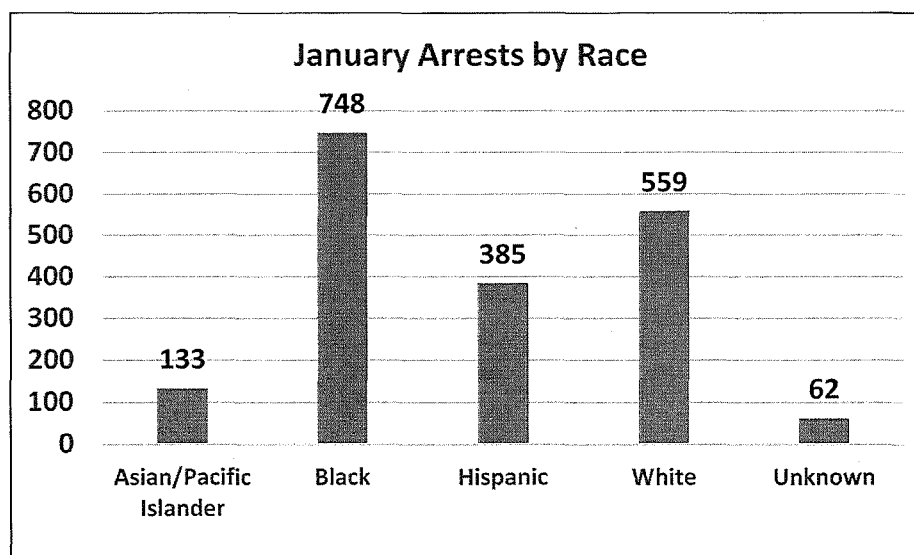
\* Subject refused or information was unavailable



### Arrests by Race, January 2016

Race	Number	Percent
Asian / Pacific Islander	133	7%
Black	748	40%
Hispanic	385	20%
White	559	30%
Unknown*	62	3%
<b>Total</b>	<b>1887</b>	<b>100%</b>

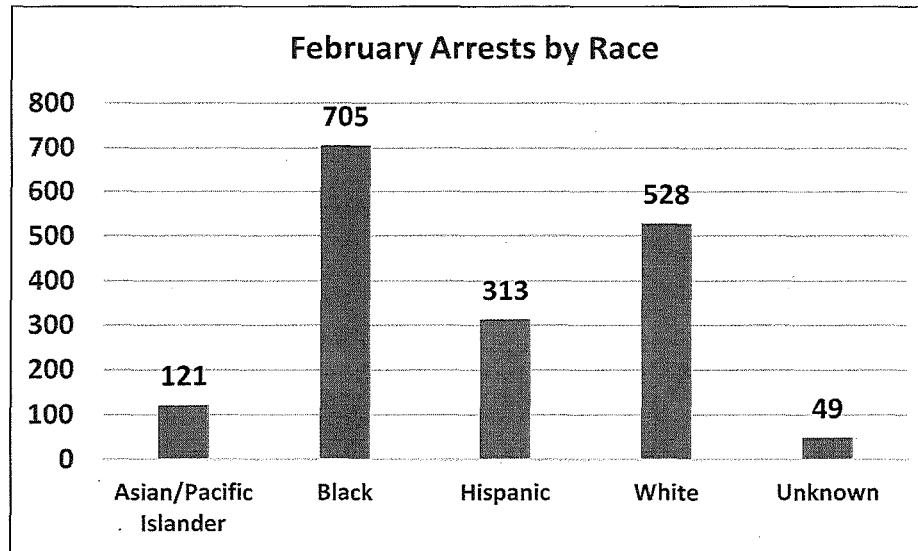
\*Subject refused or information was unavailable



### Arrests by Race, February 2016

Race	Number	Percent
Asian/Pacific Islander	121	7%
Black	705	41%
Hispanic	313	18%
White	528	31%
Unknown*	49	3%
<b>Total</b>	<b>1716</b>	<b>100%</b>

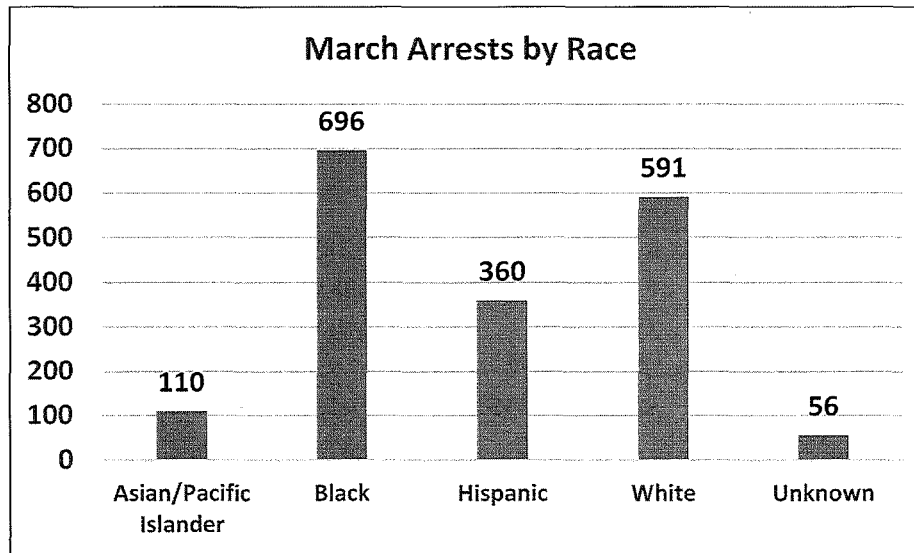
\*Subject refused or information was unavailable



### Arrests by Race, March 2016

Race	Number	Percent
Asian/Pacific Islander	110	6%
Black	696	38%
Hispanic	360	20%
White	591	33%
Unknown*	56	3%
<b>Total</b>	<b>1813</b>	<b>100%</b>

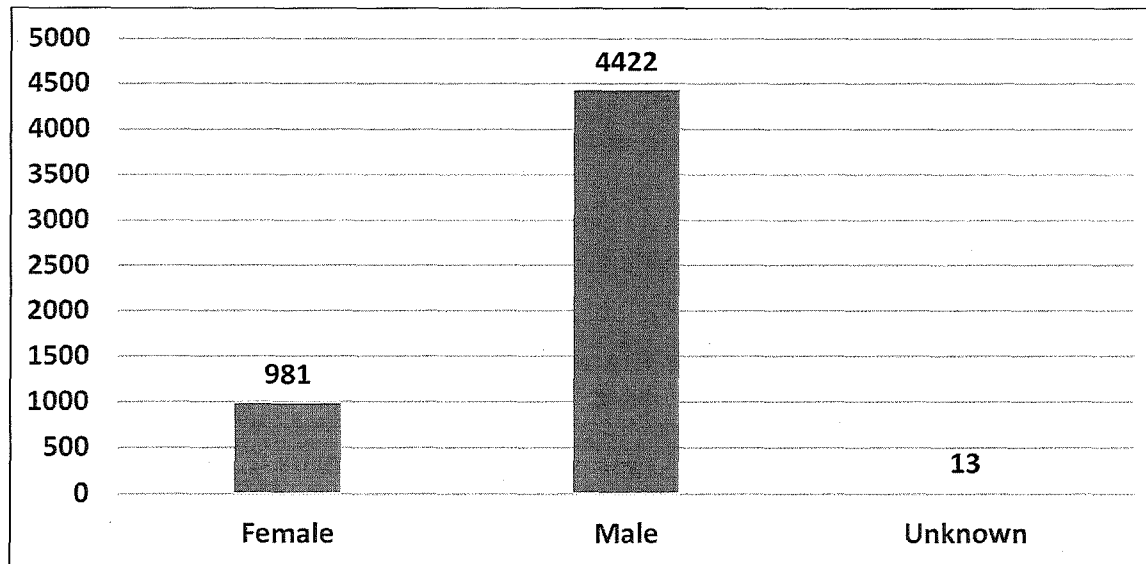
\*Subject refused or information was unavailable



### Arrests by Sex, January-March 2016

Sex	Number	Percent
Female	981	18%
Male	4422	82%
Unknown*	13	<1%
<b>Total</b>	<b>5416</b>	<b>100%</b>

\* Subject refused or information was unavailable

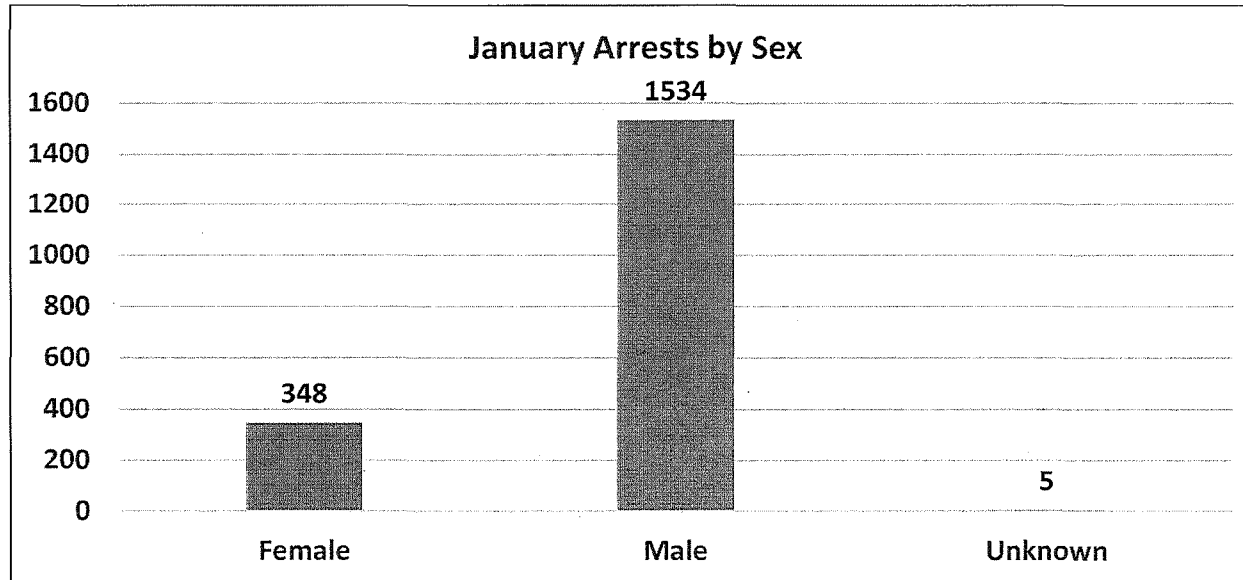




### Arrests by Sex, January 2016

Sex	Number	Percent
Female	348	18%
Male	1534	81%
Unknown*	5	<1%
<b>Total</b>	<b>1887</b>	<b>100%</b>

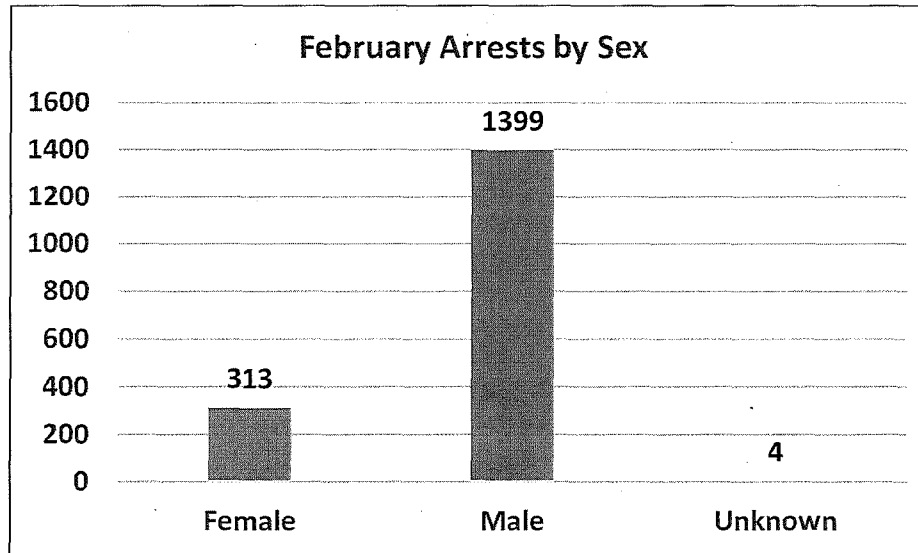
\* Subject refused or information was unavailable



### Arrests by Sex, February 2016

Sex	Number	Percent
Female	313	18%
Male	1399	82%
Unknown*	4	<1%
<b>Total</b>	<b>1716</b>	<b>100%</b>

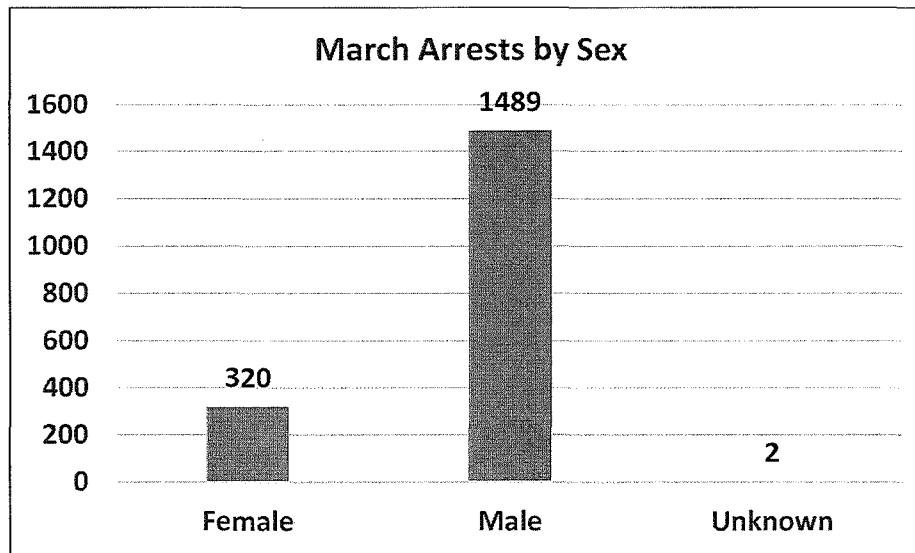
\* Subject refused or information was unavailable



### Arrests by Sex, March 2016

Sex	Number	Percent
Female	320	18%
Male	1489	82%
Unknown*	2	<1%
<b>Total</b>	<b>1813</b>	<b>100%</b>

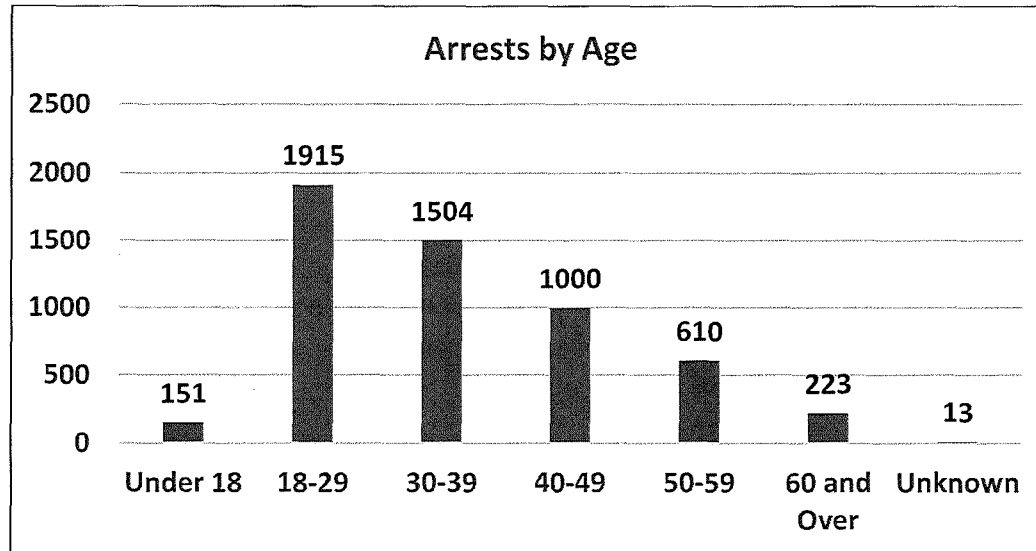
\* Subject refused or information was unavailable



### Arrests by Age, January-March 2016

Age	Number	Percent
Under 18	151	3%
18-29	1915	35%
30-39	1504	28%
40-49	1000	18%
50-59	610	11%
60 and Over	223	4%
Unknown*	13	<1%
<b>Total</b>	<b>5416</b>	<b>100%</b>

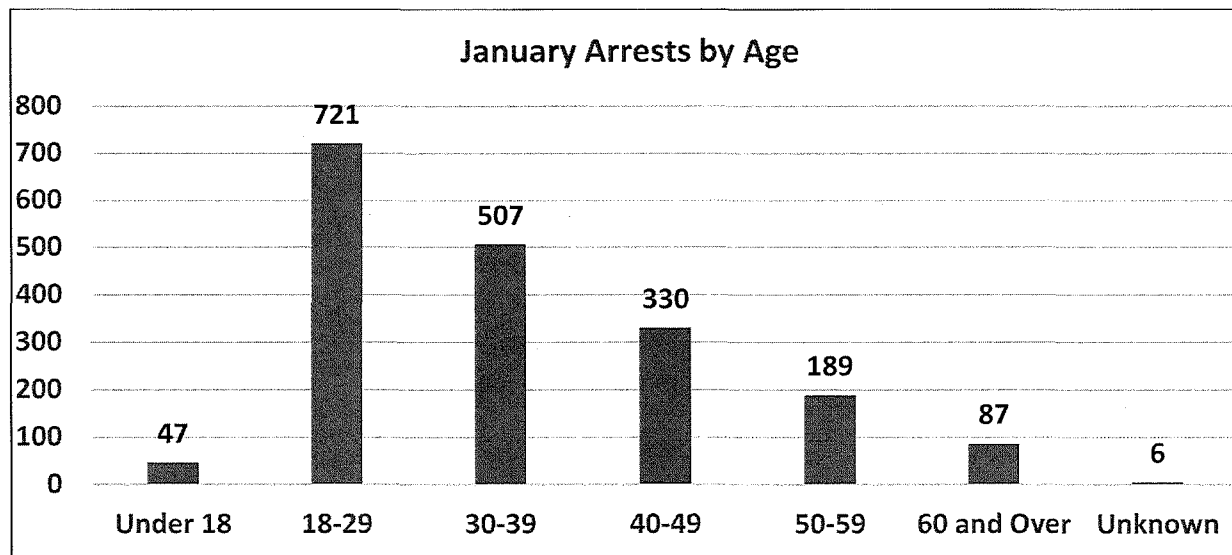
\* Subject refused or information was unavailable



### Arrests by Age, January 2016

Age	Number	Percent
Under 18	47	2%
18-29	721	38%
30-39	507	27%
40-49	330	17%
50-59	189	10%
60 and Over	87	5%
Unknown*	6	<1%
<b>Total</b>	<b>1887</b>	<b>100%</b>

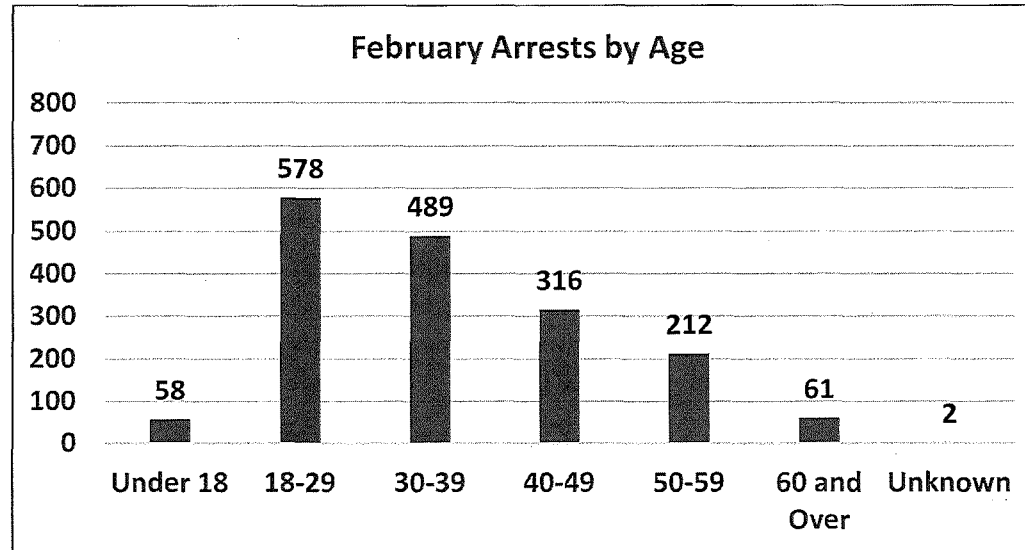
\* Subject refused or information was unavailable



### Arrests by Age, February 2016

Age	Number	Percent
Under 18	58	3%
18-29	578	34%
30-39	489	28%
40-49	316	18%
50-59	212	12%
60 and Over	61	4%
Unknown*	2	<1%
<b>Total</b>	<b>1716</b>	<b>100%</b>

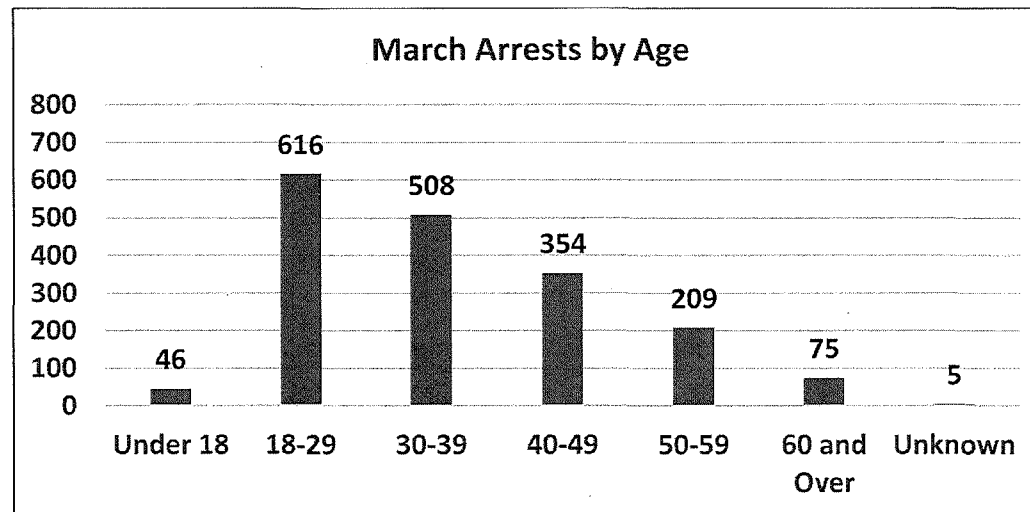
\* Subject refused or information was unavailable



### Arrests by Age, March 2016

Age	Number	Percent
Under 18	46	3%
18-29	616	34%
30-39	508	28%
40-49	354	20%
50-59	209	12%
60 and Over	75	4%
Unknown*	5	<1%
<b>Total</b>	<b>1813</b>	<b>100%</b>

\* Subject refused or information was unavailable





EDWIN M. LEE  
MAYOR

POLICE DEPARTMENT  
CITY AND COUNTY OF SAN FRANCISCO  
HEADQUARTERS  
1245 3<sup>RD</sup> STREET  
SAN FRANCISCO, CALIFORNIA 94158



TONEY D. CHAPLIN  
ACTING CHIEF OF POLICE

July 26, 2016

The Honorable Edwin M. Lee  
Mayor  
City and County of San Francisco  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102

The Honorable London Breed  
President  
Board of Supervisors  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102

The Honorable Suzy Loftus  
President  
Police Commission  
1245 3rd Street  
San Francisco, CA 94158

The Honorable Susan Christian  
Chair  
San Francisco Human Rights  
25 Van Ness Avenue, Suite 800  
San Francisco, CA 94102

Dear Mayor, Supervisor, and Commissioners;

RE: First Quarter 2016 Report in Compliance with Administrative Code 96A

Earlier this year, the City and County of San Francisco passed an ordinance establishing Administrative Code Sec. 96A, Law Enforcement Reporting Requirements.

Per this requirement, the following report is being provided to comply with this statute as stated; The first report shall be due on June 30, 2016, and shall include data required by this Section 96A.3 for Arrests and Use of Force only, which includes the following information:

Sec. 96A.3.

- (b) For Use of Force
- (1) The total number of Uses of Force;
  - (2) The total number of Uses of Force that resulted in death to the person on whom an Officer used force; and
  - (3) The total number of Uses of Force broken down by race or ethnicity, age, and sex.
- (c) For arrests:
- (1) The total number; and
  - (2) The total number broken down by race or ethnicity, age, and sex.

Since its implementation, the Department has actively been developing the systems and reconfiguring software programs to capture all of the required information for future reporting. In addition to providing all future data in writing per the requirement, the Department will make the information available online as part of our ongoing efforts in support of the recommendations of the President's 21st Century Policing, including Pillar One, Building Trust and Legitimacy, Pillar Two, Policy and Oversight, and Pillar Five, Training and Education.

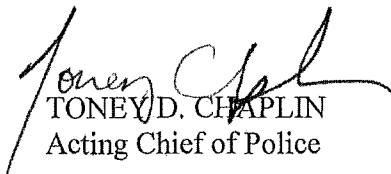


Bottom line – our goal is to be able to provide the information required of Administrative Code Sec. 96A not only as a means to build trust through transparency, but more importantly, as a tool to analyze patterns of behavior to ensure fair and impartial policing is delivered to our community.

Attached to this cover letter is the analysis of the data collected during the quarter that may be of interest to the public. Additional detailed data extracted for the report also is attached. This report will be posted online at [sanfranciscopolice.org](http://sanfranciscopolice.org).

If I can be of further assistance, please do not hesitate to contact me at (415) 837-7000.

Sincerely,

  
TONEY D. CHAPLIN  
Acting Chief of Police

AO/cf  
Attachments  
Executive Summary  
2016 Quarter 1 Use of Force Report

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**From:** Board of Supervisors, (BOS)  
**Sent:** Monday, July 25, 2016 4:42 PM  
**To:** BOS-Supervisors  
**Subject:** FW: CleanPowerSF - enrollment and informational opportunities  
**Attachments:** CleanPowerSF1.pdf

**From:** Kelly Jr, Harlan [mailto:HKelly@sfgwater.org]  
**Sent:** Monday, July 25, 2016 3:18 PM  
**To:** MYR-ALL Department Heads <MYR-All.DepartmentHeads@sfgov.org>; MYR-All Department Head Assistant <MYR-All.DepartmentHeadAssistant@sfgov.org>  
**Cc:** Lee, Mayor (MYR) <mayoredwinlee@sfgov.org>; Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>  
**Subject:** CleanPowerSF - enrollment and informational opportunities

Please see the attached letter regarding CleanPowerSF. Thank you.

Harlan L. Kelly, Jr.  
General Manager  
San Francisco Public Utilities Commission



OFFICE OF THE GENERAL MANAGER

525 Golden Gate Avenue, 13th Floor
San Francisco, CA 94102-3220
T 415.554.0740
F 415.554.3161
TTY 415.554.3488

July 25, 2016

Dear Colleagues,

Cleaner energy is here! In May, 2016, the San Francisco Public Utilities Commission (SFPUC) launched CleanPowerSF, an unprecedented opportunity for our City to significantly reduce greenhouse gas emissions in the near-term and eradicate them permanently over the long-term...

CleanPowerSF is for everyone. We're poised to enroll additional customers starting in August. If you're a San Francisco resident you can sign up for service at http://sfwater.org/index.aspx?page=963 for this upcoming enrollment.

Every customer will also have the option to take a bold step toward combatting climate change by enrolling in CleanPowerSF's 100% renewable energy option. We're calling that product SuperGreen. I personally have signed up for this option, and if you're a resident of San Francisco, I hope you will consider doing so as well.

Whether you go Green or SuperGreen, both our products offer cleaner energy that costs less than the equivalent PG&E offering.

Please help us spread the word at your staff meetings, through brown-bag luncheons and in your internal newsletters and announcements. I would appreciate anything you can do to help us get the message out. We will also be happy to arrange informational sessions at your worksites. Finally, I urge all of you who reside in San Francisco to sign up for Green or SuperGreen today.

As the program expands, please visit cleanpowersf.org for updates. In the meantime, let me know if you have questions. You can also contact Charles Sheehan (CSheehan@sfwater.org) or Amy Sinclair (ASinclair@sfwater.org) in SFPUC Communications for more information or if you would like to discuss and schedule informational sessions with your teams.

Sincerely,

Handwritten signature of Harlan L. Kelly, Jr.

Harlan L. Kelly, Jr.
General Manager
San Francisco Public Utilities Commission

- Edwin M. Lee Mayor
Francesca Vietor President
Anson Moran Vice President
Ann Moller Caen Commissioner
Vince Courtney Commissioner
Ike Kwon Commissioner
Harlan L. Kelly, Jr. General Manager





Edwin M. Lee, Mayor  
Philip A. Ginsburg, General Manager

TO: Angela Calvillo  
Clerk of the Board of Supervisors

FROM: Katie Petrucione <sup>HEP</sup>  
Director, Administration and Finance

RE: Annual Report on Gifts Received up to \$10,000

DATE: July 19, 2016

In accordance with Administrative Code Section 10.100-305, this memo serves to provide the Board of Supervisors with the enclosed Annual Report on Gifts up to \$10,000 received by the Department during the past fiscal year.

Please let me know if you have any questions about the information on the report.

cc: Philip A. Ginsburg, General Manager

Enclosure

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2016 JUL 21 AM 10:58  
BY W

14

**San Francisco Recreation and Park Department  
Gifts - \$10,000 and Under  
Fiscal Year 2015-16**

Gift Description	Source	Value	Disposition
Rogers- Scholarships- \$10	Cherlynn Jordan Rogers	\$10.00	To support the scholarships program.
Carolyn Hutchinson- Scholarships- \$18	Carolyn Hutchinson	\$18.00	To support the scholarship program, in honor of Lisa Eltinge
Chinghiu Chan- Scholarships- \$20	Ching Hiu Chan	\$20.00	To support the scholarships program.
Aceves- Scholarships- \$20	Oscar E Aceves	\$20.00	To support the scholarships program
Strietelmeier- Scholarships- \$25	Laura Strietelmeier	\$25.00	To support the scholarships program, in honor of Jonathan Wolverton.
Ratner- Scholarships- \$25	Joyce S Ratner	\$25.00	To support the scholarships program.
Nichols- Scholarships- \$25	Marilyn Y Nichols	\$25.00	To support the scholarships program.
Higa- Scholarships - \$25	Patricia A Higa	\$25.00	To support the scholarships program.
Lucky Supermarket- RPD Health Fair- \$25	Lucky Supermarket	\$25.00	\$25 gift card to purchase snacks for 2016 Employee Health Fair
Anne Gates- Scholarships - \$30	Anne Gates	\$30.00	To support the scholarships program.
Devil's Teeth - Kezar Triangle Volunteer Pastries - \$30	Devil's Teeth Baking Company	\$30.00	In-kind donation of pastries for June 4, 2016 Volunteer Work Day at Kezar Triangle.
Lobel- Scholarships- \$40	Julia Lobel	\$40.00	To support the scholarships program.
Mary Allen- Scholarships - \$50	Mary Allen	\$50.00	To support the scholarships program.
Ross Anglim Angelini- Scholarships-\$50	Ross, Anglim, Angelini & Co., LLP	\$50.00	To support recreation scholarships.
Lofgren- Scholarships- \$50	Michelle Lofgren	\$50.00	To support the scholarships program.
Foxman- Scholarships- \$50	Drew Foxman	\$50.00	To support the scholarships program
Stuart- Scholarships- \$50	Craig Stuart	\$50.00	To support the scholarships program
Thompson- Scholarships- \$50	Brooke Thompson	\$50.00	To support the scholarships program
Demartini- Scholarships - \$50	Antonella Demartini	\$50.00	To support the scholarships program.
Quan- Scholarships- \$50	Trisha Quan	\$50.00	To support the scholarships program.
Lem- Sunnyside Conservatory- \$60	Lewisson Lem	\$60.00	In kind donation of two King Protea plants for Sunnyside Conservatory.
La Voz Latina- String Lighting Sgt Macaulay- \$90	La Voz Latina	\$90.00	String lighting for Sgt Macaulay Park
Matt Buchwitz- Scholarships - \$100	Matt Buchwitz	\$100.00	To support the scholarship program
Russell Breslauer- Scholarships- \$100	Russell Breslauer	\$100.00	To support the scholarship program.
Duderstadt- Bench and Print - \$xx	California Outdoor Rollersports Association	\$100.00	Donation of a bench and print honoring William Hammond Hall.
Kyllo- Scholarships- 100	Kimberly Kyllo	\$100.00	To support the scholarships program.
Catanzariti- Scholarships- \$100	Sergio Catanzariti	\$100.00	To support the scholarships program.
Charlene Son Rigby- Scholarships- 100	Charlene Son Rigby	\$100.00	To support the scholarships program.
Bernstein- Scholarships- \$100	Rachel Bernstein	\$100.00	To support the scholarships program.
Hua- Scholarships- \$100	Inez Hua	\$100.00	To support the scholarships program.
Williams- Scholarships- \$100	Abra Williams	\$100.00	To support the scholarships program.
Yu- Scholarships - \$100	Doris M Yu	\$100.00	To support the scholarships program.
Volken- Scholarships- \$100	Mary Torres Volken	\$100.00	To support the scholarships program.
Gutfreund- Tank Hill COF - \$150	Minette Gutfreund	\$150.00	To support the Tank Hill Community Opportunity Fund project.
Bi-Rite Market- Eggstravaganza- \$192	Bi-Rite Market	\$192.00	Donation of snacks for RPD employees at 2016 Eggstravaganza.
SFCFC-Kezar Triangle-\$200	San Francisco City Football Club	\$200.00	In kind donation of ticket vouchers to a SF City FC game for Golden Gate Park volunteers.
Kathy Kleinhans- Photo Center-\$225.00	Kathy Kleinhans	\$225.00	In kind donation of equipment to the Harvey Milk Photography Center.
San Francisco Fire Fighters-Local 798- Scholarships - \$250	San Francisco Fire Fighters-Local 798	\$250.00	To support the scholarships program
Philz Coffee- Coffee for Tree Lighting - \$250	Philz Coffee	\$250.00	Donation of coffee for 2015 Holiday Tree Lighting Event.
Hafner Vineyard- Tree Lighting 2015- \$250	Hafner Vineyard	\$250.00	Donation of one case of wine for the 2015 Holiday Tree Lighting.
Spoonhower- Scholarships- \$250	Daniel Spoonhower	\$250.00	To support the scholarships program
Aden- Scholarships- \$250	Gregory Aden	\$250.00	To support the scholarships program, in honor of Cindy.
Benevity Community Impact Fund- St Mary's Rec Center - \$275	Benevity Community Impact Fund	\$275.00	To support Saint Mary's Rec Center.
Benevity - St Mary's Rec Center- \$275	Benevity Community Impact Fund	\$275.00	To support St Mary's Rec Center.
Judge Auffinger- Photo Center-\$300.00	Judge Auffinger	\$300.00	In kind donation of equipment to the Harvey Milk Photography Center.
Benevity - St Mary's Rec Center - \$300	Benevity Community Impact Fund	\$300.00	To support St Mary's Recreation Center.
Benevity - St Mary's Rec Center - \$350	Benevity Community Impact Fund	\$300.00	To support St Mary's Recreation Center.
Benevity - Saint Mary's Rec Center - \$350	Benevity Community Impact Fund	\$350.00	To support Saint Mary's Recreation Center.
Benevity - St Mary's Rec Center - \$350	Benevity Community Impact Fund	\$350.00	To support St Mary's Recreation Center.
Benevity Community Impact Fund- St Mary's Rec Center - \$418.50	Benevity Community Impact Fund	\$418.50	To support Saint Mary's Rec Center.
Benevity - Saint Mary's Recreation Center - \$450	Benevity Community Impact Fund	\$450.00	To support St Mary's Recreation Center
Benevity - St Mary's Rec Center - \$450	Benevity Community Impact Fund	\$450.00	To support St Mary's Recreation Center.
Philip Meza- Photo Center-\$500	Philip Meza	\$500.00	In kind donation of equipment to the Harvey Milk Photography Center.
Paul Culver-Photo Center-\$500	Paul Culver	\$500.00	In-kind donation of photo paper to the Harvey Milk Photo Center.
Ginsburg- Scholarships- \$500	Phil Ginsburg	\$500.00	To support RPD's Scholarship Fund.
Guggenheim- Scholarships- \$500	Ralph Guggenheim	\$500.00	To support the scholarships program
Gagnon- Scholarships- \$500	Brianne Gagnon	\$500.00	To support the scholarships program.
Wu- Scholarships- \$500	Justin Wu	\$500.00	To support the scholarships program.

**San Francisco Recreation and Park Department  
Gifts - \$10,000 and Under  
Fiscal Year 2015-16**

Gift Description	Source	Value	Disposition
The San Francisco Day School- Scholarships-\$540.81	The San Francisco Day School	\$540.81	To support the scholarships program.
Benevity - Saint Mary's Rec Center- \$700	Benevity Community Impact Fund	\$700.00	To support Saint Mary's Recreation Center.
Maureen Gonzalez- St Mary's Tree Maintenance - \$760	Maureen Gonzalez	\$760.00	To prune a tree at St. Mary's Park
Bi-Rite Market- Holiday Tree Lighting- \$780	Bi-Rite Market	\$780.00	Donation of four cheese and fruit platters for Holiday Tree Lighting 2015
Lorraine Bader- Photo Center-\$835	Lorraine Bader	\$835.00	In kind donation of equipment to the Harvey Milk Photography Center.
The Hertz Corporation-McKinley Square Park-\$850.00	The Hertz Corporation	\$850.00	In kind donation of forklift to support volunteer work day in McKinley Square Park.
Red Umbrellas-\$1K-Art Programs	Red Umbrellas	\$1,000.00	To support art programs at Garfield Clubhouse.
Gabrey Means-Scholarships- \$1,000	Gabrey Means	\$1,000.00	To support the scholarships program.
San Francisco Association of Realtors- Scaregrove 2015- \$1000	San Francisco Association of Realtors	\$1,000.00	Sponsorship of Scaregrove 2015 event.
The Gelfand Family Foundation, Inc.- Recreation Scholarships-\$1K	The Gelfand Family Foundation, Inc.	\$1,000.00	To support RPD's Scholarships program.
Brad Post-Grattan Playground-\$1K	Friends of Grattan Playground	\$1,047.05	To fund the cost of new sand and delivery to Grattan Playground.
Recology- Eggstravaganza 2016- \$1,285	Recology	\$1,285.27	In-kind sponsorship of Eggstravaganza 2016.
Microsoft Volunteer Match--Scholarships- \$1,338.00	Microsoft Volunteer Match	\$1,338.00	Volunteer gift match to support the Department's scholarships program.
Peter Thoshinsky-Photo Center-\$1K	Peter Thoshinsky	\$1,400.00	In-kind donation of a camera and equipment to the Harvey Milk Photo Center.
Red and White Fleet- Eggstravaganza 2016- \$1500	Red and White Fleet	\$1,500.00	Sponsorship of the 2016 Eggstravaganza event.
Sunday Morning Soccer-Soccer Equipment-\$1,500	Sunday Morning Soccer	\$1,500.00	To support provide field maintenance and soccer equipment. This donation was made possible by a group of regular Sunday soccer players, called Sunday Morning Soccer.
NHA-Huntington Park-\$1K	Nob Hill Association and Foundation	\$1,710.00	To support the removal of two stumps from two fallen trees and prune cherry trees around the Fountain.
Pamakid Runners- Scholarships- \$2500	Pamakid Runners	\$2,500.00	To support the scholarships program.
Recology- NBA Finals Screening- \$2544	Recology	\$2,544.00	In-kind donation of waste collection services for NBA Finals screening.
Recology- Scaregrove 2015 - \$2,587.99	Recology	\$2,587.99	In-kind donation of waste collection services for Scaregrove 2015 event.
San Francisco Garden Club-GGP-\$12K	San Francisco Garden Club	\$2,975.34	To support 90 trees in Golden Gate Park.
Paige Dorian (for Adidas)-\$3,000-For Potrero Recreation Center	Paige Dorian Inc	\$3,000.00	To support Potrero Hill Recreation Center
California Historical Society- \$3,500 - PPIE Floral Plaque at Conservatory Valley	California Historical Society	\$3,500.00	To support a installation of a PPIE-themed floral plaque planting at Conservatory Valley
Cole Valley Improvement Association- Tank Hill COF- \$3900	Cole Valley Improvement Association	\$3,900.00	To support the Tank Hill Community Opportunity Fund project.
Devil's Teeth - Tree Lighting Cookies - \$4000	Devil's Teeth Baking Company	\$4,000.00	In-kind donation of cookies and icing for 2015 Holiday Tree Lighting
SF 49ers Fndtn-Scholarships-\$4K	San Francisco 49ers Foundation	\$4,000.00	To support RPD's Scholarship Fund.
Salesforce Foundation-Volunteer Division \$5,000	Salesforce	\$5,000.00	To support Volunteer Program
WSJF-Palace of Fine Arts-\$5K	Walter S. Johnson Foundation	\$5,000.00	To support grounds maintenance at the Walter S. Johnson Park, Palace of Fine Arts.
San Francisco Mayor's Cup-Scholarship-\$5K	San Francisco Mayor's Cup	\$5,000.00	To support the Recreation Scholarship Fund
SF Foster Youth Fund-Scholarships-\$5,262	San Francisco Foster Youth Fund	\$5,262.94	To support RPD's Scholarships program.
Good Tidings Foundation- Excelsior Field Maintenance- \$6,500	Good Tidings Foundation	\$6,500.00	To repair the infield turf at the Excelsior Playground athletic field.
WSJF-Palace of Fine Arts-\$7K	Walter S. Johnson Foundation	\$7,000.00	To support structure maintenance at the Palace of Fine Arts.
Geneva Car Barn-Geneva Car Barn-\$7500	Friends of the Geneva Car Barn and Powerh	\$7,500.00	To support the Geneva Car Barn and Powerhouse.
SFPA-Esprit Park-\$9K	San Francisco Parks Alliance (SFPA)	\$9,000.00	To support new benches in Esprit Park. This project is generously supported by the Friends of Esprit Park, through a grant from UCSF.
BASHOF-Joe DiMaggio Playground-\$9K	Bay Area Sports Hall of Fame (BASHOF)	\$9,200.00	In kind donation of two bronze plaques in honor of Joe and Dominic DiMaggio at Joe DiMaggio Playground.
<b>TOTAL</b>		<b>\$117,144.90</b>	

BDS-11, CPAGL

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

STATE OF CALIFORNIA  
Edmund G. Brown Jr., Governor

**Commissioners**  
**Eric Sklar**, President  
Saint Helena  
**Jacque Hostler-Carmesin**, Vice President  
McKinleyville  
**Anthony C. Williams**, Member  
Huntington Beach  
**Russell E. Burns**, Member  
Napa  
**Peter S. Silva**, Member  
Chula Vista

### Fish and Game Commission



*Wildlife Heritage and Conservation*  
Since 1870

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2016 JUL 20 PM 3:14  
BY BC

July 18, 2016

TO ALL INTERESTED AND AFFECTED PARTIES:

This is to provide you with a copy of the notice of proposed regulatory action to amend Section 472, Title 14, California Code of Regulations, relating to Nongame Animals General Provisions, which will be published in the California Regulatory Notice Register on July 15, 2016.

Please note the dates of the public hearings related to this matter and associated deadlines for receipt of written comments. Additional information and all associated documents may be found on the Fish and Game Commission website at [www.fgc.ca.gov](http://www.fgc.ca.gov).

Karen Fothergill, Department of Fish and Wildlife, phone 916-716-1461, has been designated to respond to questions on the substance of the proposed regulations.

Sincerely,

Caren Woodson  
Associate Governmental Program Analyst

Attachment

15

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

**NOTICE IS HEREBY GIVEN** that the Fish and Game Commission (Commission), pursuant to the authority vested by Sections 3800 and 4150 of the Fish and Game Code and to implement, interpret or make specific Sections 3800 and 4150 of said Code, proposes to amend Section 472, Title 14, California Code of Regulations, relating nongame animals general provisions.

**Informative Digest/Policy Statement Overview**

The status of domestic pigeons is uncertain under existing law. Fish and Game Code (FGC) Section 3680 implies that the shooting or taking of domestic pigeons is lawful. However, since their status (e.g. as the feral progeny of domestic birds) in the Code is unclear, the actual conditions under which they can be shot or taken is also unclear. FGC Section 3800 makes it unlawful to take nongame birds except as authorized by code or regulation.

Increasing populations of nonnative species have developed in many areas of California to the detriment of our native wildlife. Nonnative deer species compete with native species for the limited resources, forage, and habitat necessary for survival. They may also transmit diseases or parasites for which native species have no natural immunity or defenses. Current regulation permits the take of nonnative deer during the general deer season in the deer zone where they are found.

**PROPOSED REGULATION**

In order to clarify the status of domestic pigeons, the proposed amendment to subsection 472(a) specifies domestic pigeons are a nongame species which may be taken at any time and in any number except as specified.

In order to extend hunting opportunity and reduce populations of nonnative deer species, the proposed amendments to subsection 472(b) are necessary:

- (b) Extend the season for nonnative deer, of either sex, to include the deer, elk, and antelope seasons on any properties enrolled in Private Lands Management Programs authorized for hunting, and add that there is no bag or possession limit for nonnative species.
- (b)(1) Clarify that the possession of a valid hunting license is required for taking nonnative species; however, no tag, stamp, or additional endorsement of any kind is required.
- (b)(2) Clarify that it is unlawful to needlessly waste the edible flesh of nonnative deer.



## BENEFITS OF THE PROPOSED REGULATIONS

The Commission anticipates benefits to the health and welfare of California residents. Establishing specific regulations regarding the take of nonnative deer species will create new hunting opportunities and help reduce negative impacts on native species populations and habitats by reducing populations of competing nonnative species.

The Commission anticipates benefits to the State's environment in the sustainable management of natural resources. The regulation will clarify the conditions for take of domestic pigeons to provide consistency in application on a statewide basis and create new hunting opportunities for nonnative deer. Hunting provides opportunities for multi-generational family activities and promotes respect for the continued existence of California's natural resources by the future stewards of the State's resources.

The Commission does not anticipate non-monetary benefits to the protection of public health and safety, worker safety, the prevention of discrimination, the promotion of fairness or social equity, and the increase in openness and transparency in business and government.

## EVALUATION OF INCOMPATIBILITY WITH EXISTING REGULATIONS:

Section 20, Article IV, of the State Constitution specifies that the Legislature may delegate to the Fish and Game Commission such powers relating to the protection and propagation of fish and game as the Legislature sees fit. The Legislature has delegated to the Commission the power to regulate the take of nongame birds and mammals (Sections 3800 and 4150, Fish and Game Code). No other State agency has the authority to promulgate nongame hunting regulations. The Commission has searched the California Code of Regulations and has found the proposed changes pertaining to the general provisions of the nongame section consistent with the provisions of Title 14; therefore, the Commission has determined that the proposed amendments are neither inconsistent nor incompatible with existing State regulations.

**NOTICE IS ALSO GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the Red Lion Inn, 1929 4<sup>th</sup> Street, Eureka, California, on Wednesday, October 20, 2016, at 8:00 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before October 6, 2016, at the address given below, or by email to [FGC@fgc.ca.gov](mailto:FGC@fgc.ca.gov). **Written comments mailed, or emailed to the Commission office, must be received before 5:00 p.m. on October 14, 2016.** All comments must be received no later than **October 20, 2016**, at the hearing in Eureka, California. If you would like copies of any modifications to this proposal, please include your name and mailing address.

The regulations as proposed in ~~strikeout~~-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Valerie Termini, Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to Valerie Termini or Caren Woodson at the preceding address or phone number. **Karen Fothergill, Department of Fish and Wildlife, phone (916) 716-1461 or email Karen.Fothergill@wildlife.ca.gov, has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons, the regulatory language, the Notice, and other rulemaking documents, may be obtained from either the address above or on the Commission's website at <http://www.fgc.ca.gov>.

#### Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

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

#### Impact of Regulatory Action/Results of the Economic Impact Assessment

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

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

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed regulations are unlikely to increase or decrease current levels of hunting effort in California.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California; Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment:

The Commission anticipates benefits to the health and welfare of California residents. Establishing specific regulations regarding the take of nonnative deer species will create new hunting opportunities and help reduce negative impacts on native species populations and habitats by reducing populations of competing nonnative species.

The Commission anticipates benefits to the State's environment in the sustainable management of natural resources. The regulation will clarify the conditions for take of domestic pigeons to provide consistency in application on a statewide basis and create new hunting opportunities for nonnative deer. Hunting provides opportunities for multi-generational family activities and promotes respect for the continued existence of California's natural resources by the future stewards of the State's resources.

The Commission does not anticipate any impacts on the creation or elimination of jobs, the creation of new business, the elimination of businesses, or the expansion of businesses in California. The Commission does not anticipate any benefit to worker safety.

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

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

(d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.

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

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

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

(h) Effect on Housing Costs: None.

Effect on Small Business

It has been determined that the adoption of these regulations will not affect small business. The Commission has drafted the regulations in Plain English pursuant to Government Code Sections 11342.580 and 11346.2(a)(1).

Consideration of Alternatives

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

FISH AND GAME COMMISSION

Dated: July 5, 2016

Valerie Termini  
Executive Director

BOS-11, Cypagl

**Commissioners**  
Eric Sklar, President  
Saint Helena  
Jacque Hostler-Carmesin, Vice President  
McKinleyville  
Anthony C. Williams, Member  
Huntington Beach  
Russell E. Burns, Member  
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Peter S. Silva, Member  
Chula Vista

STATE OF CALIFORNIA  
Edmund G. Brown Jr., Governor

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

# Fish and Game Commission



*Wildlife Heritage and Conservation*  
Since 1870

July 18, 2016

TO ALL INTERESTED AND AFFECTED PARTIES:

This is to provide you with a copy of the notice of proposed regulatory action to add Section 715 and amend Section 702, Title 14, California Code of Regulations, relating to Upland Game Bird Special Hunt Drawing and Application Fee, which will be published in the California Regulatory Notice Register on July 15, 2016.

Please note the dates of the public hearings related to this matter and associated deadlines for receipt of written comments. Additional information and all associated documents may be found on the Fish and Game Commission website at [www.fgc.ca.gov](http://www.fgc.ca.gov).

Karen Fothergill, Department of Fish and Wildlife, phone 916-716-1461, has been designated to respond to questions on the substance of the proposed regulations.

Sincerely,

Caren Woodson  
Associate Governmental Program Analyst

Attachment

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16

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

**NOTICE IS HEREBY GIVEN** that the Fish and Game Commission (Commission), pursuant to the authority vested by Sections 200, 202, 203, 215, 220, 331, 332 and 1050 of the Fish and Game Code and to implement, interpret or make specific Sections 200, 202, 203, 203.1, 207, 215, 219, 220, 331, 332, 713, 1050, 1055, 1055.1, 1570, 1571, 1572, 1573, 3500, 3682.1, 3683, 3950, 3951, 4302, 4330, 4331, 4332, 4333, 4336, 4340, 4341, 4652, 4653, 4654, 4655, 4657, 4750, 4751, 4752, 4753, 4754, 4755, 4902, 10500 and 10502 of said Code, proposes to amend Section 702 and add Section 715, Title 14, California Code of Regulations, relating to Upland Game Bird Special Hunt Drawing and Application Fee.

### **Informative Digest/Policy Statement Overview**

A new Section 715, Upland Game Bird Special Hunt Drawing, is proposed to establish the application and drawing procedures for wild upland game bird hunt reservations in the Automated License Data System (ALDS). ALDS is the central location for the public to apply for all Department licenses and hunting opportunities. The ALDS drawing process provides more accuracy and flexibility to the public and allows applicants to easily select their first, second and third choice wild bird hunts. A fee of \$5.00 per application for the Upland Game Bird Special Hunt Drawing is proposed to be added in Section 702.

#### **Benefits of the regulations**

The Commission anticipates benefits to the health and welfare of California residents. ALDS provides a single location for the public to apply for all department hunts including big game and waterfowl hunting opportunities. Data collected and compiled through ALDS will be accessible in a consistent format for the Department's use. Adding the Upland Game Bird Special Hunt Drawing to ALDS will provide the same benefits of fairness and flexibility as well as important information necessary to properly manage upland game bird populations.

The Commission anticipates benefits to the State's environment in the sustainable management of natural resources. The proposed regulation could reduce the time required to apply for Upland Game special hunting opportunities and will improve the accuracy of the data collection. Adoption of regulations to increase sustainable hunting opportunity provides for the maintenance of sufficient populations of upland game birds to ensure their continued existence.

#### **Non-monetary benefits to the public**

The Commission does not anticipate non-monetary benefits to the protection of public health and safety, worker safety, the prevention of discrimination, the promotion of fairness or social equity and the increase in openness and transparency in business

and government.

### Consistency with State or Federal Regulations

The Fish and Game Commission, pursuant to Fish and Game Code Sections 200, 202 and 203, has the sole authority to regulate hunting in California. Commission staff has searched the California Code of Regulations and has found the proposed changes pertaining to reservation drawing selection for wild upland game bird hunting opportunities through ALDS to be consistent with the provisions of Title 14. Therefore the Commission has determined that the proposed amendments are neither inconsistent nor incompatible with existing state regulations.

**NOTICE IS GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the Lake Natoma Inn Hotel & Conference Center, 702 Gold Lake Drive, in Folsom, California, on Wednesday August 25, 2016, at 8:00 a.m., or as soon thereafter as the matter may be heard.

**NOTICE IS ALSO GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the Red Lion Inn, 1929 4<sup>th</sup> Street, Eureka, California, on Wednesday, October 20, 2016, at 8:00 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before October 6, 2016, at the address given below, or by email to [FGC@fgc.ca.gov](mailto:FGC@fgc.ca.gov). **Written comments mailed, or emailed to the Commission office, must be received before 5:00 p.m. on October 14, 2016.** All comments must be received no later than **October 20, 2016**, at the hearing in Eureka, California. If you would like copies of any modifications to this proposal, please include your name and mailing address.

The regulations as proposed in strikeout-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Valerie Termini, Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to Valerie Termini or Caren Woodson at the preceding address or phone number. **Karen Fothergill, Department of Fish and Wildlife, phone (916) 716-1461 or email [Karen.Fothergill@wildlife.ca.gov](mailto:Karen.Fothergill@wildlife.ca.gov), has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons, the regulatory language, the Notice, and other rulemaking documents, may be obtained from either the address above or on the Commission's website at <http://www.fgc.ca.gov>.

### Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

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

### **Impact of Regulatory Action/Results of the Economic Impact Assessment**

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

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

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed action automates an existing hunt drawing process through the use of ALDS. This proposal is economically neutral to business.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California; Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment:

The Commission anticipates benefits to the health and welfare of California residents. ALDS provides a single location for the public to apply for all department hunts including big game and waterfowl hunting opportunities. Data collected and compiled through ALDS will be accessible in a consistent format for the Department's use. Adding the Upland Game Bird Special Hunt Drawing to ALDS will provide the same benefits of fairness and flexibility as well as important information necessary to properly manage upland game bird populations.

The Commission anticipates benefits to the State's environment in the sustainable management of natural resources. The proposed regulation could reduce the time required to apply for Upland Game special hunting opportunities and will improve the accuracy of the data collection. Adoption of regulations to increase sustainable hunting opportunity provides for the maintenance of sufficient populations of upland game birds to ensure their continued existence.



The Commission does not anticipate any impacts on the creation or elimination of jobs, the creation of new business, the elimination of existing businesses, or the expansion of businesses in California. The Commission does not anticipate any benefits to worker safety.

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

The Department proposes a modest fee to recover reasonable costs of the drawing as required by statute. The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

(d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.

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

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

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

(h) Effect on Housing Costs: None.

Effect on Small Business

It has been determined that the adoption of these regulations will not affect small business. The Commission has drafted the regulations in Plain English pursuant to Government Code Sections 11342.580 and 11346.2(a)(1).

Consideration of Alternatives

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

FISH AND GAME COMMISSION

Dated: July 5, 2016

Valerie Termini  
Executive Director

**Commissioners**  
**Eric Sklar**, President  
 Saint Helena  
**Jacque Hostler-Carmesin**, Vice President  
 McKinleyville  
**Anthony C. Williams**, Member  
 Huntington Beach  
**Russell E. Burns**, Member  
 Napa  
**Peter S. Silva**, Member  
 Chula Vista

STATE OF CALIFORNIA  
 Edmund G. Brown Jr., Governor

**Valerie Termini**, Executive Director  
 1416 Ninth Street, Room 1320  
 Sacramento, CA 95814  
 (916) 653-4899  
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**Fish and Game Commission**



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July 19, 2016

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**NOTICE OF PROPOSED 90-DAY EXTENSION OF EMERGENCY ACTION**  
 Emergency Closure of Recreational Dungeness Crab and Rock Crab Fisheries Due to  
 Elevated Levels of Domoic Acid

Reference OAL File #2015-1105-01E and OAL File #2016-0421-02EE

Pursuant to the requirements of Government Code subsections 11346.1(a)(2) and 11346.1(h), the Fish and Game Commission (Commission) is providing notice of proposed extension of existing emergency regulations, establishing emergency closures of recreational Dungeness crab and rock crab fisheries due to elevated levels of domoic acid.

The objective of this re-adoption is to protect the public from consuming Dungeness crab and rock crab caught in areas with persistently high levels of domoic acid that pose a risk to public health as determined by the director of the Office of Environmental Health Hazard Assessment in consultation with the director of the California Department of Public Health.

The Commission initially adopted the emergency regulations on November 5, 2015, and re-adopted them on April 25, 2016; the first 90-day extension will expire on August 3, 2016. The Commission adopted the second 90-day extension on July 19, 2016.

**The adopted 90-day extension of emergency action is substantially equivalent to the emergency regulation adopted by the Commission on November 5, 2015.**

**SUBMISSION OF COMMENTS**

Government Code Section 11346.1(a)(2) requires that, at least five working days prior to submission of the proposed emergency action to the Office of Administrative Law (OAL), the adopting agency provide a Notice of the Proposed Emergency Action to every person who has filed a request for notice of regulatory action with the agency. After submission of the proposed emergency to OAL, OAL shall allow interested persons five calendar days to submit comments on the proposed emergency regulations as set forth in Government Code Section 11349.6.

Any interested person may present statements, arguments or contentions, in writing, submitted via U.S. mail, e-mail or fax, relevant to the proposed emergency regulatory action. Written comments submitted via U.S. mail, e-mail or fax must be received at OAL within five days after the Commission submits the emergency regulations to OAL for review.

Please reference submitted comments as regarding "Emergency Closure of Crab Fisheries" addressed to:

Mailing Address: Reference Attorney  
Office of Administrative Law  
300 Capitol Mall, Suite 1250  
Sacramento, CA 95814

California State  
Fish and Game Commission  
Attn: Sheri Tiemann  
1416 Ninth Street, Room 1320  
Sacramento, CA 95814

E-mail Address: [staff@oal.ca.gov](mailto:staff@oal.ca.gov)  
Fax No.: 916-323-6826

[fgc@fgc.ca.gov](mailto:fgc@fgc.ca.gov)

For the status of the Commission's submittal to OAL for review, and the end of the five-day written submittal period, please consult OAL's website at <http://www.oal.ca.gov> under the heading "Emergency Regulations."

CALIFORNIA FISH AND GAME COMMISSION  
STATEMENT OF PROPOSED EMERGENCY REGULATORY ACTION  
FOR RE-ADOPTION OF EMERGENCY REGULATIONS

Emergency Action to Re-adopt Amendments to Section 29.85,  
Title 14, California Code of Regulations

Re: Emergency closure of recreational Dungeness and rock crab fisheries  
due to elevated levels of domoic acid

**I. Statement of Facts Constituting Need for Emergency Regulatory Action**

The Fish and Game Commission (Commission) is re-adopting amendments to Section 29.85, Title 14, California Code of Regulations (CCR) [Office of Administrative Law (OAL) file numbers 2015-1105-01E and 2016-0421-02EE].

The Commission submitted an emergency rulemaking that was approved by the Office of Administrative Law (OAL) and filed with the Secretary of State on November 5, 2015, after samples of Dungeness and rock crabs were found to contain high domoic acid levels. The emergency rulemaking closed the recreational rock crab fishery north of the Ventura/Santa Barbara county line and delayed the opening of the recreational Dungeness crab fishery statewide.

In April 2016 the Commission re-adopted the substantially equivalent emergency regulations, which were filed with OAL on April 21, after samples of Dungeness and rock crabs in some areas were found to still contain high domoic acid levels.

The Office of Environmental Health Hazard Assessment (OEHHA), in cooperation with the California Department of Fish and Wildlife (Department), has continued to regularly monitor domoic acid levels in rock crab and Dungeness crab along the California coast since the emergency regulations were filed. Pursuant to the emergency regulations adopted in November 2015 and re-adopted in April 2016, the following state waters have been reopened for recreational fishing based on the recommendations of OEHHA in consultation with the director of the California Department of Public Health (CDPH):

1. On December 31, 2015, the recreational Dungeness crab and rock crab fisheries were reopened in state waters south of 35° 40' N. Latitude (near Piedras Blancas Light Station).
2. On February 11, 2016, the recreational Dungeness crab fishery was reopened in state waters south of 38° 00' N. Latitude (near Point Reyes).
3. On March 18, 2016, the recreational Dungeness crab fishery was reopened in state waters south of the Mendocino/Sonoma county line (near Gualala).
4. On March 28, 2016, the recreational rock crab fishery was reopened in the Channel Islands, with the exception of state waters between Santa Cruz and Santa Rosa islands.
5. On April 22, 2016 state waters were reopened for the recreational rock crab fishery south of Sand Hill Bluff in Santa Cruz County (36° 58.72' N. Latitude) and the recreational Dungeness crab fishery was opened south

of the northern jetty of Humboldt Bay in Humboldt County (40° 46.15' N. Latitude).

6. On May 2, 2016 the recreational Dungeness crab fishery was reopened statewide except for one area within Humboldt County; the area north of 40°46.15' N. Latitude (a line extending due west from the west end of the north jetty at the entrance of Humboldt Bay) and south of 41° 17.60' N. Latitude (a line extending due west from the mouth of Redwood Creek, Humboldt County) remained closed.
7. On May 19, 2016, the recreational Dungeness crab fishery was reopened statewide.
8. On June 3, 2016, state waters were reopened for the recreational rock crab fishery around the Channel Islands between Santa Cruz and Santa Rosa Islands.
9. On July 6, 2016, the recreational rock crab fishery was reopened in state waters south of Pigeon Point in San Mateo County (37° 11' N. Latitude).

Past history with such situations suggested that the emergency would resolve itself within the original 180 days as domoic acid levels naturally subsided. However, high domoic acid levels are persisting in some areas of the state as indicated by ongoing sampling. Therefore, the Commission re-adopted the emergency regulations for an additional period of 90 days following the first re-adoption 90-day effective time period, which ends on August 3. The second re-adoption is necessary to continue the emergency closures in those ocean waters of the state with persistently high levels of domoic acid.

Consuming crab from areas with persistently high levels of domoic acid poses a significant risk to public health as determined by the Director of OEHHA, in consultation with the Director of CDPH. Thus readopting the emergency closure for an additional period of 90 days beyond the initial 180-day period and the first re-adoption 90-day period is necessary for the preservation of public health and safety.

### **Identification of Reports or Documents Supporting Factual Emergency**

The Commission relied on the following documents in proposing this emergency rulemaking action:

- Office of Environmental Health Hazard Assessment, Memorandum to Charlton H. Bonham, Director, California Department of Fish and Wildlife, and Sonke Mastrup, Executive Director, California Fish and Game Commission, *Recommendations on Opening Dungeness and Rock Crab From Mainland Coasts of San Luis Obispo County and Counties to the South*, dated December 31, 2015.
- Office of Environmental Health Hazard Assessment, Memorandum to Charlton H. Bonham, Director, California Department of Fish and Wildlife, and Michael Yaun, Interim Executive Director, California Fish and Game Commission, *Recommendation Regarding Opening of Dungeness Crab Fishery in State Waters South of 38° 00' N Latitude*, dated February 11, 2016.

- Office of Environmental Health Hazard Assessment, Memorandum to Charlton H. Bonham, Director, California Department of Fish and Wildlife, and Michael Yaun, Interim Executive Director, California Fish and Game Commission, *Recommendation on Opening of Dungeness Crab Fishery in State Waters South of the Sonoma/Mendocino County Line*, dated March 18, 2016.
- Office of Environmental Health Hazard Assessment, Memorandum to Charlton H. Bonham, Director, California Department of Fish and Wildlife, and Michael Yaun, Interim Executive Director, California Fish and Game Commission, *Recommendation on Opening Rock Crab Fishery near Channel Islands, with the Exception of One Area*, dated March 28, 2016.
- Office of Environmental Health Hazard Assessment, Memorandum to Charlton H. Bonham, Director, California Department of Fish and Wildlife, and Michael Yaun, Interim Executive Director, California Fish and Game Commission, *Recommendation on Opening of Dungeness Crab Fishery in State Waters of Mendocino and Portions of Humboldt Counties*, dated April 22, 2016.
- Office of Environmental Health Hazard Assessment, Memorandum to Charlton H. Bonham, Director, California Department of Fish and Wildlife, and Michael Yaun, Interim Executive Director, California Fish and Game Commission, *Recommendation on opening of Dungeness Crab Fishery in State Waters Between the California/Oregon Border and 41° 17.60' N Latitude*, dated May 2, 2016
- Office of Environmental Health Hazard Assessment, Memorandum to Charlton H. Bonham, Director, California Department of Fish and Wildlife, and Michael Yaun, Interim Executive Director, California Fish and Game Commission, *Recommendation on Opening of the Last Remaining Area Closed to Dungeness Crab Fishing*, dated May 19, 2016
- Office of Environmental Health Hazard Assessment, Memorandum to Charlton H. Bonham, Director, California Department of Fish and Wildlife, and Valerie Termini, Executive Director, California Fish and Game Commission, *Recommendation on Opening of Rock Crab Fishery Near Channel Islands*, dated June 3, 2016
- Office of Environmental Health Hazard Assessment, Memorandum to Charlton H. Bonham, Director, California Department of Fish and Wildlife, and Valerie Termini, Executive Director, California Fish and Game Commission, *Recommendation of Opening of Rock Crab Fishery in Portions of San Mateo County*, dated July 6, 2016

## II. Regulatory Proposal

In response to the high domoic acid levels persisting in some areas of state ocean waters as indicated by continued sampling, the Commission re-adopted the emergency closure for an additional period of 90 days beyond the initial 180-day period and first re-adoption 90-day period as it is necessary for the preservation of the public health and safety.

Emergency recreational fishing closures would remain in effect for rock crabs caught in state waters north of 37° 11' N. Latitude at Pigeon Point in San Mateo County.

Closure of the recreational fishery shall remain in effect until the director of OEHHA, in consultation with the director of CDPH, determines that domoic acid levels in rock crab no longer pose a significant risk to public health and no longer recommends the fishery be closed.

The Department shall maintain a list of closed ocean waters of the state and update that list on Wednesday of each week by 1:00 pm. It shall be the responsibility of any person taking rock crab to call the Department's hotline or visit the Department's website to obtain the current status of any ocean water.

### **III. Impact of Regulatory Action**

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following determinations relative to the required statutory categories have been made:

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

None.

- (b) Nondiscretionary Costs/Savings to Local Agencies:

None.

- (c) Programs Mandated on Local Agencies or School Districts:

None.

- (d) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code:

None.

- (e) Effect on Housing Costs:

None.

### **IV. Re-adoption Criteria**

Pursuant to Government Code Section 11346.1(h), the text of a re-adopted regulation must be the "same or substantially equivalent" to the text of the original emergency regulation. The language for the re-adopted regulatory



amendment is substantially equivalent to the language of the original emergency regulation.

In addition, Government Code Section 11346.1(h) specifies that the emergency rulemaking agency must demonstrate that it is making “substantial progress and has proceeded with due diligence” to comply with standard rulemaking provisions. At its July 19, 2016 meeting, the Commission received an update on testing and sampling levels and an overview of state ocean waters that have been reopened as well as those that remain closed due to elevated levels of domoic acid. Past history with such situations suggested that the emergency would resolve itself within the original 180 days as domoic acid levels naturally subsided. However, the Commission determined that an emergency situation still exists and re-adopted the emergency closure for an additional period of 90 days beyond the initial 180-day period and first 90-day extension, as it is necessary for the preservation of public health and safety. Given this unique situation, a state interagency task force that includes the Commission has been created to proactively address harmful algal blooms that result in high levels of domoic acid and is working to identify solutions for more quickly addressing public health and safety. In addition, legislation has been introduced to grant authority for immediately closing fisheries due to harmful algal blooms.

**V. Authority and Reference**

The Commission proposes this emergency action pursuant to the authority vested by sections 200, 202, 205, 220, and 240 of the Fish and Game Code and to implement, interpret, or make specific sections 200, 202, 205, 206, 220, and 240 of said code.

**VI. Section 240 Finding**

Pursuant to Section 240 of the Fish and Game Code, the Commission finds that the adoption of this regulation is necessary for the immediate protection of public health and safety from elevated levels of domoic acid detected in samples of Dungeness and rock crab in ocean waters of the state.

## Informative Digest (Plain English Overview)

The Fish and Game Commission (Commission) is re-adopting amendments to Section 29.85, Title 14, California Code of Regulations (CCR) [Office of Administrative Law (OAL) file numbers 2015-1105-01E and 2016-0421-02EE].

The Commission submitted an emergency rulemaking that was approved by the Office of Administrative Law (OAL) on November 5, 2015, after samples of Dungeness and rock crabs were found to contain high domoic acid levels. The emergency rulemaking closed the recreational rock crab fishery north of the Ventura/Santa Barbara county line and delayed the opening of the recreational Dungeness crab fishery statewide.

In April 2016 the Commission re-adopted the substantially equivalent emergency regulations, which were filed with OAL on April 21, after samples of Dungeness and rock crabs in some areas were found to still contain high domoic acid levels.

The Office of Environmental Health Hazard Assessment (OEHHA), in cooperation with the California Department of Fish and Wildlife (Department), has continued to regularly monitor domoic acid levels in rock crab and Dungeness crab along the California coast since the emergency regulations were filed. Pursuant to the emergency regulations adopted in November 2015 and re-adopted in April 2016, the following state waters have been reopened for recreational fishing based on the recommendations of OEHHA in consultation with the director of the California Department of Public Health (CDPH):

1. On December 31, 2015, the recreational Dungeness crab and rock crab fisheries were reopened in state waters south of 35° 40' N. Latitude (near Piedras Blancas Light Station).
2. On February 11, 2016, the recreational Dungeness crab fishery was reopened in state waters south of 38° 00' N. Latitude (near Point Reyes).
3. On March 18, 2016, the recreational Dungeness crab fishery was reopened in state waters south of the Mendocino/Sonoma county line (near Gualala).
4. On March 28, 2016, the recreational rock crab fishery was reopened in the Channel Islands, with the exception of state waters between Santa Cruz and Santa Rosa islands.
5. On April 22, 2016 state waters were reopened for the recreational rock crab fishery south of Sand Hill Bluff in Santa Cruz County (36° 58.72' N. Latitude) and the recreational Dungeness crab fishery was opened south of the northern jetty of Humboldt Bay in Humboldt County (40° 46.15' N. Latitude).
6. On May 2, 2016 the recreational Dungeness crab fishery was reopened statewide except for one area within Humboldt County; the area north of 40°46.15' N. Latitude (a line extending due west from the west end of the north jetty at the entrance of Humboldt Bay) and south of 41° 17.60' N. Latitude (a line extending due west from the mouth of Redwood Creek, Humboldt County) remained closed.
7. On May 19, 2016, the recreational Dungeness crab fishery was reopened statewide.

8. On June 3, 2016, state waters were reopened for the recreational rock crab fishery around the Channel Islands between Santa Cruz and Santa Rosa Islands.
9. On July 6, 2016, the recreational rock crab fishery was reopened in state waters south of Pigeon Point in San Mateo County (37° 11' N. Latitude).

Past history with such situations suggested that the emergency would resolve itself within the original 180 days as domoic acid levels naturally subsided. However, high domoic acid levels are persisting in some areas of the state as indicated by ongoing sampling. Therefore, the Commission re-adopted the emergency regulations for an additional period of 90 days following the first re-adoption 90-day effective time period, which ends on August 3. The second re-adoption is necessary to continue the emergency closures in those ocean waters of the state with persistently high levels of domoic acid.

Consuming crab from areas with persistently high levels of domoic acid poses a significant risk to public health as determined by the Director of OEHHA, in consultation with the Director of CDPH. Thus readopting the emergency closure for an additional period of 90 days beyond the initial 180-day period and the first re-adoption 90-day period is necessary for the preservation of public health and safety.

Regulatory Action: Following the initial 180-day effective time period, the Commission re-adopted emergency regulations for an additional period of 90 days, which ends on August 3. The second re-adoption is necessary to continue the emergency closures in those state ocean waters with persistently high levels of domoic acid as it is necessary for preserving public health and safety.

The Department shall maintain a list of closed ocean waters of the state and update that list on Wednesday of each week by 1:00 pm. It shall be the responsibility of any person taking Dungeness or rock crab to call the Department's hotline or visit to the Department's website to obtain the current status of any ocean water.

Benefits: The regulation will protect public health and safety by prohibiting possession of Dungeness and rock crab containing elevated levels of domoic acid.

The adopted regulations are neither inconsistent nor incompatible with existing state regulations. The Legislature has delegated authority to the Commission to promulgate sport fishing regulations (sections 200, 202, 205, 220, and 240, Fish and Game Code).

## Regulatory Language

Section 29.85, Title 14, CCR, is amended to read:

29.85. Crab.

(a) Dungeness crabs (*Cancer magister*)

(1) Closure: Closures:

(A) Dungeness crab may not be taken from or possessed if taken from San Francisco Bay and San Pablo Bay, plus all their tidal bays, sloughs and estuaries between the Golden Gate Bridge and Carquinez Bridge.

(B) Dungeness crab may not be taken from or possessed if taken from ocean waters, including bays and estuaries, north of the Ventura/Santa Barbara County line where the Director of the Office of Environmental Health Hazard Assessment, in consultation with the Director of the California Department of Public Health, has determined that Dungeness crab contain unhealthy domoic acid levels and recommends closing the fishery until such time as the Director of the Office of Environmental Health Hazard Assessment, in consultation with the Director of the California Department of Public Health, determines that domoic acid levels in Dungeness crab no longer pose a significant risk to public health and no longer recommends the fishery be closed. Areas may be opened on a county-by-county basis. The department shall maintain a list of closed ocean waters of the state and update that list on Wednesday of each week by 1:00 pm. It shall be the responsibility of any person prior to taking Dungeness crab to call (831) 649-2883 or go to the department's website at [www.wildlife.ca.gov/Fishing/Ocean/Health-Advisories](http://www.wildlife.ca.gov/Fishing/Ocean/Health-Advisories) to obtain the current status of any ocean water.

(2) Open season:

(A) ~~Del Norte, Humboldt and Mendocino counties: From the first Saturday in November opening date determined through subsection (a)(1)(B) through July 30.~~

(B) ~~All other counties: From the first Saturday in November opening date determined through subsection (a)(1)(B) through June 30.~~

(3) Limit: Ten.

(4) Not more than 60 crab traps are authorized to be used to take Dungeness crab from a vessel operating under authority of a Commercial Passenger Fishing Vessel License issued pursuant to Fish and Game Code Section 7920.

(5) Traps and trap buoys by a commercial passenger fishing vessel to take Dungeness crab under authority of this Section and Section 29.80 shall have the commercial boat registration number of that vessel affixed to each trap and buoy.

(6) No vessel that takes Dungeness crabs under authority of this section, or Section 29.80, shall be used to take Dungeness crabs for commercial purposes.

(7) Minimum size: Five and three-quarter inches measured by the shortest distance through the body from edge of shell to edge of shell directly in front of and excluding the points (lateral spines).

(b) All crabs of the *Cancer* genus except Dungeness crabs, but including: yellow crabs, rock crabs, red crabs and slender crabs:

(1) Rock crab closure:

(A) Rock crab may not be taken from or possessed if taken from ocean waters, including bays and estuaries, north of the Ventura/Santa Barbara County line in state waters north of Pigeon Point in San Mateo County (Latitude 37° 11'

N) where the Director of the Office of Environmental Health Hazard Assessment, in consultation with the Director of the California Department of Public Health, has determined that rock crab contain unhealthy domoic acid levels and recommends closing the fishery until such time as the Director of the Office of Environmental Health Hazard Assessment, in consultation with the Director of the California Department of Public Health, determines that domoic acid levels in rock crab no longer pose a significant risk to public health and no longer recommends the fishery be closed. Areas may be opened on a county-by-county basis. The department shall maintain a list of closed ocean waters of the state and update that list on Wednesday of each week by 1:00 pm. It shall be the responsibility of any person prior to taking rock crab to call (831) 649-2883 or go to the department's website at [www.wildlife.ca.gov/Fishing/Ocean/Health-Advisories](http://www.wildlife.ca.gov/Fishing/Ocean/Health-Advisories) to obtain the current status of any ocean water.

(1)(2) Open season:

(A) Rock crab: The rock crab season will open on the date determined through subsection (b)(1)(A) and will remain open until [OAL to insert end date of emergency regulation].

(B) All other species: All year.

(2)(3) Limit: Thirty-five.

(3)(4) Minimum size: Four inches measured by the shortest distance through the body, from edge of shell to edge of shell at the widest part, except there is no minimum size in Fish and Game districts 8 and 9.

(c) All crabs of the genus *Cancer*, including Dungeness crabs, yellow crabs, rock crabs, red crabs and slender crabs, may be brought to the surface of the water for measuring, but no undersize crabs may be placed in any type of receiver, kept on the person or retained in any person's possession or under his direct control; all crabs shall be measured immediately and any undersize crabs shall be released immediately into the water.

(d) Sand crabs (*Emerita analoga*): Limit: Fifty.

Note: Authority cited: Sections 200, 202, ~~205 and 220~~205, 220 and 240, Fish and Game Code; Reference: Sections 200, 202, 205, ~~206 and 220~~206, 220 and 240, Fish and Game Code

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**From:** Board of Supervisors, (BOS)  
**To:** BOS-Supervisors  
**Subject:** FW: CPUC Notification - Verizon Wireless - Verizon Facilities  
**Attachments:** CPUC Notification - Verizon - SF UM Bulk 7-19-2016.pdf

**From:** West Area CPUC [mailto:WestAreaCPUC@VerizonWireless.com]  
**Sent:** Friday, July 22, 2016 3:50 PM  
**To:** Masry, Omar (CPC) <omar.masry@sfgov.org>; Administrator, City (ADM) <city.administrator@sfgov.org>; Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>  
**Cc:** West Area CPUC <WestAreaCPUC@VerizonWireless.com>  
**Subject:** CPUC Notification - Verizon Wireless - Verizon Facilities

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

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

Thank You

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July 22, 2016

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

RE: Notification Letter for Various Verizon Facilities  
San Francisco-Oakland, CA / GTE Mobilnet of California Limited Partnership / U-3002-C

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

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

Sincerely,

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

# CPUC Attachment A

Initial Build (new presence for Verizon Wireless)



VZW LEGAL ENTITY	JURISDICTION	PLANNING DIRECTOR	CITY ADMINISTRATOR	CLERK OF THE BOARD	COUNTY
GTE Mobilnet of California Limited Partnership	City of San Francisco 1 Dr. Carlton B. Goodlett Pl	omar.masry@sfgov.org	city.administrator@sfgov.org	Board.of.Supervisors@sfgov.org	San Francisco

Site Name	Site Address	Site APN	Site Coordinates (NAD 83)	Project Description	Number & type of Antennas	Tower Design	Tower Appearance	Tower Height (in feet)	Size of Building or NA	Type of Approval	Approval Issue Date	Approval Effective Date	Approval Permit Number	Resolution Number
SF UM PH3 SC 3	799 Market Street, San Francisco CA 94103	N/A - public right-of-way	37°47'8.54"N 122°24'20.27"W	Installation of one 7.5" diameter x 24" tall canister antenna, two 16.5" x 9.8" x 5.7" MRRU's on to existing (29' 6" AGL) SFPUC steel streetlight pole.	1 panel antenna	existing SFPUC steel pole	Panel antenna @ 30' 9" RAD	31' 9" AGL	N/A	Personal Wireless Service Facility Permit	7/8/2016	8/7/2016	15WR-0361	N/A
SF UM PH3 SC 16	201 Van Ness, San Francisco CA 94102	N/A - public right-of-way	37°46'41.29"N 122°25'12.46"W	Installation of one 7.5" diameter x 24" tall canister antenna, two 16.5" x 9.8" x 5.7" MRRU's on to existing (29' 6" AGL) SFMTA steel streetlight pole.	1 panel antenna	existing SFMTA steel pole	Panel antenna @ 31' 5" RAD	32' 5" AGL	N/A	Personal Wireless Service Facility Permit	6/21/2016	7/20/2016	15WR-0402	N/A
SF UM PH3 SC 243	810 Hyde Street, San Francisco CA 94109	N/A - public right-of-way	37°47'17.85"N 122°25'0.44"W	Installation of one 7.5" diameter x 24" tall canister antenna, two 16.5" x 9.8" x 5.7" MRRU's on to existing (28' 8" AGL) SFPUC steel streetlight pole.	1 panel antenna	existing SFPUC steel pole	Panel antenna @ 30' 6" RAD	31' 6" AGL	N/A	Personal Wireless Service Facility Permit	7/12/2016	8/11/2016	15WR-0254	N/A



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**From:** Board of Supervisors, (BOS)  
**To:** BOS-Supervisors  
**Subject:** FW: Defending Norman Yee's position on L Taraval transit

**From:** bob carson [mailto:bobcarson@earthlink.net]  
**Sent:** Monday, July 18, 2016 4:35 PM  
**To:** Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>  
**Subject:** Defending Norman Yee's position on L Taraval transit

Leaders of our City:

I recently read a letter that Sean Kennedy (SFMTA) sent to Norman Yee. The letter is fraught with inconsistencies, inaccuracies and contradictions. Its tone is somewhat flippant and bordering on arrogant. No wonder Supervisor Yee (my supervisor) called for a review of MTA Board appointments and practices.

The data points in the letter are based on an outmoded and very outdated survey.

The stop spacing (proposed) is touted as "mirroring" the N Judah. (I didn't know that there was a Safeway at 17th and Judah, a Library at 22nd and Judah and a Post Office at 28th and Judah)

The proposed stops keep many of the least used stops and remove many of the most used stops.

The proposal ignores service to the merchants and residents and supplants it with a presumed saving of 2-3 minutes (from the Beach to West Portal). The time saving is speculation and may not even happen. The additional burden of walking an extra 2-5 minutes between old and new stops will be put on the residents. That new distance will be a maximum of 490 feet, according to Kennedy. However - and this is really important - the 490 ft. figure is wrong. There are many additional walks that will be well over 490 feet. This is based on actual GPS stop-to-stop coordinates and confirmed by other engineering methods.

If this sloppy methodology were put before a judge he would likely throw the MTA's proposal out of court.

This is why I support Norman Yee's effort, and, additionally, I support the efforts of 100's who have signed a petition to keep the L stops.

Thanks for your indulgence,  
Bob Carson  
Resident of District 7

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**From:** Board of Supervisors, (BOS)  
**To:** BOS-Supervisors  
**Subject:** FW: Please Place Some Library Funding on Reserve--Until Library Deals With Massive Public Exclusions

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

From: Library Users Association [mailto:libraryusers2004@yahoo.com]  
Sent: Monday, July 18, 2016 8:40 PM  
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>  
Subject: Please Place Some Library Funding on Reserve--Until Library Deals With Massive Public Exclusions

Dear Supervisors:

We have spoken repeatedly about ways in which the San Francisco Public Library unreasonably excludes the public from receiving public services and participating in what should be public decision-making -- most recently last Friday and the Tuesday before that.

Please insist that the Library be accountable to those paying for its very generous allocations -- more than triple the average North American library serving its patron base -- by placing on reserve -- not denying -- part of its funding until it develops a satisfactory plan to stop unreasonably and unjustly denying services to tens of thousands of its cardholders, including thousands of children/teens under 18, adults, and seniors. Below we provide some details.

Thank you for your attention to this.

Sincerely yours,

Peter Warfield  
Executive Director  
Library Users Association  
415/ 7 5 3 - 2 1 8 0

Some ways the Library denies services to the public (figures current as of Spring, 2016):

1. More than 57,000 cardholders cannot borrow books, cds, dvds, magazines etc. ('physical items') -- because they owe more than \$10.01 in fines and fees.
2. Some 157,000 cardholders cannot borrow materials from outside the library, using Interlibrary Loan (ILL) or LINK+ -- because they owe ONE PENNY or more.
3. Library visitors are being suspended for weeks and even years -- without any independent-of-the-library due process or appeal mechanism.
4. Library hours are scheduled to be changed -- and there was ZERO public input. This despite provisions of Prop.D (2007) requiring extensive public input before hours are changed.

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**From:** Board of Supervisors, (BOS)  
**To:** BOS Legislation (BOS)  
**Subject:** FW: File No. 160252, Item #61

**From:** Ozzie Rohm [mailto:ozzierohm@sbcglobal.net]

**Sent:** Tuesday, July 19, 2016 11:09 AM

**To:** Mar, Eric (BOS) <eric.mar@sfgov.org>; Farrell, Mark (BOS) <mark.farrell@sfgov.org>; Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>; Tang, Katy (BOS) <katy.tang@sfgov.org>; BreedStaff, (BOS) <breedstaff@sfgov.org>; Kim, Jane (BOS) <jane.kim@sfgov.org>; Yee, Norman (BOS) <norman.yee@sfgov.org>; Wiener, Scott <scott.wiener@sfgov.org>; Campos, David (BOS) <david.campos@sfgov.org>; Cohen, Malia (BOS) <malia.cohen@sfgov.org>; Avalos, John (BOS) <john.avalos@sfgov.org>

**Cc:** Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>; Noeneighborhoodcouncil Info <info@noeneighborhoodcouncil.com>

**Subject:** File No. 160252, Item #61

Honorable President Breed and  
Members of the Board of Supervisors:

I am writing to you to convey our gratitude for the compromise legislation between the Wiener/Farrell and Peskin ordinances involving city-wide ADUs.

We hope that in making decisions about these ADUs, the Zoning Administrator will not use the allowed waiver in Section 307(l) too broadly and to the detriment of the liveability factor.

Your today's vote will have a lasting effect on current and future residents of San Francisco. That is why we urge you to keep in mind the quality of life and liveability factors when it comes to allowing more units per lot.

Contrary to what is stated by the "Build, baby build" movement, which is nothing but a shill for the developers and real estate speculators, the mid-block open space is a community resource that should be preserved in an urban landscape. Yes, we do need to add more affordable units to our housing stock and smaller units are naturally more affordable than larger ones but the occupants of these new ADUs also deserve a similar quality of life and open space that currently exist for non-ADU residents. This is in particular important for houses in RH-1, RH-2, and RH-3 zoning districts.

That is why we urge you to balance the need for creating more affordable housing with the need to maintain the quality of life and liveability in an urban setting such as our City.

Very truly yours,

Ozzie Rohm  
On behalf of the 250+ members of Noe Neighborhood Council

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**From:** Board of Supervisors, (BOS)  
**To:** BOS Legislation (BOS); Somera, Alisa (BOS)  
**Subject:** FW: ADU Legislation File Nos. 160252/160657

**From:** Kathy Devincenzi [mailto:krdevincenzi@gmail.com]

**Sent:** Tuesday, July 19, 2016 11:56 AM

**To:** Aaron Peskin <aaron.peskin@earthlink.net>; Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>

**Cc:** Breed, London (BOS) <london.breed@sfgov.org>; Cohen, Malia (BOS) <malia.cohen@sfgov.org>; Avalos, John (BOS) <john.avalos@sfgov.org>; Kim, Jane (BOS) <jane.kim@sfgov.org>; Wiener, Scott <scott.wiener@sfgov.org>; Farrell, Mark (BOS) <mark.farrell@sfgov.org>; Campos, David (BOS) <david.campos@sfgov.org>; Mar, Eric (BOS) <eric.mar@sfgov.org>; Yee, Norman (BOS) <norman.yee@sfgov.org>; Tang, Katy (BOS) <katy.tang@sfgov.org>; Hepner, Lee (BOS) <lee.hepner@SFGOV1.onmicrosoft.com>

**Subject:** ADU Legislation File Nos. 160252/160657

The Honorable Aaron Peskin,  
San Francisco Supervisor

Dear Supervisor Peskin,

Neighborhood residents appreciate your leadership in crafting amendments that acknowledge the importance of mid-block open space and seek to minimize intrusions into those green open space areas.

While Section 307(l) requires that a waiver by the Zoning Administrator must meet the requirements of Section 207(c)(4) of this Code, which sets forth the controlling construction standards that the ADU be constructed within "built envelope of an existing building," with a few specified exceptions limited to spaces existing as of July 11, 2016, I remain concerned that the limitations on the scope of the waiver authority will not be observed in practice. I urge addition of the further clarifying language that "The Zoning Administrator shall not be authorized to grant a waiver of any construction which is not specifically authorized in Section 207(c)(4)(C)(ii)." Such a clarification should be helpful in practice.

We recognize that your capable staff spent a considerable amount of time negotiating the compromise version that is before the Board today.

We will be following the reports produced under the monitoring requirements and the nature of the ADUs actually built to provide constructive feedback on the implementation of this measure.

Very truly yours,

Kathryn Devincenzi

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**From:** Board of Supervisors, (BOS)  
**To:** BOS-Supervisors  
**Subject:** FW: Thanks for passing ADU legislation!

**From:** Rafael Solari [mailto:rafsolari@gmail.com]  
**Sent:** Wednesday, July 20, 2016 9:06 AM  
**To:** Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>  
**Subject:** Thanks for passing ADU legislation!

Members of the Board of Supervisors,

I'm writing to express my happiness that you passed citywide ADU legislation yesterday. Thank you!

I also want to express my support of future tweaks and improvements to the ADU program. I'm glad that there's a plan to collect 12 months of data on ADUs and revisit it next year.

I appreciate all your hard work on this issue. As a renter in San Francisco who would love to be able to stay here, I'm looking forward to the implementation of this program!

Rafael Solari  
281 14th street  
San Francisco, CA 94103

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**From:** Board of Supervisors, (BOS)  
**To:** BOS Legislation (BOS)  
**Subject:** FW: ADU legislation #160252/ Code Enforcement

**From:** anastasia Yovanopoulos [mailto:shashacooks@yahoo.com]  
**Sent:** Thursday, July 21, 2016 12:31 PM  
**To:** Wiener, Scott <scott.wiener@sfgov.org>; Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>; Farrell, Mark (BOS) <mark.farrell@sfgov.org>  
**Cc:** Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>  
**Subject:** Re: ADU legislation #160252/ Code Enforcement

Good day Supervisors,

I am glad the issue of *built vs. buildable envelope* is resolved, and ADU legislation #160252 is moving forward.

Re: Code Enforcement of Accessory Dwelling Units

It is important that: Language be added to **guarantee an ADU is not being used as short term rental** by a property owner or platform, like Air BnB,...and that follow-up of ADUs by the city be strictly imposed.

1. Will the city institute a central tracking?
2. What will the penalties amount to?
3. Will Code Enforcement be employed?

If the legislation is to accomplish it's purpose, of creating more housing for San Franciscans, the public needs to be assured that follow-up measures regulating ADUs are in place.

Yours truly,  
Anastasia Yovanopoulos  
District #8

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**From:** "Wiener, Scott" <scott.wiener@sfgov.org>  
**To:** anastasia Yovanopoulos <shashacooks@yahoo.com>  
**Sent:** Tuesday, July 19, 2016 7:51 PM  
**Subject:** RE: Proposed Accessory Dwelling Unit legislation #160252 and #160657

Hi Anastasia. We worked out a resolution on this legislation that will allow housing to be added, while protecting the rear-yards that we all hold dear.

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**From:** Board of Supervisors, (BOS)  
**To:** BOS Legislation (BOS); Somera, Alisa (BOS)  
**Subject:** FW: BOS 7/19 Meeting: Citywide Accessory Dwelling Unit (ADU) Legislative Proposals (Peskin: File 160252, Wiener/Farrell: File 160657)

**From:** :) [mailto:gumby5@att.net]  
**Sent:** Monday, July 18, 2016 8:30 PM  
**To:** Farrell, Mark (BOS) <mark.farrell@sfgov.org>; Wiener, Scott <scott.wiener@sfgov.org>; Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>; Cohen, Malia (BOS) <malia.cohen@sfgov.org>; Mar, Eric (BOS) <eric.mar@sfgov.org>; Tang, Katy (BOS) <katy.tang@sfgov.org>; Breed, London (BOS) <london.breed@sfgov.org>; Campos, David (BOS) <david.campos@sfgov.org>; Kim, Jane (BOS) <jane.kim@sfgov.org>; Yee, Norman (BOS) <norman.yee@sfgov.org>; Avalos, John (BOS) <john.avalos@sfgov.org>  
**Cc:** Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>  
**Subject:** BOS 7/19 Meeting: Citywide Accessory Dwelling Unit (ADU) Legislative Proposals (Peskin: File 160252, Wiener/Farrell: File 160657)

Dear Board of Supervisors,

I thank the BOS-LU&HC Supervisors Scott Wiener, Mark Farrell and Aaron Peskin for working very hard on compromises to the proposed subject-referenced legislations.

As I stated today at the BOS-LUC meeting, I believe there should be a **unit size minimum to be inserted** into the legislation prior to adoption.

Also, even with all the amendments, **Section 307(l) (“Other Powers and Duties of the Zoning Administrator”)** which contains the “complete or partial relief from density limits and from the parking, rear yard, exposure, and/or open space requirements of this Code when modification of the requirement would facilitate the construction of an Accessory Dwelling Unit, as defined in Section 102 and meeting the requirements of Section 207(c)(4) of this Code” **is still overly broad** and **\*may\* have unintentional consequences for the RH-1(D) lots that abut the RH-2 & RM-zoned lots in Jordan Park & in a very few other areas of the City that have this similar setup.**

I want to thank very much Supervisors Scott Wiener, Mark Farrell and Aaron Peskin for the opportunity afforded me to comment at today’s BOS-LUC hearing and for their latest amendments.

Sincerely,

Rose (Hillson)

Member, Jordan Park Improvement Association

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**From:** Board of Supervisors, (BOS)  
**To:** BOS Legislation (BOS)  
**Subject:** FW: ADU Legislation at Board today Item #61 File No. 160252

**From:** Thomas Schuttish [mailto:schuttishtr@sbcglobal.net]  
**Sent:** Tuesday, July 19, 2016 8:39 AM  
**To:** Breed, London (BOS) <london.breed@sfgov.org>; Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>; Cohen, Malia (BOS) <malia.cohen@sfgov.org>; Wiener, Scott <scott.wiener@sfgov.org>; Avalos, John (BOS) <john.avalos@sfgov.org>; Kim, Jane (BOS) <jane.kim@sfgov.org>; Campos, David (BOS) <david.campos@sfgov.org>; Mar, Eric (BOS) <eric.mar@sfgov.org>; Yee, Norman (BOS) <norman.yee@sfgov.org>; Farrell, Mark (BOS) <mark.farrell@sfgov.org>; Tang, Katy (BOS) <katy.tang@sfgov.org>  
**Cc:** Hepner, Lee (BOS) <lee.hepner@SFGOV1.onmicrosoft.com>; Ang, April (BOS) <april.ang@sfgov.org>; Johnston, Conor (BOS) <conor.johnston@sfgov.org>; Chung Hagen, Sheila (BOS) <sheila.chung.hagen@sfgov.org>; Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>  
**Subject:** ADU Legislation at Board today Item #61 File No. 160252

Dear Supervisors Peskin, Wiener, Farrell, President Breed and Fellow Members of the Board of Supervisors:

Thank you for the compromise legislation between the Wiener/Farrell and Peskin ordinances involving city-wide ADUs and for the chance to testify yesterday at the Land Use Committee hearing.

I hope that the allowed waiver in Section 307 (l) (*that is a small L, not a 1*) will not be too broad when the Zoning Administrator is making a decision concerning these ADUs.

Since you as decision makers will be allowing for the potential of new units in the residential neighborhoods and increasing the occupancy per lot, please remember that the livability of these more densely occupied lots will need to be maintained....whether they are rent controlled or condos....More people occupying a structure on a lot will be sharing the open space, the yard space.....

Many lots together create the Mid Block Open Space which is the collective private open space for all of the City's property owners and residents. These Rear Yards and the Mid Block Open Space provide not only livability but, sustainability to our environment. And the occupants of these new units will deserve a standard of livability that is the same or as close to the same as what currently exists for the residents and property owners.

It is a positive that there will be new units added to the housing stock, but at the same time we must do everything possible to preserve existing units. Just this weekend there were three high-end properties that hit the market where there had formerly been 2 to 3 units on each site, but now are basically a single family home...as best I can tell there was no Mandatory DR for unit merger...I am still looking into it....but what may have been lost are 4 units, possibly rent controlled...you could also really think that it is 7 units since the three remaining are high end, high priced single family homes....this is not an isolated event, but this is an issue for another letter and another day.



Congratulations on this legislation given the history of *in-law apartments* in SF. Have a nice day.

Sincerely,

Georgia Schuttish  
Resident of District 8

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**From:** Board of Supervisors, (BOS)  
**To:** Evans, Derek  
**Subject:** File 160381 and 160582 FW: Compromise on Street Tree Enforcement - Idea

**From:** Roland Salvato [mailto:rolandsalvato@hotmail.com]  
**Sent:** Monday, July 25, 2016 10:48 AM  
**To:** Avalos, John (BOS) <john.avalos@sfgov.org>; Breed, London (BOS) <london.breed@sfgov.org>; norman.yee.bos@sfgov.org; Campos, David (BOS) <david.campos@sfgov.org>; Aaron Peskin <aaron.peskin@earthlink.net>; Cohen, Malia (BOS) <malia.cohen@sfgov.org>; Farrell, Mark (BOS) <mark.farrell@sfgov.org>; Kim, Jane (BOS) <jane.kim@sfgov.org>; Mar, Eric (BOS) <eric.mar@sfgov.org>; katie.tang@sfgov.org; Wiener, Scott <scott.wiener@sfgov.org>; Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>  
**Subject:** Compromise on Street Tree Enforcement - Idea

*Supervisors,*

*Every good piece of legislation comes from thoughtful compromise.*

*Here are two ideas about resolving the 'ballot solution' proposal. These emanated from a Nextdoor discussion:*

1)

This debate's probably a little bigger than a ND post about trees, but the BOS is necessary where direct democracy and the "majority rule" won't solve a problem. For trees, there is a problem (sidewalk damage; inconsistent maintenance) that isn't working well with the status quo. It's financially better to wait until the city fixes the problem itself. But waiting can create hazards. We've seen both sides of this coin in this thread.

The city could fine tree owners for lack of maintenance/repair, but I'm betting this will result in a lot of trees removed for liability reasons. Another option is putting the burden on the city, and paying for it through a universal parcel tax. However, the majority of taxpayers probably don't have street trees, so they won't vote in favor of the tax. Thus, the BOS steps in to deal with an externality imposed by street trees.

I think the easy solution to this is for the city to provide sidewalk repair and trimming services to street tree owners at cost, or allow owners to hire private services, with some sort of enforcement mechanism to ensure that tree maintenance is performed as needed (and that acts more quickly on sidewalk repair).

**AND**

2)

I think Andrew's compromise idea is better than both the current ordinance and the proposed ballot "solution" because it would achieve a shared responsibility between homeowners and the City.

The only piece missing is determining the cost that homeowners would be willing to pay (that wouldn't make them just topple the tree) and the mechanisms for enforcement for a city that cannot even check the work its street repair contractors have done.

For that, I propose instituting a rule that requires putting all jobs out to bid (instead of awarding contracts to the last company that did the work, which is how its dont now!), and including a performance clause in each contract.

Identifying trees and sidewalks that need attention can be based on a) reports from 311 and other resident reports; b) planning department surveys taken whenever a construction project is proposed -- should be worked into the plans; c) agency leads that are incentivized employees and not political appointees.

*Good luck and good work.*

"Action speaks louder than words but not nearly as often."  
— Mark Twain

RE-CYCLE STYROFOAM  
NOT-BAN IT! BOS-11  
940  
100363

MS. MICHELLE PETRI  
138 PETERS RUN RD REAR  
WHEELING WV 26003-7838-38

TO: SAN FRANCISCO BOARD OF SUPERVISORS  
SAN FRANCISCO CITY HALL  
1 DR CARLTON B GOODETT PL # 244  
SAN FRANCISCO, CA 944102

DEAR BOARD,

WHEN I HIT THE LOTTO I AM GOING TO SUE THE BOARD TO  
RECORD YOUR BAN OF STYROFOAM. IT CAN BE RECYCLED!

I TOOK MY FIRST HOME FROM AN \$89 A MONTH BUDGET GAS  
TO \$40 A MONTH WITH STYROFOAM 'PEANUTS', CUPS, PLATES, CONTAINERS,  
ETC... PACKED INTO PLASTIC GROCERY BAGS, DOUBLE BAGGED, AND  
STUFFED INTO THE ATTIC. MY HOME HAD STORM WINDOWS.

MY SECOND HOME HAD INSULATED UNITS - WINDOWS AND A \$60  
A MONTH GAS BILL. THE STYROFOAM BAGGED INSULATION TOOK IT  
DOWN TO \$29 A MONTH GAS BUDGET. - AN ACQUAINTANCE

BUILT A HOME OF OSB-STYROFOAM = <sup>-BOARD-</sup> OSB-8" FOAM-OSB-4x8'  
SHEETS - BLOCKS WITH GEOTHERMAL HEATING @ \$22 A MONTH

ENERGY COSTS. YOU CAN MAKE AN AIRPLANE AND A BOAT  
OUT OF STYROFOAM! = I <sup>WHEN</sup> HIT THE LOTTO, MY COMPANY - PETRI

RECYCLING <sup>-LTD-</sup> WILL FORCE THE CLOSURE OF LANDFILLS FOR  
GARBAGE DUMPS = 100% RE-CYCLING OF EVERYTHING!

SINCERELY YOURS

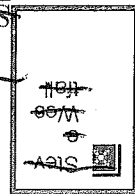
MICHELLE PETRI  
138 PETERS RUN RD REAR  
WHEELING, WV  
26003

*Michelle Petri*

2016 JUL 18 PM 2:39  
SAN FRANCISCO  
BOARD OF SUPERVISORS

23

~~PLEASE EMAIL A CALL III~~



Steve Westfall

~~304-340-3140  
STEVE.WESTFALL@WVHOUSE.GOV~~

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**From:** Board of Supervisors, (BOS)  
**To:** Evans, Derek  
**Subject:** FW: Friends of Ethics --support putting Item 56 [ File 160583 ] on November, 2016 ballot

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

From: Bob Planthold [mailto:political\_bob@att.net]  
Sent: Sunday, July 24, 2016 7:24 PM  
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>; Breed, London (BOS) <london.breed@sfgov.org>; Farrell, Mark (BOS) <mark.farrell@sfgov.org>; Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>; Tang, Katy (BOS) <katy.tang@sfgov.org>; Kim, Jane (BOS) <jane.kim@sfgov.org>; Yee, Norman (BOS) <norman.yee@sfgov.org>; Wiener, Scott <scott.wiener@sfgov.org>; Campos, David (BOS) <david.campos@sfgov.org>; Cohen, Malia (BOS) <malia.cohen@sfgov.org>; Avalos, John (BOS) <john.avalos@sfgov.org>; Mar, Eric (BOS) <eric.mar@sfgov.org>  
Cc: Bob Planthold <political\_bob@att.net>; Larry Bush <sfwtrail@mac.com>; Calvillo, Angela (BOS) <angela.calvillo@sfgov.org>; BreedStaff, (BOS) <breedstaff@sfgov.org>; Johnston, Conor (BOS) <conor.johnston@sfgov.org>; Roxas, Samantha (BOS) <samantha.roxas@sfgov.org>; Wong, Iris (BOS) <iris.wong@sfgov.org>; Lim, Victor (BOS) <victor.lim@sfgov.org>; Yu, Angelina (BOS) <angelina.yu@sfgov.org>; Pagoulatos, Nickolas (BOS) <nickolas.pagoulatos@sfgov.org>; Kelly, Margaux (BOS) <margaux.kelly@sfgov.org>; Montejano, Jess (BOS) <jess.montejano@sfgov.org>; Karunaratne, Kanishka (BOS) <kanishka.karunaratne@sfgov.org>; Angulo, Sunny (BOS) <sunny.angulo@sfgov.org>; Chan, Connie (BOS) <connie.chan@sfgov.org>; Hepner, Lee (BOS) <lee.hepner@SFGOV1.onmicrosoft.com>; Summers, Ashley (BOS) <ashley.summers@sfgov.org>; Quizon, Dyanna (BOS) <dyanna.quizon@sfgov.org>; Law, Ray (BOS) <ray.law@sfgov.org>; Ang, April (BOS) <april.ang@sfgov.org>; Lopez, Barbara (BOS) <barbara.lopez@sfgov.org>; Lee, Ivy (BOS) <ivy.lee@sfgov.org>; Maybaum, Erica (BOS) <erica.maybaum@sfgov.org>; Choy, Jarlene (BOS) <jarlene.choy@sfgov.org>; Low, Jen (BOS) <jen.low@sfgov.org>; Taylor, Adam (BOS) <adam.taylor@sfgov.org>; Cretan, Jeff (BOS) <jeff.cretan@sfgov.org>; Power, Andres <andres.power@sfgov.org>; Chung Hagen, Sheila (BOS) <sheila.chung.hagen@sfgov.org>; Carolyn Goossen <carolyn.goossen1@gmail.com>; Ronen, Hillary <hillary.ronen@sfgov.org>; Bruss, Andrea (BOS) <andrea.bruss@sfgov.org>; Chan, Yoyo (BOS) <yoyo.chan@sfgov.org>; Tugbenyoh, Mawuli (BOS) <mawuli.tugbenyoh@sfgov.org>; Hsieh, Frances (BOS) <frances.hsieh@sfgov.org>; Pollock, Jeremy (BOS) <jeremy.pollock@sfgov.org>; Rubenstein, Beth (BOS) <beth.rubenstein@sfgov.org>  
Subject: Friends of Ethics --support putting Item 56 [ File 160583 ] on November, 2016 ballot

On behalf of Friends of Ethics, regarding Item 55 [ File 160824 ] and Item 56 [ File 160583 ] on the 25 July 2016 agenda,

I am authorized to request that the Board of Supervisors, sitting as a "Committee of the Whole", DO favorably recommend to the full Board of Supervisors this combined and amended measure for a Public Advocate and

then vote to put this combined and amended measure on the November, 2016 ballot.

Friends of Ethics recognizes that some may question or differ with various parts of the text of the ballot measure that is Item 56.

Item 56 can be a remedy to San Francisco issues that, though often discussed, have never been resolved.

Friends of Ethics believes these issues NEED be addressed--promptly,

rather than continue to be the subject of prolonged but ineffective talk.

Putting Item 56 on the November, 2016 ballot focuses the attention of the electorate on these issues and

further requests the entire electorate to consider and make a decision.

Whatever any current SF Supervisor thinks about these issues and / or about Item 56,

Friends of Ethics asks our elected Supervisors to put aside any personal doubts and

instead seek a decision by the ultimate authority in San Francisco, the voters.

In the hopes for a better and more responsive San Francisco government,

we remain

Friends of Ethics.

Bob Planthold

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**From:** Board of Supervisors, (BOS)  
**To:** BOS-Supervisors; Evans, Derek  
**Subject:** FW: Charter Amendment - Housing and Development Commission, File # 160588/Don't change what is working just fine.

**From:** Amy Crumpacker [mailto:amycrumpacker@live.com]  
**Sent:** Tuesday, July 26, 2016 9:57 AM  
**To:** Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>  
**Subject:** Charter Amendment - Housing and Development Commission, File # 160588/Don't change what is working just fine.

Dear Board of Supervisors:

This email is in reference to 6.30.16 Rules Committee Agenda Item #1 Charter Amendment - Housing and Development Commission, File # 160588. I hope this email is still relevant, but I believe things are a bit behind schedule and you've not yet voted on this proposal.

As a small theater organization, we are concerned about the new proposed splitting into separate committees to oversee and approve the ways finances are dispersed to community arts events and arts and community pop ups. There isn't much clarity to the new proposal on division of labor between the extra committees. This will slow down the process of how we as a small arts organization are hired, get commissions, and paid.

The system works as is for such small arts groups as ours, 3rd Street Playhouse. We are beneficiaries of free and low cost use of facilities (specifically the 3rd ST Village Gallery), for workshops, in exchange for civic performance shares. We use the space 4 times a week, bringing together a broad spectrum of people in our district for writing and performance—people who probably wouldn't ever be in the same room together if not for the opportunities provided currently.

As far as the events financial procedures, as it is now, if there is a need for a program, we are often hired or commissioned at the last minute. We don't cost as much or have as much resources as the larger outside of the district theater organizations, so if there were delays in payment, it would definitely mean that we can't work on these projects, and would have to work outside of the Bayview. As it is, we have trained many of the local Bayview people used by the larger incoming arts organizations, benefiting both the organizations and the community. If these participants hadn't been trained and paid for through the current system, then the larger arts organizations would have to bring in people, and what's the benefit for our locals then? None at all.

Our current leaders and organizers are up to the task, actually live in the district, and care about individual organizations of our district, and are open to one and all getting chances to work and be trained to be good citizens as well as better artists, up their skills, personal and professional. The current financial dispersments are timely now. All of that will change, and then there will be no more arts training or work for me or my participants.

There are too many questions unanswered by this new proposal. Please vote against Housing and Development Commission, File # 160588.

Amy Crumpacker

25



artistic team leader  
3rd Street Playhouse  
POB 884843  
SF, CA 94188  
415 846 7959

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**From:** Board of Supervisors, (BOS)  
**To:** Evans, Derek  
**Subject:** FW: Item 38: 160589 Charter Amendment On SFMTA On November Ballot - URGING YOU TO SUPPORT IT

**From:** Diana Scott [mailto:dmscott01@yahoo.com]  
**Sent:** Monday, July 18, 2016 6:06 PM  
**To:** Tang, Katy (BOS) <katy.tang@sfgov.org>; Mar, Eric (BOS) <eric.mar@sfgov.org>; Farrell, Mark (BOS) <mark.farrell@sfgov.org>; Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>; Breed, London (BOS) <london.breed@sfgov.org>; Kim, Jane (BOS) <jane.kim@sfgov.org>; Wiener, Scott <scott.wiener@sfgov.org>; Campos, David (BOS) <david.campos@sfgov.org>; Cohen, Malia (BOS) <malia.cohen@sfgov.org>; Avalos, John (BOS) <john.avalos@sfgov.org>  
**Cc:** Yee, Norman (BOS) <norman.yee@sfgov.org>; Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>; Summers, Ashley (BOS) <ashley.summers@sfgov.org>; Choy, Jarlene (BOS) <jarlene.choy@sfgov.org>; Maybaum, Erica (BOS) <erica.maybaum@sfgov.org>; Chung Hagen, Sheila (BOS) <sheila.chung.hagen@sfgov.org>  
**Subject:** RE: Item 38: 160589 Charter Amendment On SFMTA On November Ballot - URGING YOU TO SUPPORT IT

July 18, 2016

Dear Supervisors:

I strongly urge you to support placing the Charter Amendment concerning appointments to the SFMTA Board of Directors and Budget Process (Item 38 - #160589 on your July 19th meeting agenda) on the November ballot. I am grateful to Supervisor Yee for proposing it, to Supervisors Kim, Peskin, and Campos for co-sponsoring it, and to Supervisors Mar and Cohen for passing it along to the full Board of Supervisors for approval.

Splitting the power of appointment and budget approval is clearly in order, given that the SFMTA Board has not been responsive to input from neighborhood residents who strenuously oppose specific changes that affect key S.F. transit corridors, and that the SFMTA, as an "enterprise agency," is not directly accountable to the Board of Supervisors, as representatives of San Francisco residents.

I have written previously to object to approving the SFMTA's budget for projects that many transit users object to -- including reduction of services that disproportionately affect seniors and those with disabilities, like removing stops on the Van Ness and Taraval corridors, and lack of transparency in its budget process.

I would like the Board of Supervisors to have more of a voice in approving the MTA budget than it does currently, as well as a greater opportunity to be proactive before the SFMTA approves its own project recommendations (after conducting the requisite public meetings, at its own convenience and then refuses to alter plans it has originally proposed!).

Moreover, the SFMTA Board meetings overlap with those of the BOS, which often creates a conflict for testifying on important issues before the respective Boards. (This is a separate issue, which I hope you will consider, as well.)

The SFMTA seems to choose the most expensive, least user-friendly solutions for projects it deems necessary; while this may net that agency more government monies, it is NOT IMPROVING PUBLIC TRANSIT in San Francisco, but causing the quality of life to deteriorate here. I speak as a resident of 24 years who uses public transit whenever possible (going downtown, for example, from the end of the L-Taraval line). The system works -- and where speed is an issue, can be more easily improved more efficiently by measures proposed by many residents (including express buses), to which the MTA has turned a deaf ear. Instead, available grants and cookie-cutter trends seem to determine MTA priorities.

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I speak as an early advocate of eco-friendly cities, here and on the east coast, and a supporter of green building. I believe that what the MTA proposes for San Francisco is at best greenwash, not greening transportation.

Why else would an environmentally aware agency propose clear-cutting hundreds of trees on major transit corridors, when the urban canopy is our best protection against pollution and global warming, and the climate tipping point is sooner than the decades it will take -- with luck -- to restore the urban forest?!

And why stall traffic deliberately on these same corridors, by removing vehicle lanes and eliminating left turns, which congestion it admits it cannot "mitigate," and then claim that this will get people out of their [increasingly hybrid] cars, when no such thing will happen in inclement weather, or when transporting whole families, or for many other reasons including weight of grocery transport? Not everyone in S.F. can afford to have groceries delivered.

The agency needs more public oversight and to become more responsive to public input; a November ballot measure dividing appointments between the mayor and the BOS, and changing the threshold for budget approval can accomplish that.

I URGE YOU TO LET THE RESIDENTS OF SAN FRANCISCO SPEAK about transit changes, by placing this measure on the November ballot. The SFMTA needs to work for all the people of San Francisco, not just the latest arrivals, which it has stopped doing by removing ("consolidating") bus stops, eliminating vehicle lanes on heavily traveled corridors like Van Ness -- the route to the Golden Gate Bridge, and removing parking in areas where small businesses will die, based on experience in other cities.

PLEASE VOTE UNANIMOUSLY TO RESTORE THE SFMTA TO THE VOTERS OF SAN FRANCISCO.

Thank you, sincerely,

Diana Scott  
3657 Wawona  
SF, CA 94116

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**From:** Board of Supervisors, (BOS)  
**To:** Evans, Derek  
**Subject:** FW: Support putting Item 38: 160589 [Charter Amendment – Municipal Transportation Agency – Appointments to Board of Directors and Budget Process] on the November ballot

**From:** George Sery [mailto:georgesery@gmail.com]

**Sent:** Monday, July 18, 2016 5:17 PM

**To:** Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>; Campos, David (BOS) <david.campos@sfgov.org>; Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>; Cohen, Malia (BOS) <malia.cohen@sfgov.org>; Avalos, John (BOS) <john.avalos@sfgov.org>; Kim, Jane (BOS) <jane.kim@sfgov.org>; Tang, Katy (BOS) <katy.tang@sfgov.org>; Breed, London (BOS) <london.breed@sfgov.org>; Norman.Yee.Bos@sfgov.org; Mar, Eric (BOS) <eric.mar@sfgov.org>; Farrell, Mark (BOS) <mark.farrell@sfgov.org>; Wiener, Scott <scott.wiener@sfgov.org>

**Subject:** Support putting Item 38: 160589 [Charter Amendment – Municipal Transportation Agency – Appointments to Board of Directors and Budget Process] on the November ballot

7/18/2016

Members of the Board of Supervisors:

[board.of.supervisors@sfgov.org](mailto:board.of.supervisors@sfgov.org), [David.Campos@sfgov.org](mailto:David.Campos@sfgov.org), [Aaron.Peskin@sfgov.org](mailto:Aaron.Peskin@sfgov.org), [Malia.Cohen@sfgov.org](mailto:Malia.Cohen@sfgov.org), [John.Avalos@sfgov.org](mailto:John.Avalos@sfgov.org), [Jane.Kim@sfgov.org](mailto:Jane.Kim@sfgov.org), [Katy.Tang@sfgov.org](mailto:Katy.Tang@sfgov.org), [London.Breed@sfgov.org](mailto:London.Breed@sfgov.org), [Norman.Yee.Bos@sfgov.org](mailto:Norman.Yee.Bos@sfgov.org), [Eric.L.Mar@sfgov.org](mailto:Eric.L.Mar@sfgov.org), [Mark.Farrell@sfgov.org](mailto:Mark.Farrell@sfgov.org), [Scott.Wiener@sfgov.org](mailto:Scott.Wiener@sfgov.org)

re: July 19 Board of Supervisors Meeting Item 38

**We Support putting Item 38: 160589 [Charter Amendment – Municipal Transportation Agency – Appointments to Board of Directors and Budget Process] Sponsored by Yee; Kim, Peskin and Campos, on the November ballot.**

We understand the above referenced Charter Amendment would split the MTA Board appointments between the Mayor and the Supervisors, 4 to 3. The board currently needs seven votes to reject the SFMTA's budget. This measure would lower that requirement to six votes.

We thank Supervisors Yee, Campos, Kim, and Peskin for co-sponsoring this amendment and appreciate the support from Supervisors Mar and Cohen for putting this Amendment on the November ballot and hope we can depend on the rest of you to support this effort. The public has the right to determine how our money is spent and how our transportation system is run. The SFMTA is the one that needs to ***shift policies and goals***.

They work for us. We don't work for them. San Francisco needs a transportation system that works today, not a plan for the future. We need directors who listen to the public and follow our suggestions. Taking seats out of buses and removing bus stops will not help an aging population, families with children, or merchants and businesses who are finding it impossible to function with the changes that the SFMTA is forcing on us against our will.

Sincerely,

George Sery

Concerned SF resident

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**From:** Jani Musse <janimusse@gmail.com>  
**Sent:** Tuesday, July 26, 2016 1:13 PM  
**To:** BOS Legislation, (BOS)  
**Cc:** BOS-Legislative Aides; BOS-Supervisors  
**Subject:** Appeal of the certification of the EIR for the 901 16th Street and 1200 17th Street Mixed Use Project

To all of the supervisors of San Francisco,

I support the appeal of certification of the EIR for the 901 16th Street and 1200 17th Street Mixed Use Project. I strongly suggest you do as well. This eastern neighborhood has been insanely developed and without any real infrastructure for traffic, parking, public transportation etc... Yes, you built Owens Street, but it still remains closed. It seems it remains closed because THERE IS A NEW DEVELOPMENT BEING BUILT!!!! God, forbid any traffic would impede that!!

We are just asking for a more neighborhood friendly design. You know what we want. An adaptive reuse of a historical building. Have you ever been in it?? Actually, go inside and look at it? IT'S REALLY COOL!!!!

Thank you,  
Jani Mussetter

---

**From:** Catherine Lee <videovision\_cml@yahoo.com>  
**Sent:** Monday, July 25, 2016 11:57 PM  
**To:** BOS Legislation, (BOS); BOS-Legislative Aides; BOS-Supervisors; Cohen, Malia (BOS)  
**Cc:** Mar, Eric (BOS); Farrell, Mark (BOS); Peskin, Aaron (BOS); Tang, Katy (BOS); Breed, London (BOS); Kim, Jane (BOS); Yee, Norman (BOS); Wiener, Scott; Campos, David (BOS); Avalos, John (BOS)  
**Subject:** Please reject EIR for "Corovan" site/ accept appeal attached  
**Attachments:** 901\_16th\_Street\_appeal letter-2\_2016July.pdf

Dear Supervisor Cohen and Supervisors for the CCSF,  
(collectively:

[bos.legislation@sfgov.org](mailto:bos.legislation@sfgov.org)  
[bos-legislative\\_aides@sfgov.org](mailto:bos-legislative_aides@sfgov.org)  
[bos-supervisors@sfgov.org](mailto:bos-supervisors@sfgov.org))

Regarding the EIR for the "Corovan" Site (901 16<sup>th</sup> / 1200 17<sup>th</sup> Streets)

Many of us have organized our neighborhood in opposition to the current proposed development at the former "Corovan" site, and we oppose the approval of the faulty EIR and it's shoddy conclusions.

We are tired of going to community meetings held by developers and not being heard. Attached is our legitimate appeal to the approval of the EIR - we have done this "by the book" and there are many many of us who oppose this project as proposed.

It is a terrible threat to neighborhood character - and there has been so much housing built in the neighborhood, that there's no way the impacts of THIS development can be evaluated until the full impacts are felt from the others that are in process.

The key issue though is that the current EIR is flawed and does not accurately account for impact to the cultural resources of: Bottom of the Hill (an essential community space for the beginning arts and music members), and urban views: it blocks a key entry point to the P. Hill neighborhood **which you must see to** appreciate. No map on paper will do that. Finally, the neighborhood preferred alternative was not given adequate consideration.

There are many more reasons why their EIR is flawed, but this email should remain short.

Please help us put a pause in the process and help us save the places we love.

This is not just D10 issue - this will impact all of us, so please view it as part of our city-wide response, and not just a P-Hill issue!

I cannot be at the BOS meeting today but I hope you can **help the thousands of us** who care and live in the area; and you can value our input - since the developers have not. Do the right thing - accept our appeal.

Sincerely,  
Catherine Lee  
contact: 415-647-2304  
Voter District 10/Community Organizer

PROVENCHER & FLATT, LLP  
823 Sonoma Ave. Santa Rosa, CA 95404  
Phone: 707-284.2380 Fax: 707-284.2387

ATTORNEYS AT LAW  
Douglas B. Provencher  
Gail F. Flatt

---

OF COUNSEL  
Janis H. Grattan  
Rachel Mansfield-Howlett  
Roz Bateman Smith

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

July 15, 2016

*Via Hand and Electronic Delivery*

**RE: Appeal of the certification of the EIR for the 901 16th Street and  
1200 17th Street Mixed Use Project**

Dear Members of the Board of Supervisors,

These comments are submitted on behalf of Appellants, Grow Potrero  
Responsibly and Save the Hill ("Citizens", hereafter).

The proposed Project is one of the largest projects to be proposed in the  
history of Potrero Hill; it is positioned at the gateway of the Potrero Hill  
community and covers 3.5 acres; and it has the capacity to alter the very nature  
of the Potrero Hill community.

The Environmental Impact Report (EIR) fails to adequately analyze  
impacts in the areas of cumulative impacts, traffic and circulation, transportation,  
aesthetics and views, shadows, land use, cultural and historic, and consistency  
with area plans and policies; fails to adequately review alternatives; and the Final  
EIR (sometimes referred to as the RTC or Responses to Comments) fails to  
respond adequately to substantive comments made on the Draft EIR. The Project  
EIR and Community Plan Exemption (CPE) tiers off of and relies upon the EIR  
prepared for the Eastern Neighborhoods Area Plan (PEIR; sometimes referred to  
as the EN Plan EIR). The PEIR did not provide for the impacts of a project at this  
site at this height and scale and with these traffic impacts; and it underestimated  
the level of development of residential units and the loss of Production,  
Distribution and Repair (PDR) uses throughout the Potrero Hill / Showplace  
Areas. The EIR is defective in its reliance on the PEIR in the areas that affect these  
issues.



Potrero Hill is poorly served by area transit, yet the developer asserts the Project's addition of 395 residential units, with admitted impacts to traffic and loss of PDR, is a transit friendly project merely because the site is located within a Transit Priority Area. Citizens will show that the EIR's reliance on this assertion is misplaced.

The Project admittedly results in impacts to traffic and circulation and loss of PDR. Two of the alternatives reviewed in the EIR substantially lessen or avoid these impacts and comment letters in the Final EIR show that there is overwhelming support for the adoption of this alternative. Planning's Findings assert alternatives are infeasible based upon a flawed developer study that used land value instead of land acquisition costs, which artificially reduced profits and skewed the feasibility analysis; neglected to include data about the Project that would allow a fair comparison of the costs and profits of the Project to the alternatives; and unnecessarily burdened alternatives with flaws that made them appear to result in more severe traffic impacts and less profit. When considering a project with admitted impacts, as here, the City is required to fairly consider and adopt feasible alternatives that would substantially reduce Project impacts prior to considering adoption of a Statement of Overriding Considerations and did not.

For ease of review, this letter summarizes the main facts and legal issues at stake in the appeal. The attached Memos augment the facts cited herein and offer extensive analysis on the issues of concern. **Exhibit E**, Memos 1-7: 1 Transportation; 2, Cumulative Impacts; 3, Public Views; 4, Loss of PDR; 5, Historic Resources; 6, Objectivity; 7, Shadows and Open Space; and 8, Alternatives. Citizens include the Draft Eastern Neighborhoods Monitoring Report, the TSF Nexus Study and the TIS traffic study, 2/20/15 Ed Lee letter, 2015 State of Local Manufacturing (SFMade), and evidence regarding historic resources and view corridors, in **Exhibit F** and information received from the City *via* a Public Records Act Record in **Exhibit G**.

### **Alternatives Analysis**

If a project will result in significant environmental impacts that will not be avoided or substantially lessened by mitigation measures, the agency must consider the environmentally superior alternatives identified in the EIR and find that they are "infeasible" before approving the project. (Pub. Res. Code § 21081(a)(3), *See also* CEQA Guidelines 14 Cal. Code Regs. § 15091(a)(3).) Feasible means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, technological, and legal factors. (Pub. Res. Code § 21061.1; Guidelines §15364.) The requirement for an infeasibility finding flows from the public policy that states:

It is the policy of the state that public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects...the Legislature further finds and declares that in the event specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof.

(Pub. Res. Code § 21002.) Reflecting this policy, Public Resources Code section 21081(a)(1)-(3) provides that if one or more significant impacts will not be avoided or substantially lessened by adopting mitigation measures, alternatives described in the EIR that can avoid or reduce the impact must be found infeasible if they are not adopted. Under this scheme, a public agency must avoid or reduce a project's significant environmental effects when it is feasible to do so. (Pub. Res. Code §§ 21002, 21002.1(b); 14 Cal. Code Regs §§ 15021(a) and 15091(a)(1).) As explained by the California Supreme Court in *Mountain Lion Foundation v. Fish & Game Commission* (1997) 16 Cal.4<sup>th</sup> 105, 124, "Under CEQA, a public agency must . . . consider measures that might mitigate a project's adverse environmental impact and adopt them if feasible. (Pub. Res. Code §§ 21002, 21081.)" The Court reiterated "CEQA's substantive mandate that public agencies refrain from approving projects for which there are feasible alternatives or mitigation measures." (*Id.* at 134.) CEQA's substantive mandate was again underscored by the California Supreme Court in *Vineyard Area Citizens v. City of Rancho Cordova* (2007) 40 Cal.4<sup>th</sup> 412; *City of Marina v. Board of Trustees of the California State University* (2006) 39 Cal.4<sup>th</sup> 341, and by the Court of Appeal in *County of San Diego v. Grossmont-Cuyamaca Community College District* (2006) 141 Cal.App.4<sup>th</sup> 86 and *Preservation Action Council v. City of San Jose* (2006) 141 Cal.App.4<sup>th</sup> 1336.

Increased costs of an alternative do not equate to economic infeasibility: "[t]he fact that an alternative may be more expensive or less profitable is not sufficient to show that the alternative is financially infeasible. What is required is evidence that the additional costs or lost profitability are sufficiently severe as to render it impractical to proceed with the project." (*Citizens of Goleta Valley v. Board of Supervisors (Goleta I)* (1988) 197 Cal.App.3d 1167, 1181. *See also Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 736; *City of Fremont v. San Francisco Bay Area Rapid Transit District* (1995) 34 Cal.App.3d 1780 (addition of \$60 million in costs rendered subterranean alternative for BART extension infeasible.) In *Citizens of Goleta Valley v. County of Santa Barbara (Goleta I)* (1988) 197 Cal.App.3d 1167, the court found that the record included no analysis of the comparative costs, profits, or economic benefits of scaled down project alternative and was insufficient to support finding of economic infeasibility. In *Uphold Our Heritage v. Town of Woodside* (2007) 147 Cal.App.4<sup>th</sup>

587, a project applicant's preference against an alternative does not render it infeasible. In *County of San Diego v. Grossmont Cuyamaca Community College Dist.* (2006) 141 Cal.App.4th 86, 108, the court found that a community college's proportional share of cost of off-campus traffic mitigation measures could not be found economically infeasible in absence of cost estimates. In *Burger v. County of Mendocino* (1975) 45 Cal.App.3d 322, the court found that an infeasibility finding based on economic factors cannot be made without estimate of income or expenditures to support conclusion that reduction of motel project or relocation of some units would make project unprofitable.

Here, the EIR has conceded significant traffic and circulation impacts and the Project's contribution to the cumulative loss of PDR; the EIR is thus required to adequately analyze a reasonable range of alternatives that reduce all potentially significant environmental impacts. Citizens assert that substantive comments on the Draft EIR provide the bases for finding substantial environmental impacts due to aesthetics and views, inconsistency with area plans, land use, growth inducing and cumulative impacts and shade and shadow of area parks.

When a project results in admitted environmental impacts, a lead agency cannot merely adopt a statement of overriding considerations and approve it; the agency must *first* adopt feasible alternatives and mitigation measures. (*Friends of Sierra Madre v. City of Sierra Madre* (2001) 25 Cal.4th 165, 185; *City of Marina v. Board of Trustees of the California State University* (2006) 39 Cal.4th 341 ["CEQA does not authorize an agency to proceed with a project that will have significant, unmitigated effects on the environment, based simply on a weighing of those effects against the project's benefits, unless the measures necessary to mitigate those effects are truly infeasible."])

#### ***Metal Shed Reuse Alternative***

The EIR identified a feasible alternative that Citizens argue, would reduce impacts to traffic and loss of PDR and yield sufficient profits, yet the EIR determined that the Metal Shed Reuse alternative is infeasible, asserting additional costs and loss of profit. Numerous residents and the Historic Preservation Commission offered extensive comments on the advantages of the alternative and recommended its adoption. (RTC pgs. 131-157; Memo 8; *see also* Memo 5, recommending adoption of the alternative as it relates to historic resources.) Citizens concur with this recommendation and encourage the Board to adopt the Metal Shed Reuse alternative.

The determination of infeasibility is based upon the recently submitted developer prepared financial study. Citizens reference Memo 3 that details the reasons why the alternative is feasible and shows how the developer's study is

inadequate and incomplete and fails to show that that additional costs or loss of profits would render the project impractical to proceed.

The developer's study cites to a targeted range of margins of profit but fails to provide actual cost and profit information. It is impossible to make an effective comparison without this information and runs counter to the requirements set forth for feasibility findings in *Citizens of Goleta Valley v. County of Santa Barbara (Goleta I)* (1988) 197 Cal.App.3d 1167.

Even using the target profit margin asserted by the developer, the alternative should be found feasible. The Planning Department stated that assessing feasibility was based upon land acquisition costs, whereas the developer's study used current "land value" instead of land cost data, thereby inflating the costs of the Project considerably. Utilizing land cost data, the Metal Shed Alternative meets the targeted 18%-25% profit margin cited by the developer. Other errors in the study include the use of outdated information regarding the value of rental square footage in PDR uses. The study assumed a \$2.50 per square foot value, whereas current figures are estimated at nearly twice that, at \$4.00/ square foot, thereby considerably devaluing the alternative's profit.

The EIR also fails to support its allegation that the greater percentage of PDR in the Metal Shed alternative would render higher traffic counts. The Final EIR does not adequately respond to comments asking why a lower density, PDR-focused project would not result in significantly lower traffic impacts. Planning inexplicably chose to use "office" rather than "manufacturing" rates from the Transportation Impact Analysis Guidelines, even though the PEIR specifically stated that "PDR" was less impactful than "office" using the same Guidelines. The analysis using TSF Nexus Rates appears to cherry pick data, rather than doing the complete analysis. The Planning Department also chose the most intensive commercial use (restaurant) for nearly half of the non-PDR commercial space in the Metal Shed Alternative. The calculations are therefore unfairly skewed to make the Metal Shed Alternative appear more impactful under Transportation Impact Analysis rates when they would be actually be substantially less. Using the full set of motorized TSF rates for PDR, non-PDR commercial and residential shows that the Metal Shed Alternative will have the lowest impact on traffic. Without this impediment, the alternative would have been considered the environmentally superior alternative. For the foregoing reasons, the determination that the Metal Shed Reuse Alternative is infeasible and results in the same or higher traffic impacts is not supported by substantial evidence.

### ***Reduced Density Alternative***

The EIR states

The Reduced Density Alternative is identified as the environmentally superior alternative because it would “to some extent” meet the project sponsor’s basic objectives, while avoiding all but one of the traffic-related significant unavoidable impacts of the proposed project. This impact reduction would be achieved because the alternative would have fewer residential units and commercial space at the site compared to the proposed Project, and therefore have associated reductions in vehicle traffic compared to the proposed project. (DEIR pg. S-22.)

The EIR states that this alternative would include 273 residential units, 16,880 square feet of commercial space and have more open space that would total 56,850 square feet. (DEIR pg. S-23.) The Project would have 395 residential units, 24,968 square feet of commercial/public space and 50,932 square feet of open space. A reduction of 122 residential units and 8,088 square feet of commercial space would mitigate the traffic impact to insignificance and produce 5,918 more square feet of open space. (RTC pgs. 131-157; Memo 8.) The chart at page S-25 also shows that the Reduced Density Alternative would mitigate the traffic impacts to insignificance. The EIR states that the financial feasibility of the Reduced Density Alternative is unknown. (DEIR pg. S-24.) As noted, an alternative need not meet every project objective to be considered feasible. Similar to the analysis of the Metal Shed Reuse Alternative, the developer’s study asserts the alternative would not yield sufficient profits to be considered feasible. As noted, the developer’s study utilized a flawed analysis to determine infeasibility and the determination of infeasibility is not supported.

### **Failure to Respond Adequately to Comments**

Responses should explain any rejections of the commentors’ proposed mitigations and alternatives. Evasive, conclusory responses and mere excuses are not legally sufficient. (*Cleary v. County of Stanislaus* (1981) 118 Cal.App.3d 348, 355-360 (failure to adequately respond to any significant public comment is an abuse of discretion); Guideline §15088(b).) A general response to a specific question is usually insufficient. (*People v. County of Kern* (1976) 62 Cal.App.3d 761 [when a comment questioned the availability of water, a response was ruled inadequate when it stated that “all available data” showed underground water supplies to be sufficient]; *Friends of the Eel River v. Sonoma County Water Agency* (2003) 108 Cal.App.4<sup>th</sup> 859 [specific comments regarding Eel River environmental setting and pending diversions required additional responses].) Comments from responsible experts or sister agencies that disclose new or conflicting data, or opinions that the agency may not have fully evaluated the project and its alternatives, may not be ignored and there must be a good faith, reasoned analysis in response. (*Berkeley Keep Jets over the Bay Committee v. Board of Port Commissioners of the City of Oakland* (2001) 91 Cal.App.4<sup>th</sup> 1344, citing *Cleary v.*

*County of Stanislaus* (1981) 118 Cal.App.3d 348, 357.) The FEIR fails to conform to these requirements in responding to comments in the areas discussed below.

### **Cumulative Impacts**

The EIR's cumulative impacts analysis relies on the information regarding projected growth in the Eastern Neighborhoods Plan EIR (PEIR) cumulative impacts analysis that is eight years old and is now shown to be outdated. (Memo 2, Cumulative impacts and 4, PDR loss; Exhibit F [Monitoring Report]; RTC pgs. 158-164.) Given the unanticipated level of development in the Showplace Square/Potrero Hill Area, the assumption that cumulative impacts were addressed in the PEIR is no longer true. As a result, the EIR's analysis and determinations are materially flawed. In fact, the City already has more residential units constructed, entitled or in the pipeline for the Showplace Square/Potrero Area than were anticipated to be built in the area by the year 2025.

In 2008, the PEIR adopted a **3180** residential unit scenario for the Showplace Square/Potrero Hill area. (FEIR I.2-3.) The Project EIR states that as of February 23, 2016, **3315** units have been completed or are planned to complete environmental review within the area, whereas, additional analysis conducted for the 2010-2015 *Eastern Neighborhoods Monitoring Report* reveals that the Showplace/Potrero Hill Area actually had **4526** residential units under construction, entitled or under review. (FEIR IV.55) This is well in excess of the numbers analyzed in the PEIR and the figures used in the EIR. Notably, the *Monitoring Report* indicates that the entire Eastern Neighborhoods Area has exceeded those estimated in the PEIR (9785) by nearly 2000 units. (Exhibit F, Eastern Neighborhoods Monitoring Report 2011-2015 Draft Executive Summary pg. 7)

The Project EIR erroneously concludes:

Growth that has occurred within the Plan area since adoption of the *Eastern Neighborhoods PEIR* has been planned for and the effects of that growth were anticipated and considered in the *Eastern Neighborhoods PEIR*.

(FEIR IV.54)

The Project EIR claims that although the residential land use category is approaching projected levels, non-residential uses have not been exceeded. (RTC IV.54) However, the residential levels have been exceeded and the primary goal of the Eastern Neighborhoods Plan is to provide a balance between land uses, therefore, it is critical that the environmental review consider the impacts of this exceedence.

**At their core, the Eastern Neighborhoods Plans try to accomplish two key policy goals:**

- 1) They attempt to ensure a stable future for Production, Distribution and Repair (PDR) businesses in the city, mainly by reserving a certain amount of land for this purpose; and
- 2) they strive to provide a significant amount of new housing affordable to low, moderate and middle income families and individuals, along with “complete neighborhoods” that provide appropriate amenities for these new residents.

(Showplace Square/Potrero Hill Area Plan, pg. v.)

Because many of the assumptions regarding cumulative impacts in the underlying PEIR were based on unanticipated levels of residential development, the project EIR fails to adequately examine cumulative impacts.

Perhaps the most devastating failure of the Eastern Neighborhoods Plan for the Potrero Hill and Showplace Square residents has been the failure to provide the Community Benefits asserted in the PEIR and that are needed to enable, what amounts to, a near doubling of population. The Eastern Neighborhoods Plan took the long view, seeking to balance growth over a period of 25 years, but instead, growth is being compressed into several short years with almost no support for that growth. By relying on inaccurate assumptions regarding cumulative growth and together with the gap in adequate infrastructure provisions and benefits, the EIR does not address the level of development Potrero Hill has undergone and it's cumulative analysis fails as an informational document for this reason.

A Nexus Study was prepared in 2007 to determine the cost of the impacts identified in the PEIR with the idea that developers would pay impact fees to fund infrastructure improvements. Unfortunately, due to concerns that development would lag during the 2008 recession, impact fees were set at only 1/3 of the actual amount needed and adequate alternative funding sources have never been identified. The Showplace Square Potrero Plan included a mandate to provide four acres of new open space to accommodate expected growth. (Showplace Square/Potrero Hill Area Plan, pg. 51.) To date only one acre of public open space has been provided at Daggett Park, which is just enough to

provide open space for the 1000 new residents moving into 1010 Potrero. Finally, transit improvements were studied for an inadequate system that was already at capacity. Despite the Eastern Neighborhood Transit Implementation Planning Study (ENTRIPS) and the subsequent Transit Effectiveness Plan (TEP), the area has never received the transit improvements it needs.

A draft version of the EIR noted that the analysis in the EIR on this issue was based upon a “soft site” analysis and “not based upon the created capacity of the rezoning options (the total potential for development that would be created indefinitely.” The City attorney noted the legal vulnerability in that statement and proposed its deletion, stating that the EIR must consider the most conservative estimate of those effects and must also consider direct and indirect impacts of the Project. Citizens concur that the most conservative standard must be considered for review of indirect and cumulative impacts in order to satisfy CEQA’s full disclosure requirements and was not.

Regarding the issues relating to the cumulative loss of PDR, please refer to Memo 4.

#### **Inconsistency with Area Plans and Policies**

The FEIR fails to respond adequately to comments made about the Project’s inconsistency with area plans and policies, including the Showplace Square/Potrero Area Plan and the Urban Design and Housing Elements of the City’s General Plan. The EIR disregards established City policies and fails to adequately respond to comments regarding the Project’s conflicts with neighborhood scale and character, the requirement to provide adequate infrastructure, and the preservation of PDR uses. (RTC pgs. 38-44.)

Objective 3 of the San Francisco General Plan’s Urban Design Element requires: “Moderation of major new development to complement the city pattern, the resources to be conserved, and the neighborhood environment.” The scale and density of the Project are substantially greater than existing surrounding Potrero Hill land uses and the project would be inconsistent with the established land use character of the neighborhood.

The Project conflicts with a number of Area Plan objectives including Objective 1.2 of the Showplace Square/Potrero Hill Area Plan, which promotes development in keeping with neighborhood character. This project is inconsistent with the established neighborhood character of Potrero Hill. Policy 3.1.6 of the Showplace Square/Potrero Hill Area Plan, states, “new buildings should epitomize the best in contemporary architecture, but should do so with a full awareness of, and respect for, the height, mass, articulation and materials of the best of the older buildings that surrounds them.” As proposed, the Project’s



16<sup>th</sup> Street building is inconsistent with the height, mass, and articulation of existing buildings in the Potrero Hill vicinity and provides little awareness of surrounding neighborhood structures.

Policy 2 of the City's General Plan states, "existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods." The Project is not consistent with this policy because its scale, mass, bulk and height are inconsistent with and will negatively impact established neighborhood development patterns and character. The proposed development is dramatically out of scale with nearby residences and small businesses.

The FEIR brushes off these and like comments on these critically important issues by broadly claiming that inconsistency with area plans does not relate to environmental impacts. (RTC pg. 43.) This is false; the reason EIRs are required to analyze a project's consistency with area plans is that inconsistency may result in impacts to, among other things, land use, traffic and circulation and influence the consideration of cumulative impacts. The FEIR fails to adequately respond to comments made about the inconsistency of the Project with area plans and policies concerning these issues.

### **Scale / Height / Density**

The scale, height, and density of the proposed Project (72 to 83 feet and 395 residential units) is inconsistent with numerous provisions of the Showplace/Potrero Hill Area Plan and the Final EIR fails to adequately respond to comments on this issue. (Memo 3; RTC pgs. 35-38.)

Prior analysis in the PEIR, relied upon by City Planning for all new development in the Eastern Neighborhoods, is now eight years old and did not adequately evaluate or anticipate a project of commensurate size, height, or density as the Project. All of the analyses completed for the PEIR anticipated a height on the Project parcel of 68 feet – not 72 to 83 feet as proposed by the Project. As shown in height maps, the PEIR actually anticipated and analyzed lower heights at the site of 40 feet to 45 feet.

In accordance with the Showplace Square/Potrero Hill Area Plan policy that calls for lowered heights on the south side of 16<sup>th</sup> Street, the underlying PEIR addresses heights rising 65 feet to 68 feet – but only on the north side of 16<sup>th</sup> Street – not the south side of 16<sup>th</sup> where the Project is proposed. Objective 3.1/Policies 3.1.1 & 3.1.2 state that heights should be adopted that respect, "the residential character of Potrero Hill", "Respect the natural topography of Potrero Hill", and that "Lowering heights from the north to the south side of 16<sup>th</sup> Street would help accentuate Potrero Hill." The Final EIR fails to adequately respond to

comments that the size and scope of the Project conflicts with policies that provide a mechanism to avoid land use impacts.

Assertions by City Planning that the density and height for the Project were adequately evaluated in the PEIR are inaccurate and misleading. In July of 2014, senior City Planner Wade Wietgreffe inaccurately cited information in the PEIR. Wietgreffe claimed the following.

... As noted on page C&R-5, the preferred project changed between publication of the Draft EIR and publication of the C&R document. Therefore, the C&R document analyzed the environmental effects from the proposed changes, as well as responding to comments received on the Draft EIR. Figure C&R-2 identifies the heights for the Eastern Neighborhoods Plan, which includes 68-foot designations along 16<sup>th</sup> Street.

In actuality, the PEIR addressed heights rising to 65-68 feet on the north side of 16<sup>th</sup> but not the south side of 16<sup>th</sup> Street, consistent with the Showplace Square/Potrero Hill Area Plan policy calling for lowered heights on the south side of 16<sup>th</sup> Street. The PEIR cited a map showing frontages along 16<sup>th</sup> Street had been raised to 65 feet in comparison to Option B (one of the iterations of the project proposed for consideration in the PEIR) yet the analysis emphasized that the added height would remain on the *north* side of 16th Street (Showplace Square) and *not the south side of 16<sup>th</sup>* (Potrero Hill). As stated in "Changes by Neighborhood — Showplace Square/Potrero Hill" page 12:

No changes in height limits are proposed on Potrero Hill. The Preferred Project would establish height limits of 65 - 68 feet within the core of Showplace Square between US-101 and I-280, north of 16th and south of Bryant Streets." This statement is repeated on page C&R-21: "In Showplace Square/Potrero Hill plan area, height limits would be similar to those analyzed for Options B, with minor height increases (to 45 feet as opposed to 40 feet in the DEIR) proposed to areas north of Mariposa Street, between De Haro Street and Seventh/Pennsylvania Streets. Height limits in the established residential areas of Potrero Hill would remain unchanged at 40 feet. The Preferred Project establishes heights of 65-68 feet within the core of Showplace Square between U.S. 101 and I-280, north of 16th and south of Bryant Streets.

The PEIR repeatedly uses the above phrasing regarding limiting the height increase to the north side of 16<sup>th</sup> and not the south side of 16<sup>th</sup> Street.

The PEIR did not address or analyze issues about heights or zoning at the Project site. As stated on page 147:

A number of comments were directed at the proposed rezoning and area plans, and do not address the adequacy or accuracy of the EIR. Because these comments do not address the adequacy or accuracy of the EIR, no responses are required.

As shown in the PEIR, the Project sponsor lobbied to overturn the proposed 40 to 45 foot height at the Project site stating:

Sixteenth Street should be designated a "transit corridor" with a height limit of 65 feet near Mission Bay and Interstate 280. Seventh Street should have a height limit of 55 feet.

### **Aesthetics / Public View Corridors and Scenic Vistas**

The EIR acknowledges that "views from surrounding public vantage points would be altered" but claims the Project need not consider aesthetic or views impacts because it meets the definition of a mixed-use residential project on an infill site within a transit priority area as defined by Public Resources Code section 21099(a). Nonetheless the EIR provided a curtailed analysis of aesthetics and views impacts. (Draft EIR S-2; RTC 36-38; 42-44; Memo 3.) While the Project is identified as being within a transit priority area, the area is admittedly underserved by transit and proposed upgrades to transit are tenuous, such that, the Project should not be exempted from review of aesthetics and views impacts. The PEIR noted that in the Potrero Hill/Showplace area, transit was subject to "relatively long headways between buses and indirect lines limits the usability of service" and that "steep topography of Potrero Hill and the discontinuous street network in some parts of the subarea can also be limiting in terms of accessibility, as the closest stop may not be easily reached by a direct route." (PEIR, IV. Environmental Setting and Impacts E. Transportation, pg. 257; Exhibit F.)

The Project's single massive structure positioned at the base of Potrero Hill, along with its height, bulk, and massing will obscure a cherished landmark of Potrero Hill – scenic public views of downtown San Francisco. Potrero Hill, like San Francisco as a whole, is known for its dramatic City views and sweeping vistas. The height, bulk, and mass of the proposed Project would effectively wall off a large portion of lower Potrero Hill from public views of downtown enjoyed by neighborhood visitors for generations. Just like the recent campaign against "walling off" the waterfront, we believe Potrero Hill should be protected from "walls" of out-of-scale development.

This conflicts with long-standing City and state policies regarding protection of public scenic vistas. The Project is inconsistent with multiple Area Plan principles including provisions to "respect the natural topography of Potrero Hill", to lower building "heights from the north to south side of 16th

Street” and to “promote preservation of other buildings and features that provide continuity with past development.” Policy 3.1.5 of the Showplace Square/Potrero Hill Area Plan states:

San Francisco’s natural topography provides important way finding cues for residents and visitors alike, and views towards the hills or the bay enable all users to orient themselves vis-à-vis natural landmarks. Further, the city’s striking location between the ocean and the bay, and on either side of the ridgeline running down the peninsula, remains one of its defining characteristics and should be celebrated by the city’s built form.

As noted, the scale, height, and density of the Project (72 feet to 83 feet, including parapet and mechanical penthouses, and 395 residential units) are inconsistent with numerous terms set out in the Showplace/Potrero Hill Area Plan. Prior study contained in the PEIR, produced and relied upon by City Planning for all new development, is now eight-years old and did not adequately evaluate, analyze, consider or anticipate a specific project of the size, height, or density proposed by the developer at this location. All of the analyses completed for the Eastern Neighborhoods Plan anticipated a height on this parcel of 40 to 45-feet, not 83-feet as proposed by the Project.

The EIR failed to provide accurate and adequate 3-D modeling visual simulations on the impacts of the project (including stair, elevator, mechanical penthouses) to public scenic views of downtown. The visual simulations offered by the Project sponsor for the EIR remain inadequate and do not accurately reflect the impact on scenic public vistas of a 72 to 83 foot high building in lower Potrero Hill. The visual simulations were effectively limited to a single North-South Street (Texas Street) and failed to include other North-South streets as well including Mississippi, Pennsylvania Streets, and Missouri Streets. (DEIR Chapter II, Project Description, pages II.26 – II.36.) Moreover, the Texas Street visuals are misleading because they are framed from a single vantage point in the middle of the roadway looking directly north and do not capture varied and wider angles, for example, from the north west). The significant impacts of added height due to roof top mechanical penthouses and massing are not presented.

The Project would also contribute to the cumulative loss of public view corridors. Review of photo simulations of building development in Potrero Hill over the past several years shows the significant and destructive impact on Potrero Hill’s cherished public view corridors. The continuing loss of public view corridors due to Mission Bay and 1010 16<sup>th</sup> Street Daggett/Equity Residential developments has been incremental but dramatic. The Project would contribute significantly to this continuing erosion of Potrero Hill’s public scenic view corridors.

The significant impacts on aesthetics, public views and cumulatively significant impacts have not been adequately evaluated in the EIR and the FEIR inadequately responds to comments on this issue.

### **Traffic / Transportation**

The PEIR, upon which the EIR relies, did not fully consider the traffic impacts of a residential project of this size at this location, thus the EIR's traffic analysis of direct and cumulatively significant impacts is inadequate and incomplete; the EIR fails to adequately consider or adopt feasible mitigation measures; and the findings are not supported by substantial evidence. (Memo 1; Exhibit F; RTC pgs. 59-63; 71-98; 101-107)

The PEIR's evaluation of traffic impacts extending to the year 2025, upon which the FEIR relies, were based on assumptions about the level of development that is now outdated. Most of the traffic counts studied in the TIS were from 2013 and 2014, before the UCSF hospital had opened. 14 intersections were studied but key intersections were left out along Mariposa Street and 17<sup>th</sup> Streets. Additional studies, completed in 2015 (FEIR, Appendix C) for five of the intersections also omitted the intersections along Mariposa and 17<sup>th</sup> Streets.

Although the proposed project is in a Transit Priority area, public transit service is inadequate with most commuters have to rely on other modes of travel. Traffic congestion in the immediate area of the project is already a fact of life, with multiple intersections operating at F levels. Contrary to the principles of the City's Transit First Policy, the project was granted an exception to the parking maximum requirement of .75. The TIS studies extrapolated 2025 cumulative conditions based on outdated growth assumptions and neglected to consider large projects such as the Warriors Arena. (Exhibit F.) Four intersections were identified in the DEIR as impacted, with no identified mitigations, while mitigations for a fifth were based on reasonable assumptions, with no supporting evidence.

As the record shows, Potrero Hill is poorly served by area transit, yet the EIR claims that the Project's traffic impacts are offset because the Project is located within a transit area and is "within close proximity to numerous transit routes."(DEIR III.11.)

The draft Showplace/Potrero Monitoring Report shows that transit use in the area is at 24%, lagging well behind the City as a whole. The PEIR noted that in the Potrero Hill/Showplace area, transit was subject to "relatively long headways between buses and indirect lines limits the usability of service" and that "steep topography of Potrero Hill and the discontinuous street network in

some parts of the subarea can also be limiting in terms of accessibility, as the closest stop may not be easily reached by a direct route." (PEIR, IV. Environmental Setting and Impacts E. Transportation, pg. 257; Exhibit F.)

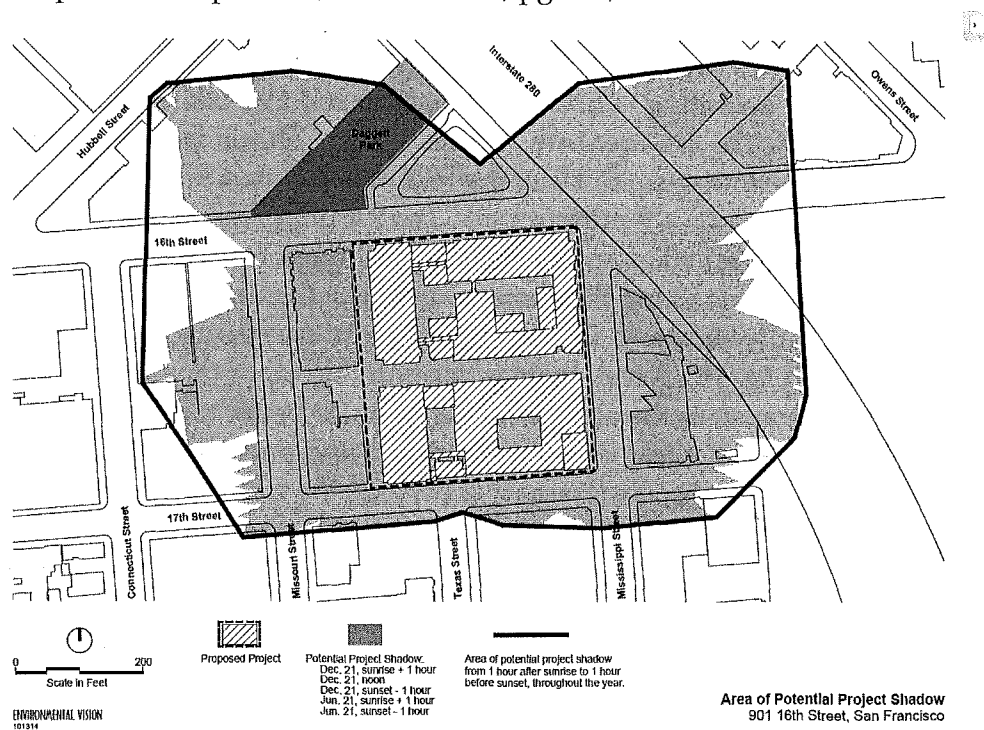
The *only* transit that is currently within a 5-minute walk from 901-16<sup>th</sup> Street is the temporary 55-16<sup>th</sup> route (which will eventually be replaced with the re-routed 22) and all other routes are nearly a half-mile or more away. The 10-Townsend (currently operating at or above capacity) and 19-Polk (which is expected to stop service to this area) are .4 miles away. Caltrain is .7 miles away and involves a walk over a steep hill (not the half mile claimed in the DEIR) and the T-Third is .5 miles away, a 9-minute walk. The 2.2 mile Transit to downtown (Montgomery and Market) takes an average of 30 minutes, excluding headways of 9-10 minutes or more; walking the route would take 43 minutes. While the 22 Fillmore will eventually become a BRT route and there are streetscape improvements slated for 16<sup>th</sup> Street, there is currently no other targeted funding to directly improve transit in the area or fill the need for better transit to serve a growing population. Impact fees have been reduced and partially replaced by the TSP (Transit Sustainability Program) that benefits the city as a whole but are inadequate to fully fund SFMTA deficits.

#### **Open Space / Recreation / Shadow**

The Showplace Square / Potrero Hill Area is underserved in terms of open space. Citizens assert additional shadow on Daggett Park, the only area of new open space identified in the PEIR that serves this area, will add to the incremental shadowing of the park and compromise the neighborhood's limited recreational opportunities. At 68+ feet, the proposed Project will individually and cumulatively cast shadow on the park; 1010 Potrero which surrounds Daggett park on the north, east and west sides, also casts shadows on Daggett Park. (RTC pgs. 175-179; Memo 7.)

Because of unanticipated growth in the Showplace/Potrero Area, cumulative impacts on Recreation were not anticipated in the Eastern Neighborhoods Plan. The studies in the PEIR were based on outdated population data, with acquisition policies based on need using population levels in the 2000 census. (PEIR IV.H. pg. 370.) The PEIR did not identify adequate funding sources to meet the needs of the Eastern Neighborhoods for either maintenance of existing parks and recreation facilities or for the acquisition of new open space. The Showplace Square/Potrero Hill Plan specifically called for four acres of new space for the Area: "Analysis reveals that a total of about 4.0 acres of new space should be provided in this area to accommodate expected growth." But only one acre of new space has been provided, Daggett Park, so far.

A shadow study dated October 13, 2014 prepared by Environmental Vision found that the Project would cast shadows on nearby Daggett Park but determined that the amount of area shadowed by the Project is minimal, the duration of shadow is limited, and the amount of the sunlight to this type of open space is acceptable. (Motion 19645, pg. 31.)



The CPE Checklist identified new net shadow from the Project in the mornings between mid-fall and mid-winter. (CPE, pg. 44) It also identified cumulative shadowing that would result in the Park being “largely” shadowed from 8:00 to 11:00 AM between mid-fall and mid-winter and notes that the Project related net new shadowing would impact lawn areas during the morning hours but the Project would not “substantially” contribute to shadowing in the afternoon. The conclusion was made that the lack of substantial afternoon shadowing, would result in overall less than significant impacts despite the addition of substantial morning shadowing. The impact of cumulative shadow was not considered.

Because the Project adds new net and cumulative shadow to Daggett Park, the City should consider adoption of an alternative that reduces the height of the building along 16<sup>th</sup> Street and increases setbacks. Additionally the rooftop mechanical structures should be designed to minimize shadow and reduce overall height.

On the topic of Recreation, the Community Plan Exemption (CPE) Checklist states that the project is within the development projected under the Eastern Neighborhoods Plan and that there would be no unanticipated impacts. (CPE Checklist pg. 49.) The Final EIR reiterates this without adequately responding to concerns about excessive residential growth. The Final EIR states "Recreation was addressed in the CPE Checklist which determined that the proposed project would be within the development projected in the Eastern Neighborhoods Rezoning and Area Plans."

The shadowing of Daggett Park is in conflict with the General Plan provision, which protects open space from shadowing including the recommendation that "our parks and open space and their access to sunlight and vistas be protected from development." The Final EIR doesn't respond directly to stated concerns about this inconsistency, claiming that, "project related policy conflicts and inconsistencies do not constitute, in and of themselves, significant environmental impacts." (RTC pg. 179; PO-2.)

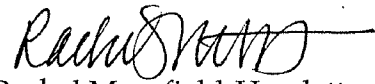
### **Cultural and Historic Resources**

The DEIR does not adequately or accurately address issues related to the historic merit and integrity of the existing metal warehouses. (RTC pgs. 113-126; Memo 5; 7/11/16 letter from historic expert Katherine Petrin.) The EIR rejects arguments supporting historic integrity of the metal buildings, including the research and opinion of highly respected architectural historian, Katherine Petrin. Petrin's expert testimony demonstrates these buildings remain historic despite alterations and company mergers over the years. In her compelling report, Petrin documents a strong case for finding historic integrity, among other things, she stated the Period of Significance was longer than City Planning's claim of 1906 – 1928, it should be extended through at least to mid 1947. While the steel warehouses may have been altered to some degree over the years, modifications in industrial spaces are to be expected given the utilitarian purpose of these buildings and the need for flexible space. Collectively, the Potrero Hill industrial complex contains the last remaining structures of the Pacific Rolling Mill, which began operating in the Central Waterfront in 1868 before reorganizing and relocating to Potrero Hill in the early 1900s. The buildings are also the last remaining extant structures of the merged companies, Judson Pacific Company (1928), and Judson Pacific Company (1945) in San Francisco. Petrin, along with numerous others, urged the adoption of the Metal Shed Reuse Alternative.

For the foregoing reasons, Citizens request the Board uphold the appeal.



Thank you for your consideration,

A handwritten signature in black ink, appearing to read 'Rachel Mansfield-Howlett', with a long horizontal flourish extending to the right.

Rachel Mansfield-Howlett

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**From:** Board of Supervisors, (BOS)  
**To:** BOS-Supervisors; BOS Legislation (BOS)  
**Subject:** FW: Case 2011.1300E - 601 16th street project. - BOS File Number 160683 (July 26, 2016 meeting agenda #49)

**From:** Dennis Hong [mailto:dennisj.gov88@yahoo.com]  
**Sent:** Monday, July 25, 2016 12:58 PM  
**To:** Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>; Jones, Sarah (CPC) <sarah.b.jones@sfgov.org>; Lee, Mayor (MYR) <mayoredwinlee@sfgov.org>; Thomas, Christopher (CPC) <christopher.thomas@sfgov.org>  
**Cc:** Kim, Jane (BOS) <jane.kim@sfgov.org>; Secretary, Commissions (CPC) <commissions.secretary@sfgov.org>  
**Subject:** Fw: Case 2011.1300E - 601 16th street project. - BOS File Number 160683 (July 26, 2016 meeting agenda #49)

Good afternoon Honorable Members of the Board of SF Supervisors,

Per your request of July 12, 2016, subject File Number 160683, 901 16th Street, I'm attaching my original comments (Oct 5, 2015) to both the SF Planning Department and the SF Planning Commission in support of this project. As of this date I still fully support this development. The only one regret I see, it is taking too long in getting these approvals, permits - processed. It is delaying the housing supply process up by taking additional time to build out our housing needs including the Mayor's established housing program. Granted the sponsor/s can't meet everyone's request, that's a given.

So let me continue on with this extended email. According to the RTC on this DEIR it appears that the developer and the sponsor has met with the community and the San Francisco Planning Commission on several occasions and presented this development and has received both favorable and negative comments, including responses to my Comments to this project.

With all that said, I look forward to your approval on this project and recommend it to be expedited in the planning/permit process so it can be build out - so the City's housing goals can be met. This

is just another fine project that will help meet the city housing problems.

If anyone has any comments or question to my comments on this project/subject you can reach me at [dennisj.gov88@yahoo.com](mailto:dennisj.gov88@yahoo.com)

Best Regards,

Dennis

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On Monday, October 5, 2015 2:45 PM, Dennis Hong <[dennisj.gov88@yahoo.com](mailto:dennisj.gov88@yahoo.com)> wrote:

Dennis J. Hong  
101 Marietta Drive  
San Francisco, CA. 94127

October 5, 2015

San Francisco Planning Department  
Atten: Miss. Sarah B. Jones, Environmental Review Officer  
1650 Mission Street, Suite 400  
San Francisco, CA. 94103

Subject: Case Number: 2011.1300E – 901 16<sup>th</sup> Street Project

Good afternoon Miss. Sarah Jones,

I am writing in full support of the 901 - 16<sup>th</sup> Street Project. This Project will revitalize this blighted industrial area and add great value to the cities current housing issues. The sponsor has done a wonderful job.

I have been a resident of San Francisco all my life – Sixty years-plus. Currently retired. Thank you for letting me have the opportunity to review and comment on this Project and several others in the past. It's always a pleasure reviewing and commenting on these professional EIR's. I appreciate all the professional efforts that are made in producing these documents.

My following comments are based on the above Draft Environmental Impact Report dated August 12, 2015. I understand the due date for submitting my comments were extended to October 5, 2015 at 5pm (today) and trust I did not miss a deadline to submit my comments.

Working with the community and the stakeholders are a key factor to any project. This Project shows all that.

It looks like this is mostly an industrial area and construction issues in this case are minimum, mostly - construction; work hours of construction, staging of materials, dust control, noise, vibration, safety barriers, street closures and etc.. However the project should still have a phone number with a contact names to call for concerns. This Project is also at the border line between the UCSF complex and makes a wonderful transition even if the 280 Freeway is not removed.

Include any comments made during any of the public Planning Commission meetings, especially ones made on September 17, 2015 (?).

Construction Phase, request that the Final EIR provide time lines of this Project with any other; proposed, concurrent or future projects that may impact this Project.

- a. A construction time line showing all ongoing/current or upcoming projects in the vicinity of this project, especially in the Mission Bay/UCSF complex.
- b. How will the possible tear down of the 280 Freeway impact this Project?
- c. The project has done an excellent job with the court yard/s and pedestrian promenade.
- d. I understand that CEQA does not require; any exterior visions, color, material or even a photosynthesis of the project. But I personally feel that this item helps sell a project to the community and should be included. As Architecture/design, color, material and etc is personal, but adds enormous value to any project. In this case the elevations and street views of this project does a good job with this issue.

X. In Conclusion: Based on my comments and evaluation of the DEIR I have concluded there is sufficient information and I fully support this Project and the DEIR.

I request that my comments be included in the Final EIR and be sent a hard copy of the "Comments and Responses (RTC).

Thanks to you, the Planning Department and the Board of Supervisors for working so hard on these projects. As requested, I will continue to review and comment on future projects as needed. Thank you for your consideration of my comments as part of the DEIR process. Should you have any questions regarding this email/letter, please do not hesitate to contact me at [dennisj.gov88@yahoo.com](mailto:dennisj.gov88@yahoo.com).

PS: If there are compelling reasons why this project should not continue or be delayed, I would be interested to understand why.

Sincerely,

Dennis Hong

Cc: C. Thomas, Planning Commission, BoS

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**From:** Board of Supervisors, (BOS)  
**To:** BOS Legislation (BOS)  
**Subject:** FW: Special 3 PM Order Corovan Project

**From:** mari eliza [mailto:mari.eliza@sbcglobal.net]  
**Sent:** Monday, July 25, 2016 4:03 PM  
**To:** Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>  
**Cc:** Tang, Katy (BOS) <katy.tang@sfgov.org>; Yee, Norman (BOS) <norman.yee@sfgov.org>; Farrell, Mark (BOS) <mark.farrell@sfgov.org>; Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>; Breed, London (BOS) <london.breed@sfgov.org>; Kim, Jane (BOS) <jane.kim@sfgov.org>; Wiener, Scott <scott.wiener@sfgov.org>; Campos, David (BOS) <david.campos@sfgov.org>; Chung Hagen, Sheila (BOS) <sheila.chung.hagen@sfgov.org>; Cohen, Malia (BOS) <malia.cohen@sfgov.org>; Avalos, John (BOS) <john.avalos@sfgov.org>; Ang, April (BOS) <april.ang@sfgov.org>; Mar, Eric (BOS) <eric.mar@sfgov.org>  
**Subject:** Special 3 PM Order Corovan Project

July 25, 2016

Supervisors:

re: Special 3 PM Order 901-16th Street/1200-17th Street

We support the appeal of the project because we believe the EIR was inadequate and seriously flawed. An environmentally superior alternative that would have mitigated some of the negative effects was rejected by Planning. Please reconsider these other options.

The EIR was based on old data that does not take into account the current conditions, especially where traffic and transit options are concerned.

The removal of PDR businesses has resulted in a huge uptick in incoming traffic as the construction workers, contractors and other service industries are forced to drive back into the city to work in the neighborhoods they formerly resided in. We have added hundreds of hours to their commutes as created a monster that has given us the dubious recognition as the city with the third worst traffic in the country. We are fast losing tolerance and civility on the streets. Our citizens are filled with anger and frustration as we are forced to deal with somebody else's idea of success.

The profound negative consequences on regional traffic we are experiencing today are the result of a head-in-the-sands approach to social engineering for a glorious future based on total denial of the bad circumstances we find ourselves in today. Warnings from a number of voices that this day would come have been ignored long enough.

How much longer will we pretend that the current transit options are sufficient, or that the traffic and parking problems causing major headaches and stress on our society is not the fault of bad planning and execution by the authorities in charge?

Here you have a chance to send back a bad project to the developers and demand some real changes that will start to correct some of the problems we see coming if this project is allowed to progress in its current form. Please listen to the public that is screaming for relief and a slower pace of change so we can adapt in a more graceful fashion. Tone this one down, do not allow the removal of another 109,000 square feet of PDR space and send a message to the voters that they can expect more from their city government than a rubber stamp on every project that comes before them for approval, regardless of the consequences.

I know at least one architect who only takes on projects that do not require CUs or variances so it is possible to build a project that meets all legal constraints and code requirements.

Thank you for your time and attention to this important issue.

Sincerely,

Mari Eliza



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**From:** SF Judith <fogcitycomments@gmail.com>  
**Sent:** Monday, July 25, 2016 8:17 PM  
**To:** Campos, David (BOS); BOS-Supervisors  
**Cc:** BOS Legislation, (BOS); BOS-Legislative Aides  
**Subject:** July 26 Meeting Agenda Item 49: Support Appeal of EIR. Urge adoption of Motion 51 reversing certification due to inaccurate, inadequate analysis and lack of objective support of public interest in critical transportation thoroughfare (Caltrain, Warrior...

Supervisor Campos and other members of the Board,

I urge you to reverse the final EIR certification of the Corovan site/ 901 16th St/ 1200 17th Street. The EIR is flawed and limited in scope and relies on an Eastern Neighborhoods PEIR which is inadequate for the project proposed, fails to account for site specific conditions, and ignores reasonably foreseeable major changes adjacent to the site. The community in this case engaged in a deep and meaningful way with presentation of the Metal Shed Reuse Alternative which better supports the public interest and community values.

Metal Shed Reuse Alternative should have been adopted in FEIR as it would mitigate impacts related to the site and is feasible. This Metal Shed Reuse Alternative was studied in the EIR and was environmentally preferred and supports the heritage of the site. The Planning Department provided an inadequate basis for deeming it infeasible. A minimal financial analysis overseen by a staff member at the planning department for less than a year and working directly with the developer resulted in deeming the environmentally superior alternative infeasible. However the analysis failed to include documentation of methodology. Elements such as the Federal subsidy Facade Easement Preservation Tax Credit per IRS were not incorporated. The alternative should be deemed feasible.

Eastern Neighborhood PEIR did not adequately study or provide mitigation for this project as the number of housing units studied has been exceeded, and transit and recreation are inadequate. The number of housing units studied under the EN PEIR has been exceeded per appellants brief. Recreation in the area available to children (not private adult-only gyms) is extremely scarce and is being degraded by shadow casting development and increased use due to growth. Nearby Jackson Playground is visually degraded and shadowed by multiple projects. Daggett Open Space would be significantly shadowed by the project as proposed.

The FEIR was inadequate and inaccurate regarding transportation resources and impairment of critical transit and emergency service elements. Transportation for the surrounding area would be further impaired and was not adequately studied in the FEIR or EN PEIR.

- Major At Grade Caltrain crossing is at 16th and Mississippi immediately adjacent to the project. This area already has major back ups and zero tolerance for vehicles getting stuck on the tracks.

- Caltrain will electrify within the next few years ( less than five) in order to eliminate diesel emissions for air quality reasons. This added infrastructure may require wider crossing area.

- 16th Street is slated for transit/bus lane. Project developer proposed to widen the sidewalk ( for Better Streets Compliance/Vision Zero) and narrow the street width 5 feet. Instead the developer should move the building back so an adequate loading/turning area can be provided and the sidewalk needs to be widened by pushing back the building from the property line as this may become a major pedestrian thoroughfare to go from 16th St BART to the Warriors Stadium. The widening the sidewalk and narrowing the street was not adequately treated with regard to the public interest. Developers need to provide adequate pedestrian passages not takeover public right of ways such as 16th Street. Planning Department needs better MOUs with MTA and DPW to effectively

provide proper management of the public right of way and adjacent private space needed for public benefit and safety such as wider sidewalks.

-17th Street is a proposed bike lane and will support the Blueway to Greenway. Impacts were not adequately studied.

- Truck Routes are marked and used on 17th and Mississippi. Impacts were not adequately mitigated or studied. Large and extra large trucks regularly use this route. For example, State Department of Toxics is routing trucks with contaminated soils on this route from Related California Mariposa St. project site. Even though the truck route is plainly marked and used, Planning Department claimed these routes weren't noted in general plan.

- One can regularly witness commercial vehicles going into oncoming traffic lanes at the 17th and Mississippi intersection due to severe congestion especially in the morning.

-The Bomb Squad for CCSF is a few blocks to the West between 16th and 17th. The new UCSF Children's Hospital is a few blocks to the East of the site. Impacts on emergency services were not accurately analyzed.

I urge you to adopt Motion 51 reversing the Final EIR Certification. The FEIR is not accurate or objective.

As a District 9 resident, I have seen the consequences of processes that ignored and discounted community input.

Thanks for your consideration and I hope you will reverse the certification of the EIR,  
Judith

Sent from my iPad

BOS-11  
BOS-LEG  
0 page  
100663

PHONE: (415) 863-3508  
FAX: (415) 863-1334

## SAN FRANCISCO SCRAP METAL CO.

99 MISSISSIPPI STREET  
SAN FRANCISCO, CALIFORNIA 94107

### FAX TRANSMITTAL

DATE 7-20-16  
TO Board of Superiors - ATTN: JOHN Camoll  
FAX NUMBER 415-554-5163 PHONE NUMBER 415-554-4000  
FROM Pat Curtis  
NO. OF PAGES (INCLUDING COVER SHEET) 7  
REMARKS RE: Notice of Public Hearing  
7-26-16 @ 3:00 pm

Per our conversation @ 10:10 am this  
am. please distribute the attached  
information to the Board of Supervisors  
prior to the above referenced hearing  
Thank you.

Sincerely  
Pat Curtis

7-20-16

Board of Supervisors

RE: Notice of Public Hearing  
File No 160683

Attached is my letter of May 4, 2016 with OSHA information. I ask that you review this letter and attachments, especially paragraph 3 TOXIN  
- A- Coal TAR - 10 feet thick or more

Over 14 millions gallons of contaminated soil will be removed daily from this site. The removal of this contaminated soil is extremely hazardous. It CANNOT be removed without airborne toxins traveling, into our community, as far as a mile or more away. This will effect and expose our citizens, children, parks, schools, Zuckerberg General Hospital and the new UCSF Facility. The ground water is also contaminated and must be disposed properly

What are the long term effects and exposure. Will these toxins have on our citizens? What will the cost be for future medical treatment and recovery? Who will be liable for this expense?

Our community ask that the Board of Supervisors review the attached information and please grant an Appeal. An in depth study is required and with the expertise of the Board of Supervisors and their staff we feel our request and concerns will be properly handled.

I thank you for your time and consideration regarding our request.

Sincerely,  
Pat Curtis

CC: UCSF = 1975 4th St. SF. CA

M. Zuckerberg <sup>A</sup> E-mail - <http://www>.

S. F. Gen. Hos Pital - Facebook, Com

<sup>B</sup> Mark Zuckerberg - 1 Hacker Way

C. Dept. of Public Health E-Mail f.p.h. (Menlo, PK CA  
94025

May 4, 2016

Re: Case # 2011.1300 / 901 16th / 1200 17th Streets  
From: Pat Curtis / Owner, San Francisco Scrap Metal  
99 Mississippi Street

Dear Planning Commissioners,

The above referenced proposal has been a continuing battle for the residents and business owners of Potrero Hill for more than three years. Our community (citizens) continue to be overlooked and unheard during this battle. There are important issues that must be addressed by the Planning Commission. Valuable information has been researched, gathered and presented to the Planning Commission, number one being hazardous materials and toxins at the Corovan site - - which has not been addressed.

We urge the Planning Commission to do more extensive research on the affects of coal tar toxins and the long term effects and exposure these toxins will have on our citizens in the future. Our children, parks, and schools.

Toxin

A - Coal tar and heavy metals - Coal tar ten feet thick and contains up to 8900 mg/kg of hazardous volatile petroleum hydrocarbons which are contaminating the soil and water (OSHA documentation attached):

- Coal tar has extremely high viscosity
- Coal tar can be injurious to health
- 5% of crude coal tar are Group I carcinogens
- Levels of 80 mg/m<sup>3</sup> coal tar pitch are immediately dangerous to life and health.

Several states have banned the use of coal tar. It is imperative that California join these states and protect the citizens.

B - Pollution - Additional vehicles will create more airborne pollution. The Planning Commission needs to inspect existing conditions and provide in depth study.

C - Small Business / PDR - Small businesses are being forced out, the backbone of San Francisco. These businesses provide a valuable service to the residents.

D - Traffic - Vehicle traffic is gridlocked at the intersections of 16th and 17th Streets. More cars will create more pollution imposing a danger to pedestrians and cyclists. The City of San Francisco has to provide a safe environment by conducting an extensive study and research alternatives.

E - Parking - There is not enough parking for current residents and businesses. Adding more cars is not feasible - - there is no space. Garages are not the answer. Builders are not providing enough space for tenants - - where will they park?

Sincerely,

Pat Curtis  
Owner / San Francisco Scrap Metal  
99 Mississippi Street

# Coal tar

From Wikipedia, the free encyclopedia

**Coal tar** is a brown or black liquid of extremely high viscosity. Coal tar is among the by-products when coal is carbonized to make coke or gasified to make coal gas. Coal tars are complex and variable mixtures of phenols, polycyclic aromatic hydrocarbons (PAHs), and heterocyclic compounds.<sup>[1]</sup>

It is on the WHO Model List of Essential Medicines, the most important medications needed in a basic health system.<sup>[2]</sup>

## Contents

- 1 Uses
  - 1.1 Pavement sealcoat
  - 1.2 Industrial
  - 1.3 Medical
- 2 Safety
- 3 Coal tar distillers
- 4 See also
- 5 Notes
- 6 References
- 7 External links

## Uses

### Pavement sealcoat

Coal tar is incorporated into some parking-lot sealcoat products, which are used to protect and beautify the underlying pavement.<sup>[3]</sup> Sealcoat products that are coal-tar based typically contain 20 to 35 percent coal-tar pitch.<sup>[3]</sup> Research<sup>[4]</sup> shows it is used in United States states from Alaska to Florida and several areas have banned its use in sealcoat products<sup>[5][6][7]</sup> including: The District of Columbia; the City of Austin, Texas; Dane County, Wisconsin; Washington State; and several municipalities in Minnesota and others.<sup>[8][9]</sup>

### Industrial

Being flammable, coal tar is sometimes used for heating or to fire boilers. Like most heavy oils, it must be heated before it will flow easily.

Coal tar was a component of the first sealed roads. In its original development by Edgar Purnell Hooley, tarmac was tar covered with granite chips. Later the filler used was industrial slag. Today, petroleum derived binders and sealers are more commonly used. These sealers are used to extend the life and reduce maintenance cost associated with asphalt pavements, primarily in asphalt road paving, car parks and walkways.

A large part of the binders used in the graphite industry for making "green blocks" are coke oven volatiles

(COV). A considerable portion of these COV used as binders is coal tar. During the baking process of the green blocks as a part of commercial graphite production, most of the coal tar binders are vaporised and are generally burned in an incinerator to prevent release into the atmosphere, as COV and coal tar can be injurious to health.

Coal tar is also used to manufacture paints, synthetic dyes, and photographic materials.

## Medical

Also known as *liquor carbonis detergens* (LCD),<sup>[10]</sup> and *liquor pitchis carbonis* (a) (LPC) BP<sup>[11]</sup> it can be used in medicated shampoo, soap and ointment, as a treatment for dandruff and psoriasis, as well as being used to kill and repel head lice. When used as a medication in the U.S., coal tar preparations are considered over-the-counter drug pharmaceuticals and are subject to regulation by the USFDA. Named brands include Denorex, Balnetar, Psoriasis, Tegrin, T/Gel, and Neutar. When used in the extemporaneous preparation of topical medications, it is supplied in the form of coal tar topical solution USP, which consists of a 20% w/v solution of coal tar in alcohol, with an additional 5% w/v of polysorbate 80 USP; this must then be diluted in an ointment base such as petrolatum.

(Pine tar has historically also been used for this purpose, but has been banned as a medical product by the FDA since no evidence was submitted proving it is effective.<sup>[12]</sup>)

Various phenolic coal tar derivatives have analgesic (pain-killer) properties. These included acetanilide, phenacetin, and paracetamol (acetaminophen).<sup>[13]</sup> Paracetamol is the only coal-tar derived analgesic still in use today, but industrial phenol is now usually synthesized from crude oil rather than coal tar.

## Safety

According to the International Agency for Research on Cancer, preparations that include more than five percent of crude coal tar are Group 1 carcinogens.

The residue from the distillation of high-temperature coal tar, primarily a complex mixture of three or more membered condensed ring aromatic hydrocarbons, was listed on 28 October 2008 as a substance of very high concern by the European Chemicals Agency.

People can be exposed to coal tar pitch volatiles in the workplace by breathing them in, skin contact, or eye contact. The Occupational Safety and Health Administration (OSHA) has set the legal limit (permissible exposure limit) for coal tar pitch volatiles exposure in the workplace as 0.2 mg/m<sup>3</sup> benzene-soluble fraction over an 8-hour workday. The National Institute for Occupational Safety and Health (NIOSH) has set a recommended exposure limit (REL) of 0.1 mg/m<sup>3</sup> cyclohexane-extractable fraction over an 8-hour workday. At



levels of 80 mg/m<sup>3</sup>, coal tar pitch volatiles are immediately dangerous to life and health.<sup>[17]</sup>

## Coal tar distillers

In the coal gas era, there were many companies in Britain whose business was to distill coal tar to separate the higher-value fractions, such as naphtha, creosote and pitch. These companies included:<sup>[18]</sup>

- British Tar Products
- Lancashire Tar Distillers
- Midland Tar Distillers
- Newton, Chambers & Company (owners of Izal brand disinfectant)
- Sadlers Chemicals

## See also

- Creosote
- Cresolene
- Preservative
- Red 40
- Tar
- Sealcoat

## Notes

- a. Latin: coal tar solution

## References

1. "Toxicological profile for wood creosote, coal tar creosote, coal tar, coal tar pitch, and coal tar pitch volatiles" (PDF). U.S. Department of Health and Human Services, September 2002. Retrieved 8 March 2013.
2. "19th WHO Model List of Essential Medicines (April 2015)" (PDF). WHO. April 2015. Retrieved May 10, 2015.
3. Mahler BJ; Van Metre PC (2 February 2011). "Coal-Tar-Based Pavement Sealcoat, Polycyclic Aromatic Hydrocarbons (PAHs), and Environmental Health". U.S. Geological Survey Fact Sheet. Retrieved 8 March 2013.
4. Van Metre PC; Mahler BJ (15 December 2010). "Contribution of PAHs from coal-tar pavement sealcoat and other sources to 40 U.S. lakes". U.S. Geological Survey. doi:10.1016/j.scitotenv.2010.08.014. PMID 21112613. Retrieved 8 March 2013.
5. "City of Austin Ordinance 20051117-070" (PDF). 17 November 2005. Retrieved 8 March 2013.
6. "District Bans Coal-Tar Pavement Products". 26 June 2009. Retrieved 8 March 2013.
7. "Ordinance 80 : Establishing Regulations on Coal Tar Sealcoat Products Application and Sale" (PDF). Dane County Office of Lakes and Watersheds. 1 July 2007. Retrieved 8 March 2013.
8. "Coal Tar Free America – Bans". Retrieved 8 March 2013.
9. Barbara J Mahler (14 April 2011). *Causes of Increasing Concentrations of Polycyclic Aromatic Hydrocarbons (PAHs) in U.S. Lakes* (PDF). PAHs Increasing in Urban U.S. Lakes. Environmental and Energy Study Institute. Retrieved 8 March 2013.
10. Paghda KV; Schwartz RA (31 January 2009). "Topical tar: back to the future". PMID 19185953. Retrieved 8 March 2013.
11. Beranblum I (25 September 1948). "Liquor Plois Carbonis". *British Medical Journal* 2 (4577): 601. doi:10.1136/bmj.2.4577.601. PMC 2091540. PMID 16882998.

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**From:** Board of Supervisors, (BOS)  
**To:** Evans, Derek  
**Subject:** FW: PDR Initiative Ordinance 160698

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

From: mari eliza [mailto:mari.eliza@sbcglobal.net]  
Sent: Monday, July 25, 2016 4:23 AM  
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>  
Cc: Tang, Katy (BOS) <katy.tang@sfgov.org>; Yee, Norman (BOS) <norman.yee@sfgov.org>; Farrell, Mark (BOS) <mark.farrell@sfgov.org>; Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>; Breed, London (BOS) <london.breed@sfgov.org>; Kim, Jane (BOS) <jane.kim@sfgov.org>; Wiener, Scott <scott.wiener@sfgov.org>; Campos, David (BOS) <david.campos@sfgov.org>; Chung Hagen, Sheila (BOS) <sheila.chung.hagen@sfgov.org>; Cohen, Malia (BOS) <malia.cohen@sfgov.org>; Avalos, John (BOS) <john.avalos@sfgov.org>; Ang, April (BOS) <april.ang@sfgov.org>; Mar, Eric (BOS) <eric.mar@sfgov.org>  
Subject: re: PDR Initiative Ordinance 160698

July 25, 2016

Supervisors:

re: [Initiative Ordinance - Planning Code - Requiring Conditional Use Authorization for Replacement of Production, Distribution, Repair, Institutional Community, and Arts Activities Uses] Sponsors: Kim; Peskin

I've been promoting artists and musicians in San Francisco for a long time and I know a lot of people who have left. I joined a group of artists and activists who were trying to protect Cell Space and we eventually formed the Artists Displacement Task Force. We worked on many campaigns, projects and events to try to spread awareness about the state of the arts in San Francisco and we succeeded in getting a lot of attention and press.

While our main goal is to protect PDR space for artists, many other essential PDR businesses have also been forced out of San Francisco and that has resulted in more in-coming traffic and freeway congestion.

On my way to a party in Burlingame I experienced some really bad traffic at 4 PM on Saturday and when we got off the freeway in Burlingame I saw proof that displacement of PDRs is a major contributor to the increase in regional traffic.

We drove past acres of shops and warehouses with electrical engineers, plumbing contractors, auto-body repair shops and party rentals that used to reside in the city but now must drive in to work.

If you have a leak and call a plumber, chances are that plumber will be driving into town to fix your leak, and it may take a while for them to get there. The bill will probably be higher and your insurance rates may rise to reflect the increased costs. The increased insurance rates will raise the cost of everything, including rents, which contributes to inflation.

These are just a few of the unintended consequences that can and should be avoided by keeping a reasonable balance of zoning and property uses within city neighborhoods. Why not consider turning empty retail into PDR?

For this and many other reasons I believe we need a ballot initiative to bring these issues to the attention of the voting public. We need a dialogue about the importance of keeping a balance between the various types of housing, office and PDR spaces in the city. This is why I support the ballot initiative that Supervisor Kim is sponsoring.

Sincerely,

28

Mari Eliza

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**From:** Board of Supervisors, (BOS)  
**To:** Evans, Derek  
**Subject:** File 160698 FW: We DO need strong PDR protections:This is NOT the way.

**From:** Kate Sofis [mailto:kate@sfmade.org]  
**Sent:** Tuesday, July 26, 2016 2:19 PM  
**To:** Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>  
**Subject:** Fwd: We DO need strong PDR protections:This is NOT the way.

For today's Board of Supervisors Meeting.

**From:** Kate Sofis <kate@sfmade.org>  
**Date:** July 26, 2016 at 2:10:05 PM PDT  
**To:** david.campos@sfgov.org, Malia Cohen <Malia.Cohen@sfgov.org>, Katy Tang <Katy.Tang@sfgov.org>, scott.wiener@sfgov.org, norman.yee@sfgov.org, london.breed@sfgov.org, John Avalos <John.Avalos@sfgov.org>, Eric Mar <eric.L.mar@sfgov.org>, mark.farrell@sfgov.org, jane.kim@sfgov.org, aaron.peskin@sfgov.org  
**Cc:** Sarah Dennis-Phillips <sarah.dennis-phillips@sfgov.org>, Ken Rich <Ken.Rich@sfgov.org>, Todd Rufo <todd.rufo@sfgov.org>, Laurel Arvanitidis <laurel.arvanitidis@sfgov.org>, John Rahaim <john.rahaim@sfgov.org>, Andrea Bruss <andrea.bruss@sfgov.org>, "Sheila. Chung. Chung. Hagen" <sheila.chung.hagen@sfgov.org>  
**Subject:** We DO need strong PDR protections: This is not the way.

Dear Supervisors -

Today you have before you a proposal from Supervisor's Kim and Campos to add strong controls to protect Production, Distribution, and Repair (PDR) spaces across SOMA and the Mission via a ballot initiative in November.

As the Executive Director and co-founder of 7-year old SFMade- a non-profit tirelessly working to sustain and grow manufacturing and blue collar jobs across the city and now representing more than 650 companies and more than 5000 workers, 70% of whom are minorities and come from low-income households- we are invested in both protecting and even growing our industrial building stock. Almost 30% of our manufacturers and close to 1500 jobs are in SOMA and the Mission. We care deeply about the loss of PDR space from conversions of mixed use zoned parcels and share similar concerns you have heard expressed by coalitions of artists and neighborhood activists about finding ways to balance the need for more housing with keeping as much industrial/arts spaces as possible.

However, the proposal you have before you is flawed on many levels:

1. It contains provisions so limiting (such as on-site or nearby replacement requirements) as to almost guarantee that the "new" stock built will be unaffordable and small,
2. It neglects what we are hearing directly from our manufacturers, that they would strongly prefer a city-wide solution that provides a mechanism to aggregate resources/fees and construct new, larger, multi-tenant PDR in areas less constrained than some of the proposed sites,

3. Some propose to make this initiative apply to projects already well down the planning pipeline -post Environmental Review and financing -many which have already received significant community input,

4. It provides no mechanism to balance creating below market housing with replacing PDR on a specific site, totally neglecting the fact that both PDR and affordable housing are "below market" and frankly- in this construction market- below cost propositions that require significant internal cross-subsidization to pencil on a given project,

5. It proposes arbitrary percentages for different zoning, without any rationale based on real data as to why SALI and UMU, for example, have different replacement requirements when the neighborhoods with these typologies are within blocks of each other,

6. It proposes an incentive- that developers who commit to charging 50% of market get to replace a smaller %- that in our experience (we are actually now building the city's first permanently affordable new PDR at Hundred Hooper) is neither viable nor enforceable as long as projects stay in the hands of for-profit entities.

I could go on. But above all, the fact that this has been advanced as a ballot initiative and not pushed forward with great speed as legislation is an AFFRONT to the community process we ALL believe in. We have great respect for those artists and activists who have rallied behind many of these ideas put forth in this proposal. In light of the strong sentiments, we simply cannot thus understand why neither of their supervisors actually PUT FORTH LEGISLATION, and instead just waited to go directly to the ballot. In fact, we understand that Interim Controls could be enacted NOW, with many if not all of the concepts contained in the proposed initiative. So why are we insisting this go to the ballot, risking a delay and potential defeat??

This initiative frankly smacks of an un-inclusive and non-transparent process. SFMade, as the city's leading PDR advocate and with more industrial real estate and zoning experience than most, was only consulted a week ago. The citizens Eastern Neighborhoods CAC, entrusted with the evolution of the Eastern Neighborhoods Plan, was not consulted at all.

I strongly urge you to not move forward with a flawed ballot proposition and in doing so, an affront to many who have worked so tirelessly for the past 10 years to implement solutions for PDR that work. I ask that you instead enact interim controls now, and send the strong message to ALL that we must work expeditiously TOGETHER to implement lasting change.

Sincerely,  
Kate Sofis  
Founding Executive Director  
SFMade

Sent from my iPad

Begin forwarded message:

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

From: s ssteuer [<mailto:culturalspacecoalition@gmail.com>]

Sent: Monday, July 25, 2016 10:04 PM

To: Campos, David (BOS) <[david.campos@sfgov.org](mailto:david.campos@sfgov.org)>; Christensen, Julie (BOS) <[julie.christensen@sfgov.org](mailto:julie.christensen@sfgov.org)>; Cohen, Malia (BOS) <[malia.cohen@sfgov.org](mailto:malia.cohen@sfgov.org)>; Avalos, John (BOS) <[john.avalos@sfgov.org](mailto:john.avalos@sfgov.org)>; Kim, Jane (BOS) <[jane.kim@sfgov.org](mailto:jane.kim@sfgov.org)>; Tang, Katy (BOS) <[katy.tang@sfgov.org](mailto:katy.tang@sfgov.org)>; Breed, London (BOS) <[london.breed@sfgov.org](mailto:london.breed@sfgov.org)>; Norman.Yee.Bos@sfgov.org; Lee, Mayor (MYR) <[mayoredwinlee@sfgov.org](mailto:mayoredwinlee@sfgov.org)>; Mar, Eric (BOS) <[eric.mar@sfgov.org](mailto:eric.mar@sfgov.org)>; Farrell, Mark (BOS) <[mark.farrell@sfgov.org](mailto:mark.farrell@sfgov.org)>; Wiener, Scott <[scott.wiener@sfgov.org](mailto:scott.wiener@sfgov.org)>

Cc: Ang, April (BOS) <[april.ang@sfgov.org](mailto:april.ang@sfgov.org)>; Bruss, Andrea (BOS) <[andrea.bruss@sfgov.org](mailto:andrea.bruss@sfgov.org)>; Dennis-Phillips, Sarah (ECN) <[sarah.dennis-phillips@sfgov.org](mailto:sarah.dennis-phillips@sfgov.org)>; Pagoulatos, Nickolas (BOS) <[nickolas.pagoulatos@sfgov.org](mailto:nickolas.pagoulatos@sfgov.org)>; Chung Hagen, Sheila (BOS) <[sheila.chung.hagen@sfgov.org](mailto:sheila.chung.hagen@sfgov.org)>; Angulo, Sunny (BOS) <[sunny.angulo@sfgov.org](mailto:sunny.angulo@sfgov.org)>; Pollock, Jeremy (BOS)

Dear Supervisors and Mayor Lee,

- All projects that haven't been approved as of June 14, 2016 should be exempt from grandfathering. NO GRANDFATHERING THE PIPELINE.
- Affordable housing projects must replace PDR in PDR zones at 1:1. We know this is financially feasible and this is critical to the protection of working-class jobs and arts.
- NO replacement of 1:1 PDR zone in the Mission. We don't want to encourage converting the Mission's old, cheap PDR warehouses into new, expensive PDR (with tech offices above it, etc.)
- "Offsite Replacement" must be defined as within 1/3 mile of the project and can't utilize this provision again for 10 years. We don't want to ship away old PDR that is currently integrated into the neighborhood and replace it with more white wealth ghettos like the one evolving on 20th St.
- Any "Prior Use" must be defined as prior PDR, Institutional Community, or Arts space in active use at this location within the last 5 years. This will prevent developers from clearing lots or replacing them with short-term retail in order to avoid the requirements of this measure.
- "Developer agreements" for subsidized PDR at 50% market rate must be permanent.
- "Unsound" to be defined as a building that has been condemned by the city. The current definition of unsound incentivizes buying and knocking down old PDR buildings by simply proving they have high renovation costs.
- No pooling among replacement uses between PDR, Institutional Community, Arts. This would cause the lowest-resourced to be squeezed out by the highest resourced.

Other important provisions that we sincerely hope will be addressed include:

- Exemptions granted for projects with 3,500 sf PDR, 2,500 sf Institutional Community, or any sized Arts Activities.
- NO In Lieu Fee. This is a gentrifying out for developers.
- Projects that have their appeals upheld are subject to the terms of this measure.
- Relocation reimbursement needs to be included.

We are at a critical juncture in determining the future of this city. In order for San Francisco to remain a living, vibrant, creative, and diverse city, then alongside preserving and increasing our stock of affordable housing, we must also fully invest in the preservation, expansion, and enforcement of our PDR-zoned workspaces.

Therefore, please join our many art groups in supporting the baseline parameters for strong PDR protection detailed in this letter.

Sincerely,

The Cultural Space Coalition

The Cultural Action Network

Flora Davis, evicted Soma artist (now at risk of losing Mission studio) Dairo Romero, Mission resident David Brenkus, evicted artist Jesse Schlenker Skooter Fein Colette Crutcher, public artist Coro Hispano de San Francisco Maria De La Mora, Volunteer Calle 24 Reddy Lieb Aaron Bustamante Denise Sullivan, United Booksellers of San Francisco Sue Vaughan Tracy Rosenberg, Executive Director, Media Alliance Skot Kuiper, WSoMa Planning Task Force, artspace at risk of losing studio.

Lisa Knoop, artist at risk of losing Mission studio Joen Madonna, Executive Director of ArtSpan Ed and Maureen Whiteman Denise Doyle Jackie Barshak, CAN Gary Gregerson Betty Mero Shirley Huey Harry S. Pariser, Artist Lori Shantzis a.Muse Gallery, priced-out as of 2017 Sharon Steuer, artist at risk of losing Mission studio

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**From:** Board of Supervisors, (BOS)  
**To:** Evans, Derek  
**Subject:** file 160698 FW: Save SF Art and Culture

**From:** mari eliza [mailto:mari.eliza@sbcglobal.net]  
**Sent:** Monday, July 18, 2016 11:14 PM  
**To:** Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>  
**Cc:** Tang, Katy (BOS) <katy.tang@sfgov.org>; Summers, Ashley (BOS) <ashley.summers@sfgov.org>; Yee, Norman (BOS) <norman.yee@sfgov.org>; Choy, Jarlene (BOS) <jarlene.choy@sfgov.org>; Mar, Eric (BOS) <eric.mar@sfgov.org>; Farrell, Mark (BOS) <mark.farrell@sfgov.org>; Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>; Breed, London (BOS) <london.breed@sfgov.org>; Kim, Jane (BOS) <jane.kim@sfgov.org>; Wiener, Scott <scott.wiener@sfgov.org>; Campos, David (BOS) <david.campos@sfgov.org>; Chung Hagen, Sheila (BOS) <sheila.chung.hagen@sfgov.org>; Cohen, Malia (BOS) <malia.cohen@sfgov.org>; Avalos, John (BOS) <john.avalos@sfgov.org>; Ang, April (BOS) <april.ang@sfgov.org>  
**Subject:** Save SF Art and Culture

JULY 18, 2016

San Francisco Supervisors and staff:

San Francisco is fast losing its place in the world as one the leading art-friendly cities in the world as art and cultural spaces are converted to other more lucrative uses at an alarming rate. The artist community has joined with other cultural entities and small businesses that share the same zoning and uses to request protection under new codes in the parts of the city that are most at risk.

We request your support of the motion to place the following initiative ordinance on the November ballot to allow the voters an opportunity to voice their opinion on the importance of preserving space for art and cultural institutions, non-profits and diverse small business opportunities in San Francisco's at risk communities.

File no. 160698: [Initiative Ordinance - Planning Code - Conditional Use Requiring Replacement of Production, Distribution, Repair, Institutional Community, and Arts Activities Uses]

Thanks for your support.

Mari Eliza, Concerned Citizen



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**From:** Board of Supervisors, (BOS)  
**To:** Evans, Derek  
**Subject:** File 160698 W: Mission Perspective on Ballot Measure - PDR, Arts Activities, Institutional Community Uses

**From:** Peter Papadopoulos [mailto:peter@mojotheatre.com]  
**Sent:** Monday, July 25, 2016 11:05 PM  
**To:** Breed, London (BOS) <london.breed@sfgov.org>; Avalos, John (BOS) <john.avalos@sfgov.org>; Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>; Campos, David (BOS) <david.campos@sfgov.org>; Farrell, Mark (BOS) <mark.farrell@sfgov.org>; Cohen, Malia (BOS) <malia.cohen@sfgov.org>; Mar, Eric (BOS) <eric.mar@sfgov.org>; Kim, Jane (BOS) <jane.kim@sfgov.org>; Wiener, Scott <scott.wiener@sfgov.org>; Tang, Katy (BOS) <katy.tang@sfgov.org>; Yee, Norman (BOS) <norman.yee@sfgov.org>; Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>  
**Subject:** Mission Perspective on Ballot Measure - PDR, Arts Activities, Institutional Community Uses

Dear Board President London Breed and Supervisors,

Mission groups have been working for the last year to try to establish protections for light industrial zones that generate blue-collar living wage jobs, primarily in the Production, Distribution, and Repair and Urban Mixed Use zones.

In conjunction with Arts groups, who rely on PDR zoning, and other stakeholders throughout the city, we ask you to please put forward a PDR ballot measure that will truly protect our vulnerable light industry, arts, and nonprofit spaces.

We, the undersigned, urge you to remove the loopholes and vulnerabilities from this measure that have the potential to increase the negative impacts in the Mission, and put forward a measure that will help protect our vulnerable communities and keep the Mission a diverse and inclusive neighborhood.

**In order to provide actual safety benefits to the Mission, this ballot measure and any potential interim controls versions of it that precede a permanent measure, need to contain the following:**

- **This measure should exempt only those projects that have been approved by the Planning Commission before June 14, 2016.** This does not create an undue hardship on

developers, and protects our communities from the gentrifying effects of high-speed erasure of arts and light industry space that we are currently seeing.

- **Affordable housing projects must replace PDR in true PDR zones at 1:1.** We know this is financially feasible and this is critical to the protection of working-class jobs and the arts.
- **Leave existing PDR zone protections in place.** It is dangerous to encourage converting the Mission's older, inexpensive PDR warehouses into new, expensive PDR and office buildings.
- **"Offsite Replacement"** should be defined as within 1/3 mile of the project and can't utilize this provision again for 10 years. We don't want to ship away older PDR that is currently integrated into the neighborhood and in the absence create new wealth ghettos like the one rapidly evolving on 20<sup>th</sup> St.
- **"Prior Use"** must be defined as prior PDR, Institutional Community, or Arts space in active use at this location within the last 5 years. This will prevent developers from clearing lots or replacing them with short-term retail in order to avoid the requirements of this measure.
- **"Developer agreements"** for subsidized PDR at 50% market rate must be **permanent**.
- **"Unsound"** should be defined as a building that has been condemned by the city. The current definition of unsound incentivizes buying and knocking down older PDR buildings by simply "proving" they have high renovation costs. This would qualify many old Mission buildings and will increase gentrification.
- **No pooling among replacement uses** between PDR and Institutional Community uses. This would cause the lowest-resourced groups to be squeezed out by the highest resourced. No pooling among replacement uses between PDR and Arts uses except when subsidized permanently at 50% market rate.

Other important provisions that we sincerely hope will be addressed include:

- **Exemptions granted** for projects with 3,500 sf PDR, 2,500 sf Institutional Community, or any sized Arts Activities.
- **NO In Lieu Fee.** This is a gentrifying out for developers.
- **Projects that have their appeals upheld** are subject to the terms of this measure.
- **Relocation reimbursement** needs to be included so organizations will not be forced out of business while their buildings are renovated per the terms of this measure.

We urge you to please include these provisions and thereby meet the safety and health needs of our community during this time of crisis.

Sincerely,

Erick Arguello,

Calle 24 Latino Cultural District

Gabriel Medina,

Mission Economic Development Agency

Sam Ruiz,

Mission Neighborhood Centers

Laura Guzman,

Mission Neighborhood Health Center

Roberto Hernandez,

Our Mission No Eviction

Peter Papadopoulos,

Cultural Action Network

Spike Kahn,

Pacific Felt Factory

United to Save the Mission Legislative Committee

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**From:** Peter Papadopoulos <peter@mojotheatre.com>  
**Sent:** Monday, July 25, 2016 11:05 PM  
**To:** Breed, London (BOS); Avalos, John (BOS); Peskin, Aaron (BOS); Campos, David (BOS); Farrell, Mark (BOS); Cohen, Malia (BOS); Mar, Eric (BOS); Kim, Jane (BOS); Wiener, Scott; Tang, Katy (BOS); Yee, Norman (BOS); Board of Supervisors, (BOS)  
**Subject:** Mission Perspective on Ballot Measure - PDR, Arts Activities, Institutional Community Uses

Dear Board President London Breed and Supervisors,

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Sincerely,

Erick Arguello,

Calle 24 Latino Cultural District

Gabriel Medina,

Mission Economic Development Agency

Sam Ruiz,

Mission Neighborhood Centers

Laura Guzman,

Mission Neighborhood Health Center

Roberto Hernandez,

Our Mission No Eviction

Peter Papadopoulos,

Cultural Action Network

Spike Kahn,

Pacific Felt Factory

United to Save the Mission Legislative Committee

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**From:** Board of Supervisors, (BOS)  
**To:** BOS-Supervisors; Wong, Linda (BOS)  
**Subject:** File 160747 FW: memo to President Breed re: HSS Rates & Benefits item on July 26 Board Agenda  
**Attachments:** Breed 2017 Rates and Benefits Overview full BoS explanation.docx

**From:** Dodd, Catherine (HSS)  
**Sent:** Friday, July 22, 2016 1:43 PM  
**To:** Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>  
**Subject:** memo to President Breed re: HSS Rates & Benefits item on July 26 Board Agenda

Dear Supervisor Breed,  
Please find attached a summary of the HSS item on next Tuesday's board calendar. The Budget and Finance Committee passed it out with a yes recommendation. There were some concerns raised by some retirees which are addressed at the end of the attached summary.  
Thank you for your support.

Warmest Regards,  
Catherine Dodd PhD, RN  
Director, SF Health Service System  
[Catherine.dodd@sfgov.org](mailto:Catherine.dodd@sfgov.org)  
Seretha Gallaread  
Administrative Services Manager  
415-554-0660

HEALTH SERVICE SYSTEM  
CITY & COUNTY OF SAN FRANCISCO

Memorandum

DATE: July 22, 2016

TO: Supervisor London Breed  
President of the San Francisco Board of Supervisors

FROM: Catherine Dodd, RN, PhD  
Director, Health Service System

RE: Board of Supervisors Consideration of 2017 Rates and Benefits: Overview

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The 2017 Health Service System Rates and Benefits package, as approved by the Health Service Board (HSB), and passed at the July 20 Budget and Finance Committee meeting is on calendar for first reading at the July 26, 2016 Board of Supervisors meeting. The second reading will be on Aug 2, 2016.

In order to facilitate your review, and to help your staff respond to calls and emails with confusing information which you may be receiving from Medicare eligible retirees, the following summarizes the major changes in both benefits and rates for actives, early retirees and Medicare eligible retirees. The 2017 premiums are compared to the current 2016 rates.

I will make myself or our Deputy Director Mitchell Griggs available by phone or in person before the Board of Supervisors' meeting. Please call Seretha Gallaread to schedule meeting 415-554-1727 or me directly: 415-554-1703.

**Benefit changes for 2017**

Addition of medical second opinion service. It is estimated that 44% of medical diagnosis are incorrect adding both a financial and human cost. Beginning in 2017, all members and their dependents will be able to request a second medical opinion from "Best Doctors" an organization with hundreds of nationally renowned experts with extensive and specific expertise in particular areas. This review will help address the limited second option currently offered to the 90% of HSS members who are enrolled in an HMO plan. The rate is \$1.40 per member per month. An evaluation of the benefit will include avoided costs due to misdiagnoses and incorrect treatment plans.

Kaiser Permanente (Kaiser) is adding a new acupuncture benefit in 2017. Kaiser is also adding a third tier of copays for specialty drugs with the exception of HIV drugs. The





drug co-pays tiers are now the same as Blue Shield. This change resulted in no premium change.

## **Vision**

Vision Services for actives, early retirees, and retirees are provided by VSP. For 2017, VSP proposed a 2% reduction in premiums and a rate guarantee through December 31, 2019. Computer Vision Care (VDT) benefits will continue to be covered for certain union groups.

## **Dental**

Three dental plans will continue to be offered: Delta Dental PPO, Delta Care USA, and Pacific Union Dental. The rates for Delta Dental for actives and early retirees will increase by 0.8%. The premiums for Delta Dental PPO for retirees, DeltaCare plans for actives and retirees and Pacific Union plans for actives and retirees will not change from 2016 rates. Additional benefits were added to the latter plans.

## **Actives and Early Retirees**

Blue Shield of California (Blue Shield), Kaiser Permanente (Kaiser) and United Health Care (UHC City Plan) will continue to provide medical benefits for actives and early retirees.

### Blue Shield

The Blue Shield (Flex-funded) premium increase for actives and early retirees is 3.97%. When Best Doctors, Vision and the charge for the Healthcare Sustainability Fund are taken into account the premiums are increasing by 4.26%. There are no benefit changes.

### Kaiser

Kaiser rates are currently under a two-year guarantee that expires December 31, 2016. The 2017 premiums increase is 4.79%. When Best Doctors, Vision and the charge for the Healthcare Sustainability Fund are taken into account the premiums are increasing by approximately 5%.

### UHC City Plan

In June of 2016, the HSB used additional funding from the stabilization reserve to decrease the active and early retiree premiums because the initial rates for 2017 were calculated at 48.8%. The Health Service Board applied additional funding from the rate stabilization reserve to further buy down the premium increase to 12.96% with funds

made available from the transition to fully funding Medicare retirees in City Plan (UHC). When Best Doctors, Vision and the charge for the Healthcare Sustainability Fund are taken into account the premiums are increasing by approximately 13.18%.

## **Medicare Retirees**

Medicare retirees will have two plan choices in 2017: Kaiser Permanente Senior Advantage and the 'New City Plan PPO' (UHC Medicare Advantage PPO). The Blue Shield Medicare Advantage and Coordination of Benefits Plans are being eliminated because of extraordinarily high renewal rate proposals and because many members have had difficulty with the Blue Shield plans. Retirees currently in Blue Shield will need to choose between Kaiser Permanente Senior Advantage and the 'New City Plan PPO' (UHC Medicare Advantage PPO) plans in 2017.

### Kaiser

The Kaiser Medicare Advantage Prescription Drug Retiree rates increase by 8.02% in 2017 primarily due to an adjustment resulting from CMS rates. When Best Doctors, Vision and the charge for the Healthcare Sustainability Fund are taken into account the premiums are increasing 8.76%. A new Wellness program is added called Silver & Fit Exercise and Healthy Aging Program is added.

### UHC 'New City Plan'

The Health Service Board (HSB) made changes in the plan options for 2017 Medicare retirees not enrolled in Kaiser. These plan changes are to keep the Medicare plans affordable. Blue Shield's proposed increase for 2017 was 10.2% (with substantial decreased choices in the pharmacy formulary) and City Plan's increase was 29%.

The overall increase in 2017 premium rates for Blue Shield, Kaiser, City Plan and the United Health Care National PPO would have totaled 13.8% at a cost of \$14.9 million. In the view of the HSB, a different health plan alternative was required. As a result of adopting the 'New City Plan' the increase is reduced to 4.5% at a cost of \$5.3 million. The savings to the City is \$9.6 million and nearly \$1million to retirees in premiums alone.

The change the Board adopted eliminates the Blue Shield plan for Medicare retirees (early retirees will be able to stay in Blue Shield until they turn 65 - provisions will be made for spouses who are over and under 65). Retirees will be able to keep their physicians because all physicians who accept Medicare are paid covered by United Health Care.

The Board also voted to change the funding of City Plan PPO for Medicare retirees. City Plan is currently administered by United HealthCare (UHC) and funded directly by

the employers (City and County, Unified School District, City College and the Courts. The "New City Plan PPO" will be funded by UHC as a Medicare Advantage PPO. This is an insurance financing decision, it will not affect plan benefits and it will save money for retirees with lower copays and no deductibles. It also saves the City over \$8 million.

Retirees living outside the Bay Area or California will have a greater choice physicians because both currently, Blue Shield and the current City Plan have "networks" from which to select physicians. (The current City Plan allows members to go "out of Network" if they pay 50% of the cost). The 'New City Plan' UHC PPO includes any physician or hospital in the United States that accepts Medicare. If retirees are having difficulty finding a physician, UHC will assist in outreach and making initial appointments. This is especially helpful for retirees relocating to rural areas. Retirees will continue the health coverage they now have without disruption. They will have lower or simple co-pays rather than cost sharing based on percentages. They will also have no deductibles, no balance billing, no referrals required to see specialists, and additional benefits like Silver Sneakers, and decreased cost of diabetic supplies.

City Plan retiree couples with one Medicare member and one pre-Medicare member would remain in City Plan just as they do today except the Medicare member would have copays instead of coinsurance, (no cost increase) no provider changes and a broader network nationwide. For the current Blue Shield couples in the same circumstances, the pre-sixty five retiree or spouse will stay in Blue Shield until they reach 65 and then move to the "New City Plan" or both could move to Kaiser Permanente Senior Advantage.

#### **Retiree concerns:**

The Health Service Board received 35 emails from retirees and testimony from seven individuals at the June 21<sup>st</sup> meeting (some testified and emailed) expressing concern about these changes. The majority were from retirees concerned that somehow the new financing of the City Plan PPO (through the UHC Medicare Advantage Plan (MAPD)) would mean they would lose their physician. Some Blue Shield retirees expressed the same concern. The Health Service Board president responded to every email and testimony by explaining that they will not lose their physician or hospital because the "New City Plan" United Health Care MAPD PPO pays any physician or hospital that accepts Medicare nationwide.

Some members just did not want change and some members believed that the decision was made to hastily without retiree input. It was explained that the rising cost of retiree coverage has been discussed by the Health Service Board for some years. In addition, in 2016 when the UHC MAPD PPO was introduced as a lower cost option, members who chose that option have been very satisfied.

A couple of members said this vote was rushed through. This concept was first discussed last year and the HSB agreed to add this option for the current plan year to

see if it was feasible. So far there have been only a couple of complaints that were easily resolved. This is not a new idea. The hearing for this plan change (eliminating Blue Shield for Medicare retirees), and for changing the financing of City Plan, was properly noticed with more than 72 hours pursuant to meeting requirements. The Health Service Board is made up of three elected members elected from the HSS membership (currently two retirees and one active member) and four appointees (1-BOS: Sup Farrell, 1-Controller: Randolph Scott, 1 MD appointed by the Mayor: Dr. Follansbee and 1 expert in health care financing: Gregg Sass – former CCSF DPH CFO retired). These members are elected and appointed to represent the interests of all the retirees and they took the decision seriously.

The HSB vote was 4:2 in favor of adopting the changes which broaden the network of physicians and hospitals for Medicare retirees to choose from and which lowers costs. Two retirees (elected) opposed, one active elected voted in favor and the three appointed members voted in favor (the fourth appointed was absent).

At the July 20 Budget and Finance Committee meeting concerns were expressed that retirees living outside of the country would lose their City Plan coverage. This is not true. Retirees living outside the country must give up their Medicare coverage and will be enrolled in the non-Medicare City Plan coverage and pay out of network co-insurance just as they do today.

---

**From:** Board of Supervisors, (BOS)  
**To:** BOS-Supervisors; Wong, Linda (BOS)  
**Subject:** File 160747 FW: BOS Approval of HSS Rates Package - UHC Medicare Advantage PPO Plan  
**Attachments:** Sass Letter supporting rates-benefits legislation.pdf

**From:** Scott, Laini (HSS)  
**Sent:** Thursday, July 21, 2016 3:20 PM  
**To:** Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>  
**Subject:** BOS Approval of HSS Rates Package - UHC Medicare Advantage PPO Plan

*Good Afternoon,*

*Please see the attached letter to Board President London Breed from Gregg Sass, Health Service Board Member, regarding legislation for BOS approval on July 26, 2016.*

*Thank you.*

Laini K. Scott  
Health Service Board Secretary  
1145 Market Street, Suite 300  
San Francisco, CA 94103  
(415) 554-0662 – telephone  
(415) 554-1735 - fax  
Board email: [health.service.board@sfgov.org](mailto:health.service.board@sfgov.org)  
Website: [www.myhss.org](http://www.myhss.org)



**HEALTH SERVICE SYSTEM**  
CITY & COUNTY OF SAN FRANCISCO

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3336 SCOTT STREET  
SAN FRANCISCO, CA 94123

VIA EMAIL

July 21, 2016

**Members of the Board of Supervisors**

**Subject: Approval of the fully-funded UHC Medicare Advantage PPO Plan**

On Tuesday, July 26, you will be voting on the Rates and Benefit package approved by the Health Service Board and recommended by the BOS Budget and Finance Committee. Included in this legislation is a fully-funded UHC Medicare Advantage PPO Plan, which replaces the Blue Shield 65-Plus Plan and the Self-insured City Plan for Medicare retirees. I am writing this letter to encourage your approval of this Plan.

As a Health Service Board Commissioner, and former CFO for the Department of Public Health, (and former acting CFO for the Health Service System), I studied this issue thoroughly, and took time for a meeting with our AON actuary before voting to approve this Plan. I remain convinced that the Plan will provide broader geographic coverage at a lower cost than the plans it will replace.

I certainly understand the concerns of our retired members who worry about losing access to their physicians and hospitals. I too am a Medicare eligible retiree, and I will also be losing my Blue Shield coverage. I was also concerned about losing my access. However, I am satisfied that this will not be an issue. UHC presented data that indicates 94.5% of physicians already participate in this plan and those physicians currently provide 97.5% of services to patients.

In addition, there are no changes in covered services, member copays are lower, the coverage area is broader, and importantly, the total monthly cost of this plan is lower than the Blue Shield 65-Plus Plan, City Plan, and even the Kaiser Medicare Advantage Plan. And, as a fully-insured plan, there is no risk of underfunding that would require retention reserves required for self-insured plans.

Adoption of this Plan results in a 4.5% increase in cost to the overall Medicare population versus a 13.8% increase from continuation of the pre-existing plans. There is a two-year commitment that locks in rate increases in year two.

In terms of cost containment, it reduces the City's projected liability for post-employment retirement benefits.

I encourage the Members of the Board of Supervisors to support this plan. Please feel free to call me at (415) 602-1150 if you have any questions or concerns.

Sincerely,

Gregg Sass, Commissioner  
Health Service Board

---

**From:** Board of Supervisors, (BOS)  
**To:** BOS-Supervisors; BOS Legislation (BOS)  
**Subject:** File 160759 FW: Live Scan /Background Checks  
**Attachments:** Dorsey Nunn Letter.docx; 2016.07.15 Letter from ACLU Opposing Resolution 160759.pdf; CPUC Letter (July 18 2016) (1).pdf; Fingerprint objection Letter.pdf; IA SF Fingerprint Resolution Oppose Ltr (1).pdf; SFAACC Opposition to Fingerprint Resolution.pdf; SPUR Ltr to BoS re 160759 7.7.16 (1).pdf

**From:** Dorsey Nunn [mailto:dorsey@prisonerswithchildren.org]  
**Sent:** Tuesday, July 19, 2016 11:17 AM  
**To:** Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>  
**Subject:** Live Scan /Background Checks

Dear Clerk,

Could you please provide this information to Board of Supervisor Members? I know that they will be considering this as an agenda item. I wanted them to know that it is more than just one organization that have feelings about background checks and Live Scans.

--

Dorsey Nunn, Executive Director  
Legal Services for Prisoners with Children  
1540 Market Street, #490  
San Francisco, CA 94102  
415-255-7036 x312 / fax 415-552-3150  
[Dorsey@prisonerswithchildren.org](mailto:Dorsey@prisonerswithchildren.org)  
[www.prisonerswithchildren.org](http://www.prisonerswithchildren.org)

30

From: **Dorsey Nunn** <dorsey@prisonerswithchildren.org>

Date: Fri, Jul 1, 2016 at 6:35 PM

Subject: Live-Scans

To: [eric.mar@sfgov.org](mailto:eric.mar@sfgov.org), [mark.farrell@sfgov.org](mailto:mark.farrell@sfgov.org), [aaron.peskin@sfgov.org](mailto:aaron.peskin@sfgov.org), [katy.tang@sfgov.org](mailto:katy.tang@sfgov.org), [london.breed@sfgov.org](mailto:london.breed@sfgov.org), [jane.kim@sfgov.org](mailto:jane.kim@sfgov.org), [norman.yee@sfgov.org](mailto:norman.yee@sfgov.org), [scott.wiener@sfgov.org](mailto:scott.wiener@sfgov.org), [david.campos@sfgov.org](mailto:david.campos@sfgov.org), [malia.cohen@sfgov.org](mailto:malia.cohen@sfgov.org), [john.avalos@sfgov.org](mailto:john.avalos@sfgov.org)

Dear Supervisors,

I am writing regarding the proposed requirement that Transportation Network Companies (TNC) such as Uber and Lyft complete live-scan background checks on all their current and future drivers. As the Executive Director of Legal Services for Prisoners with Children and a proud and founding member of All of Us or None. All of Us or None is a grassroots civil and human rights organization comprised of and fighting for the rights of formerly- and currently- incarcerated people and our families. I am writing to express my opposition to this proposed requirement that TNC's expand their use of conviction background checks via the use of livescan. This is a step backwards for San Francisco.

### **San Francisco Should Continue to Fight Discrimination.**

This city led the nation in implementing Ban the Box, which gives people with convictions a fair shot at getting jobs. San Francisco passed Ban the Box because the city understands that the criminal justice system disproportionately arrests, tries, and convicts people of color. We then face all the collateral consequences of having a conviction such as being denied jobs solely because of conviction histories. Expanding conviction background checks for drivers will not improve public safety because denying fathers, mothers, and other members of our community jobs has never been shown to do so; in fact, lack of good paying jobs decreases public safety. Rather, increasing training, accountability, and supervision of current taxi and TNC drivers will promote public safety and economic stability for all communities within our city.

Currently, TNC can use private companies to perform conviction histories on applicant drivers. Taxis must use the California Live Scan process to request a full R.A.P. sheet. R.A.P. is an acronym for Record of Arrest and Prosecution. These records will, by definition, include more than convictions; they are records of arrest and prosecution. By using Live Scan services instead of private companies, arrest records which did not lead to a conviction may be available to these companies. This would lead to less privacy for driver applicants added to the stigma of being arrested, this could lead to a chilling effect on applications. This stigma attaches even when that arrest was unjustified and did not lead to a conviction. Likely, you are aware that the nation has a problem of disproportionately arresting people of color; San Francisco has the same problem, as explained in [this SF Chronical Article](#). Black people in our progressive city are 7.1 times more likely to be arrested than white people. This means that Black people have those arrests on their R.A.P. sheets and are therefore disproportionately likely to be barred from even the possibility of driving for with these companies or accessing other jobs that utilize the Live Scan.

### **The Current Law Can Be Improved to Increase Access to Jobs for People with Conviction Histories.**

The state already requires TNCs to perform background checks on driver applicants. As seen on the [San Francisco Budget and Legislative Analyst's memo to Supervisor Mar dated June 9, 2014 on the topic](#), TNC's are required to perform DMV and conviction histories for the previous seven years. The city regulates the taxi industry and has a different standard that taxi drivers must meet. Taxi companies are required to review the entire length of a conviction history for a person, and look back ten years on their driving record.

This is a ridiculous standard for taxi companies. This means that for a person who is 52 (like supervisor Avalos) or 45 (like supervisor Campos) who applies to drive for a taxi company, the background check will go back at least 34 years and 27 years, respectively, to their 18<sup>th</sup> birthdays. This creates a system where a person can never move past a conviction; even if that incident was more than two decades ago.

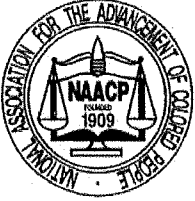


San Francisco can partially level the playing field between taxi companies and TNC's by modifying the look-back period for taxi driver applicants to seven years. This will increase economic opportunities for people who were previously barred from driving taxis due to old, old convictions or arrests.

**Find Solutions that Fit the Problems; Don't Let Fear Misguide Policies**

The city should focus on solutions that are tailored to the real problems it seeks to address instead of creating and blaming a boogie-man figure. Looking at what a person was convicted of years ago does not predict future behavior. Instead, the city/county should focus on regulating all the companies to improve driver safety training and develop ways to monitor individual rides so both the rider and the driver are secure. Knowing that one is being monitored and can be later quickly and easily identified changes a person's behavior and decreases the risks of that person committing a crime. This is the case generally and also with TNC's that monitor the location of their drivers, who they pick-up, the route they choose to take. This available information protects drivers and riders because both know that they can identify the other, or be identified by the other, if something happens. Monitoring rides deters crime and violence without discriminating against individuals with prior convictions.

For the above reasons, I ask you to not further discriminate against people with criminal convictions, and instead focus your policy efforts that address the real and underlying concerns you have.



SAN FRANCISCO BRANCH

NAACP

July 15, 2016

Supervisor John Avalos  
President of the Board of Supervisors London Breed  
Supervisor David Campos  
Supervisor Malia Cohen  
Supervisor Mark Farrell  
Supervisor Jane Kim  
Supervisor Eric Mar  
Supervisor Aaron Peskin  
Supervisor Katy Tang  
Supervisor Scott Wiener  
Supervisor Norman Yee

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

**Re: Opposition to Resolution 160759**

Dear President Breed and Supervisors:

As a leader for our community at Third Baptist Church and Executive Director of the San Francisco chapter of the NAACP, I respectfully ask for your opposition to Resolution 160759, which calls upon the City & County of San Francisco to file comments with the California Public Utilities Commission (CPUC) regarding ridesharing Transportation Network Companies (TNC), like Lyft and Uber.

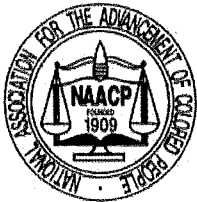
We feel that fingerprint-based background checks impose undue burdens on under-represented groups, including individuals reentering society, and that requiring fingerprint-based background checks for non-law enforcement purposes such as employment can have a disproportionate and discriminatory impact on communities of color – a precedent that we do not want set in San Francisco.

Even with recent amendments having been offered to Resolution 160759, we still implore you to vote in opposition. These amendments to the ordinance are simply window-dressing and do not change the substance of this resolution which still calls for discriminatory fingerprint-based background checks for TNCs.

**Community Benefits**

Since ridesharing became a phenomenon in San Francisco, mobility has been transformed for our community members. Not only are there new economic earning opportunities as ridesharing drivers, but there are also more reliable transportation options connecting our neighborhoods. In the past, our community has had to struggle with limited and inconvenient transportation options. Fortunately, ridesharing services have changed that status quo and now provides our communities a reliable, safe and convenient way of getting around.

Just as importantly, ridesharing has also provided members of our communities with greater economic mobility—turning vehicles that can be a financial burden into an economic asset to be used to earn extra income. With ridesharing, people who



want to work and who have a reliable car and good driving record can build a better life. TNCs are opening new doors of opportunity for our community with access to supplemental income.

### **CPUC's Current Statewide Regulations**

This is why we are very concerned about the misinformed push for fingerprint-based background checks of ridesharing drivers. The CPUC has worked to ensure that these services are already regulated in a safe and sustainable way for the entire State of California. The CPUC has struck a careful balance in ensuring that ridesharing is available as a transportation option and an economic opportunity for as many Californians as possible. Adding additional and unnecessary hurdles for individuals to become rideshare drivers is a wrong-headed approach and makes it harder for members of our community to access supplemental income.

### **Deterrent and Detrimental Impact of Fingerprinting**

To be clear, fingerprint-based background checks threaten these economic opportunities afforded by ridesharing because they rely on state and federal database records that are incomplete and inaccurate. These inaccuracies result in ineligibility for many people who should qualify to provide ride-sharing services. The National Employment Law Project reported in 2013 that 600,000 workers a year are affected by errors and omissions in fingerprint-based background checks. In California, just 57% of arrests have recorded dispositions. According to the U.S. Justice Department, roughly half of the records in the FBI's database are inaccurate or incomplete.

The criminal justice system's racial biases often means our communities are subject to higher arrest rates than other groups, even where the actual commission of crimes is no higher. Fingerprint-based background checks therefore, disproportionately affect our communities and deprive hard-working people of the right to earn an income. Even worse, correcting inaccuracies in a record can be a long and expensive process and delay or deny otherwise qualified drivers of income opportunities. Why would we add these increased burdens when there is no demonstrated trend showing that there should be a change to the existing CPUC criminal background check requirements?

### **San Francisco's Values**

San Francisco is a leader in efforts like the Fair Chance Ordinance, which demonstrates our community's shared commitment to allowing individuals to redeem themselves and build better lives. We are concerned that reliance on fingerprint-based background checks would undermine our City's progress and individuals' attempts to return to society's good graces.

With this ridesharing model, an individual with a safe vehicle, a clean record and a will to work can quickly take control of their lives and reach for goals that might otherwise be beyond their means. Requiring background checks for drivers makes sense, and the current requirements are fair and accurate. Adding an additional fingerprint-based background checks is no guarantee of safety but is guaranteed to discourage broad participation in this new economic opportunity.

We ask that you remain focused on making these new resources an option for as many people as possible and reject efforts to undermine the industry. Please decline to support Resolution 160759.

Sincerely,

Pastor, Dr. Amos C. Brown, President of the San Francisco NAACP,  
on behalf of the Executive Team at Third Baptist Church:  
Preston Turner, Deacon Al Campbell (Chairman Deacon's Ministry), and Deacon Anthony  
Wagner (Chairman Third Baptist Gardens Inc.)



**SPUR**

San Francisco | San Jose | Oakland

July 7, 2016

Supervisor John Avalos  
President of the Board of Supervisors London Breed  
Supervisor David Campos  
Supervisor Malia Cohen  
Supervisor Mark Farrell  
Supervisor Jane Kim  
Supervisor Eric Mar  
Supervisor Aaron Peskin  
Supervisor Katy Tang  
Supervisor Scott Wiener  
Supervisor Norman Yee

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

**Re: Opposition to Resolution 160759**

Dear President Breed and Supervisors:

I'm writing to express our concerns about the proposed resolution about fingerprinting and background checks for TNC drivers.

We are living through a time of extraordinary change in our transportation system, perhaps more dramatic than anything we have seen since mass adoption of the automobile a century ago. The new technologies and the cultural changes that go along with them will require us to develop the right rules and regulations. So it is entirely appropriate for elected officials to be thinking about what we need as a regulatory framework for new mobility services.

Unfortunately, the proposal to add fingerprinting and background checks would be a step in the wrong direction. Ridesharing companies already require drivers to undergo background checks, in-person screenings and vehicle inspections, all of which are requirements enforced by the CPUC. The CPUC already subjects ride-sharing companies to continuing review, requiring these companies to report annual on accidents, service levels and other criteria.

The main effect of the proposed resolution is not going to be to increase the safety of passengers, but rather to reduce the ability of people to go to work as a TNC driver. By introducing the duplicative and intrusive process, we expect part time drivers, in particular to be deterred from joining the driving platforms. (The average TNC driver drives around 15 hours per month.)

These regulations would bring into the world of TNCs some of the problematic regulations of the taxi industry. It should be abundantly clear by now that one of the reasons that so many residents of San Francisco have chosen to use Uber and Lyft is because the old system for regulating taxis did not work. By all means, there should be a "level playing field." But our goal should be to reform the regulations on the taxi industry to make taxis more useful to the public, not to hamstring a part of our transportation mix that is actually working well for many people.

The new transportation services are still evolving quickly. We are especially interested in the growing adoption of shared rides, and the potential to use these services as a substitute for the private automobile and a first/last mile connection to fixed line transit. We believe the City of San Francisco should be working in a constructive way to expand the use of these services in ways that are good for the city.

Thank you for considering our views on this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'G Metcalf', with a long horizontal flourish extending to the right.

Gabriel Metcalf  
President & CEO, SPUR



July 15, 2016

*Via Email*

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

Dear Members of the Board of Supervisors:

The ACLU of Northern California respectfully urges you not to approve or adopt proposed amended Resolution 160759, which would require transportation network companies (TNC) to submit prospective drivers to inaccurate and invasive fingerprint-based criminal background checks.

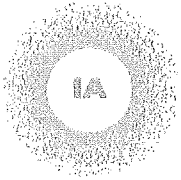
Fingerprint-based background checks rely on state and federal criminal record databases, which can be inaccurate and incomplete. The FBI database in particular does not contain disposition information for a significant percentage of arrests and felony charges, which means in many cases, the database does not show whether an arrest never led to a prosecution or whether a person was tried, but acquitted, of a felony charge. Mandating that employers use these background checks increases the risk that a job applicant will be unfairly disqualified based on this inaccurate information. Even if the employer does not purport to use this information in making hiring decisions, subjecting applicants to this invasion of privacy further stigmatizes persons with criminal records and may discourage people from applying for jobs.

The proposed resolution also runs counter to San Francisco's commitment to address the detrimental impact criminal records can have on employment prospects, particularly for communities of color. Specifying that employers would have to comply with the Fair Chance Ordinance would not change the fact that through this resolution, the Board would be putting its stamp of approval on fingerprint-based background checks as a fair and accurate tool.

Rather than engaging in a race to the bottom in the name of uniform regulation, we urge the Board to address any problems with the current regulatory framework governing TNCs and taxis in a way that expands, rather than limits, employment opportunities for people with criminal records.

Sincerely,

Micaela Davis  
Staff Attorney



# Internet Association

July 7, 2016

The Honorable Aaron Peskin  
San Francisco Board of Supervisors  
1 Dr Carlton B Goodlett Pl #244  
San Francisco, CA 94102

**RE: Internet Association Opposition to Mandated TNC Fingerprint Background Checks**

Dear Supervisor Peskin,

On behalf of the Internet Association, I respectfully submit this letter to express our opposition to your proposed resolution urging the California Public Utilities Commission to adopt mandated fingerprint background checks for transportation network company drivers. The Internet Association is concerned about the adverse impacts such a mandate would have on the ability for low/moderate income individuals and/or minorities to access and benefit from ridesharing.

The Internet Association represents nearly 40 of the world's leading internet companies, and advances public policy solutions that foster innovation, promote economic growth, and empower people through the free and open internet.

We are concerned that forcing ridesharing companies to utilize a system with demonstrated biases and discriminatory applications would unfairly and unevenly result in the denial of a significant number of minorities and/or low-moderate income individuals looking to supplement their income through ridesharing. According to reports,<sup>1</sup> the suggested fingerprint background system has proven consistent in providing inaccurate information – with an overwhelming percentage of minorities and low-income individuals regularly negatively impacted by such falsities. For example, a study conducted by the National Employment Law Center found that erroneous fingerprint background check results “seriously prejudice” the employment opportunities for an estimated 600,000 people a year.

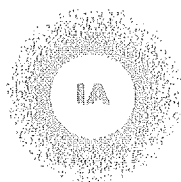
The Internet Association and our member companies are committed to providing safe, affordable and reliable services, regardless if it's sharing a ride, your home or selling goods online. Internet-enabled innovation increases quality and choice, while decreasing costs, and must be allowed to compete and grow in an open market. This value proposition, along with the seamless connection of supply and demand, is unique to the internet and is reflective of all our member companies.

One of the primary reasons consumers have flocked to ridesharing services is the internet-enabled innovation that has set a new standard for rider and driver safety. With TNC technology, every ride is a real-time safety checkpoint. For example:

- Removing anonymity by giving riders their driver's name, photo, and vehicle information in advance
- Tracking all trips using GPS and letting riders share their route live on a map with loved ones
- Promoting accountability through a two-way feedback system for every ride, which protects both drivers and riders

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<sup>1</sup> Orson Aguilar, "Fingerprinting Lyft drivers hurts disadvantaged communities," *San Jose Mercury News*, July 16, 2015, <http://bayareane.ws/29klbx7>



## Internet Association

On top of these innovations, TNCs perform robust national criminal background checks on their drivers. In California, the CPUC currently mandates and regulates the list of disqualifying offenses. Any person who has been convicted, within the past seven years, of driving under the influence of drugs or alcohol, fraud, sexual offenses, use of a motor vehicle to commit a felony, a crime involving property damage and/or theft, acts of violence, or acts of terror are not permitted to drive for TNCs. Drivers with convictions for reckless driving, driving under the influence, hit and run, or driving with a suspended or revoked license are also not permitted to be a TNC driver.

For the reasons stated above and more, the Internet Association must respectfully OPPOSE the proposed resolution and urges its rejection. The Internet Association stands ready and willing to work with you and your colleagues to find an effective solution that addresses community needs and allows this growing industry to continue flourishing.

Should you have any questions regarding our position, please feel free to contact me at (916) 498-3316 or [callahan@internetassociation.org](mailto:callahan@internetassociation.org). Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert Callahan".

Robert Callahan  
Director, State Government Affairs, Western Region

CC: San Francisco Board of Supervisors



# COVINGTON

BEIJING BRUSSELS LONDON LOS ANGELES  
NEW YORK SAN FRANCISCO SEOUL  
SHANGHAI SILICON VALLEY WASHINGTON

**Eric H. Holder, Jr.**

Covington & Burling LLP  
One CityCenter  
850 Tenth Street, NW  
Washington, DC 20001-4956  
T +1 202 662 6000

**By Email**

July 18, 2016

Mr. Michael Picker, President  
California Public Utilities Commission  
505 Van Ness Avenue  
San Francisco, CA 94102

Dear President Michael Picker:

I write regarding the California Public Utilities Commission (CPUC) recent invitation for public comment on background checks for prospective Transportation Network Company drivers.

When I served as U.S. Attorney General, I asked every state Attorney General and all my fellow Cabinet secretaries to consider how they could eliminate policies and regulations that impose unnecessary burdens on people with criminal records who have fulfilled their debts to society.

For many non-law enforcement purposes, fingerprint-based background checks are just such a practice. The FBI's Criminal Justice Information System (CJIS), as the FBI has acknowledged, is incomplete and lacks information about the final outcomes of a significant percentage of cases. That means that its records may not indicate whether a person who was arrested was even charged or ultimately convicted of any offense. Because of these issues with law enforcement databases, a fingerprint-based check can prevent people from getting a job even if they were never found guilty of a crime.

Moreover, fingerprint-based background checks for non-law enforcement purposes can have a discriminatory impact on communities of color. Nearly 50 percent of African-American men and 44 percent of Latino men across the U.S. have been arrested by age 23; therefore, the practice of denying work based on law enforcement records with incomplete and inaccurate information disproportionately disadvantages people who have been arrested. The impact becomes even more acute when looking at communities such as Chicago, where 80 percent of working age African-American men have arrest records and nearly half of young black men are unemployed.

**COVINGTON**

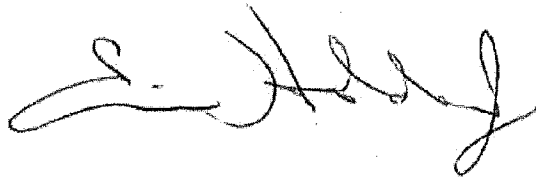
July 18, 2016

Page 2

The FBI and other law enforcement databases have a clearly-defined purpose: to aid law enforcement during investigations. These checks enable investigators, who are then expected to follow up on information found in the database, to determine whether the information included is complete or not. These databases were not designed to be used to determine whether or not someone is eligible for a work opportunity. Relying on it for that purpose is both unwise and unfair.

The better course of action would be to enact practices that can ensure safety without limiting economic opportunities for those Californians who need them most.

Sincerely,

A handwritten signature in black ink, appearing to read "E. Holder, Jr.", written in a cursive style.

Eric H. Holder, Jr.

CC: Commissioner Mike Florio  
Commissioner Carla J. Peterman  
Commissioner Liane M. Randolph  
Commissioner Catherine JK Sandoval



July 15, 2016

President of the Board of Supervisors London Breed  
Supervisor Malia Cohen  
Supervisor Eric Mar  
Supervisor Aaron Peskin  
Supervisor Katy Tang  
Supervisor Scott Wiener  
Supervisor Norman Yee  
Supervisor John Avalos  
Supervisor David Campos  
Supervisor Mark Farrell  
Supervisor Jane Kim

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

RE: Oppose Resolution 160759

Dear Board President Breed, Members of the San Francisco Board of Supervisors:

The San Francisco African American Chamber of Commerce respectfully request that you oppose Resolution 160759, which unduly urges the City & County of San Francisco to file comments with the California Public Utilities Commission (CPUC) regarding ridesharing Transportation Network Companies or TNCs.

It is the understanding of our local business community and the few African American entrepreneurs remaining in San Francisco, that finger print-based background checks impose an undue burden on under-represented groups, including individuals reentering society, and that requiring fingerprint-based background checks for non-law enforcement purposes can have a disproportionate and discriminatory impact on communities of color.

Though recent amendments offered on this resolution may recognize the Fair Chance Ordinance in SF, which prohibits consideration of arrests and convictions more than 7 years old, they still subject TNCs to the same fingerprint-based background checks with lifetime look-backs. Several members of the SFAACC are employed by TNC's, and many consider this to be their business. We implore you to not set unnecessary barriers that jeopardize our members the opportunity of doing business in San Francisco.

With ridesharing having taken off in San Francisco, greater access to both mobility and economic opportunity has been a real boon for our community. Not only have we seen new earning power energizing our entrepreneurs as a result of ridesharing, but with more safe, affordable and reliable transportation options our neighborhoods are becoming even more connected too.

When talking about economic opportunity, ridesharing has provided people a platform to transform their vehicles into assets that create supplemental income in an economic environment that has

provided few options for people of color. Individuals who want to work, who have a reliable car and a good driving record can build a better life – the last thing they need is another hurdle to jump over.

We believe this current push around fingerprint-based background checks for ridesharing drivers to be misguided in nature given that the CPUC has already been working to ensure that these services are well regulated in a safe and sustainable way throughout all of California. The CPUC has struck a careful balance in ensuring that ridesharing is available as a transportation option and an economic opportunity for as many Californians as possible.

Fingerprint-based background checks are based on state and federal database records that are incomplete and inaccurate. These inaccuracies results have had a detrimental impact on community. The National Employment Law Project reported in 2013 that 600,000 workers a year are affected by errors and omissions in fingerprint-based background checks. In California, just 57% of arrests have recorded dispositions. According to the U.S. Justice Department, roughly half of the records in the FBI's database are inaccurate or incomplete.

You're well aware that the criminal justice system's racial biases continues to have an extremely negative impact on my community. Implementing fingerprint-based background checks will only continue to deprive hard-working people of the right to earn an income. Attempting to correct inaccuracies in a record can be a long and expensive process and delay or deny otherwise qualified drivers of income opportunities.

With the TNC ridesharing model, an individual with a safe vehicle, a clean record and a will to work can quickly take control of their lives and achieve goals that might otherwise be beyond their means. The current requirements of background checks are fair and equitable. Adding an additional fingerprint-based background check will simply discourage broad participation in this new economic opportunity, and drive more of our members out of San Francisco.

We ask for your support in helping to stop the out migration of African Americans from San Francisco and reject this misinformed approach and decline any support for Resolution 160759.

Sincerely,

**(signed Matt Thomas)**

Matthew Thomas  
Vice President & Chair, Banking Committee  
San Francisco African American Chamber of Commerce  
1006 Webster Street  
San Francisco, CA 94115

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**From:** Board of Supervisors, (BOS)  
**To:** BOS Legislation (BOS)  
**Subject:** File 160759 FW: TNC driver fingerprinting and general safety rules

**From:** David Kiely [mailto:david@roadshowservices.com]  
**Sent:** Tuesday, July 19, 2016 7:14 PM  
**To:** Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>  
**Cc:** Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>; Avalos, John (BOS) <john.avalos@sfgov.org>; Breed, London (BOS) <london.breed@sfgov.org>; Campos, David (BOS) <david.campos@sfgov.org>; Cohen, Malia (BOS) <malia.cohen@sfgov.org>; Farrell, Mark (BOS) <mark.farrell@sfgov.org>; Kim, Jane (BOS) <jane.kim@sfgov.org>; Mar, Eric (BOS) <eric.mar@sfgov.org>; Tang, Katy (BOS) <katy.tang@sfgov.org>; Wiener, Scott <scott.wiener@sfgov.org>; Yee, Norman (BOS) <norman.yee@sfgov.org>  
**Subject:** TNC driver fingerprinting and general safety rules

Dear Supervisors,

As a parent who uses Uber and Lyft as well as Flywheel for taxis, I think that all public transport companies and dispatch services should all be on the same platform for safety and security. I believe that all drivers who serve the citizens of San Francisco, whether taxi, TNC or Limo should be fingerprinted and drug tested. I also strongly feel that all TNC's should have a city issued sticker on their car, similar to a neighborhood parking pass, that has an easily identifiable unit number which is proof that they have filed a business tax certificate with the city and have the proper insurance from their carrier. The exposure is sometimes scary.

If they are going to come to San Francisco to earn a living then the city should earn revenue for use of the city infrastructure. It is also my understanding that taxi drivers must take some type of training class for the rules regarding driving in the city and with so many TNC's in the city right now that just stop where they want, make U turns, illegal left turns, etc. I think that a class explain the laws and rules of the city would be beneficial to all of the general public. The city mandated training for all taxi drivers that are essentially doing the same job, picking up and dropping off people, so the training and rules should be the same as well. Thank you very much,  
Regards,  
David Kiely

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**From:** Board of Supervisors, (BOS)  
**To:** Wong, Linda (BOS)  
**Subject:** File 160796 FW: Bay Area Council letter regarding November transportation measure  
**Attachments:** PCEP MOU SF BOS letter.pdf

**From:** Michael Cunningham [mailto:mcunningham@bayareacouncil.org]

**Sent:** Tuesday, July 26, 2016 8:55 AM

**To:** Avalos, John (BOS) <john.avalos@sfgov.org>; Breed, London (BOS) <london.breed@sfgov.org>; Campos, David (BOS) <david.campos@sfgov.org>; Cohen, Malia (BOS) <malia.cohen@sfgov.org>; Farrell, Mark (BOS) <mark.farrell@sfgov.org>; Kim, Jane (BOS) <jane.kim@sfgov.org>; Mar, Eric (BOS) <eric.mar@sfgov.org>; Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>; Tang, Katy (BOS) <katy.tang@sfgov.org>; Wiener, Scott <scott.wiener@sfgov.org>; Yee, Norman (BOS) <norman.yee@sfgov.org>; Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>

**Cc:** Emily Loper <eloper@bayareacouncil.org>

**Subject:** Bay Area Council letter regarding November transportation measure

Please see the attached letter from the Bay Area Council regarding the Budget and Finance Sub-Committee action on the Seven-Party Supplement to the 2012 MOU for the Peninsula Corridor Electrification Project.

Regards,

Michael Cunningham | Senior Vice President, Public Policy  
BAYAREA COUNCIL  
353 Sacramento Street, 10th Floor | San Francisco, CA 94111  
415-946-8706 | mcunningham@bayareacouncil.org | www.bayareacouncil.org



July 25, 2016

Budget and Finance Sub-Committee Chairman Mark Farrell and Members  
San Francisco Board of Supervisors  
One Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102

RE: Seven-Party Supplement to the 2012 MOU - Peninsula Corridor Electrification Project

Dear Chairman Farrell and Supervisors:

On behalf of the Bay Area Council, I am writing to express our appreciation for your continued efforts to advance the Peninsula Corridor Electrification Project (PCEP). We are looking forward to the finalization of funding agreements and the award of contracts that will allow the project to proceed.

Today, Caltrain is struggling to accommodate unprecedented regional growth, with six consecutive years of record-setting ridership. As Highway 101 and Interstate 280 have become increasingly congested, workers have turned to Caltrain as a preferred commute option between San Francisco and Silicon Valley. As a result, peak hour service is well over 100 percent capacity with ridership on some trains exceeding 125 percent of available seats.

This corridor is arguably the most economically productive area in the State. The communities and businesses served by the 51-mile railroad are responsible for 14 percent of California's economic output, 20 percent of state income tax revenue, and are the birthplace of over half of California patents. However, the region cannot continue to thrive without equipping the 150-year-old rail corridor with a modernized transit system capable of accommodating current and future ridership demand.

Fortunately, the strong leadership from local, regional, state and federal partners has advanced the transformational Peninsula Corridor Electrification Project. The Project will replace the current diesel operations with a system that features high-performance electric trains capable of delivering cleaner, faster, more frequent service to San Francisco residents and employers.

The PCEP cannot come soon enough and we encourage you to support the Seven Party Supplemental Memorandum of Understanding.

Regards,

A handwritten signature in black ink, appearing to read "Michael Cunningham".

Michael Cunningham  
Senior Vice President, Public Policy

cc: Board President Breed and Supervisors



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**From:** Board of Supervisors, (BOS)  
**To:** BOS-Supervisors  
**Subject:** File 160834 FW: Letter of Support for Quentin Kopp, July 28 meeting  
**Attachments:** Quentin Kopp-Ethics Commission appointment.pdf

**From:** Choy, Jarlene (BOS)  
**Sent:** Monday, July 25, 2016 4:42 PM  
**To:** Evans, Derek <derek.evans@sfgov.org>  
**Cc:** Low, Jen (BOS) <jen.low@sfgov.org>  
**Subject:** Letter of Support for Quentin Kopp, July 28 meeting

Hi Derek,

Supervisor Yee would like to submit the attached letter of support for Judge Kopp. Please confirm.

Thanks and best,

**Jarlene Choy**  
Legislative Aide  
Supervisor Norman Yee | District 7  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102  
P | [415.554.6519](tel:415.554.6519) F | [415.554.6546](tel:415.554.6546)

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Member, Board of Supervisors  
District 7



City and County of San Francisco

**NORMAN YEE**

July 25, 2016

Dear Colleagues,

I write in support for Judge Quentin L. Kopp's appointment to the vacant seat on the San Francisco Ethics Commission. As a former Board of Supervisor member, California State Senator, Superior Court Judge and Board member of many civic organizations, Judge Kopp will be a knowledgeable, judicious and experienced addition to the Ethics Commission.

I encourage you to support Judge Kopp's timely appointment to the Ethics Commission so he can commence work leading up to the fall elections.

Sincerely,

A handwritten signature in black ink that reads "Norman Yee".

Norman Yee

PSNS, CPAG  
160836

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

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

2016 JUN 25 PM 1:11  
BY [Signature]

Re: Liquor License Request – Alimento  
Najwa Corporation dba Alimento, 507 Columbus Ave, San Francisco, CA, 94107

Dear Deputy Clerk:

The purpose of this letter is to respectfully request to be placed on the Board's calendar for Public Convenience and Necessity approval with regard to our pending application to transfer an existing Type-21 ABC license from San Francisco News and Gifts, 350 California St, San Francisco, CA 94104 to Alimento, 507 Columbus Ave, San Francisco, CA, 94107.

Our company, Najwa Corporation, operates two long-established off-sale sites – Coit Liquors and Alimento. We are currently applying for a Type-21 license to be transferred from SF News and Gifts to Alimento.

Alimento is a delicatessen that serves sandwiches, gelato, and other foods as well as non-alcoholic beverages and beer and wine. We are located along the busy Columbus Avenue corridor in the North Beach neighborhood of San Francisco. The purpose of this license transfer is to give our customers a better and more convenient selection of beverages at their request. The Najwa Corporation has been in the business of selling alcohol-related products for almost 9 years and has done so in a manner that is safe and not a nuisance to the local community. We are very diligent and vigilant to ensure the safety of our employees and customers and to comply to the laws under which we must operate. Our employees will oversee the premises to prevent loitering and any instances of drinking in public or over-intoxication. Any and all incidents or infractions will be immediately reported to local law enforcement. Approval of this PCN request will provide nearby residents, visitors, and workers with a convenient location to purchase alcoholic and non-alcoholic beverages to compliment the high-quality food items that they are used to getting from us. We feel this would be a great addition to the high-traffic area in which we operate and be a great compliment to the existing businesses in this area.

As part of the license transfer process, every resident within 500 feet of the address was informed of our proposed license change. All protests received by the ABC pertaining to the license transfer were addressed and have been withdrawn. We seek the Board of Supervisor's affirmative ruling that our application serves the public convenience and necessity of our City.

If you have any questions, please call me at 415-609-2793 for approval to proceed with Alimento.

Sincerely,

Shadi Zughayar  
President, Najwa Corporation

9-12 M-S

33

160836

Dear Supervisor,

Thousands of middle-income seniors and people with disabilities in San Francisco need home care to stay safely in our homes, but can't afford it! Please launch the new **Support at Home** program to subsidize home care for those who need it.

 BY

2016 JUL 19 PM 4:07

BOARD OF SUPERVISORS  
SAN FRANCISCO

Sincerely,


*Lynn Bayosel*

BOS-11

*CPAC*

Dear Supervisor,

Thousands of middle-income seniors and people with disabilities in San Francisco need home care to stay safely in our homes, but can't afford it! Please launch the new **Support at Home** program to subsidize home care for those who need it.

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
BY  2016 JUL 25 PM 3:47

Sincerely,

*Jessica Bowman*

34

BOS-11 C pag 07  
PSN 5

To: Board of Supervisors  
San Francisco City Hall, 1 Dr Carlton B Goodlett Pl #244, San Francisco, CA 94102

July 26, 2016

File No. 160249

**Regarding: July 26 meeting, Agenda #43. 160429- [Liquor License Transfer - 65 Post Street]**

Sixteen residents attended the July 14 2016 Public Safety and Neighborhood Services Committee (PS&N) hearing about this matter, listed for the Board of Supervisors hearing today, July 26, 2016.

We would respectfully like to address, for the record, the false accusations directed at us during that PS&N hearing and the subsequent atmosphere of hate that was generated.

These are the points we wish to enter into record:

1. The hearing about the 65 Post Street matter was treated as a "yes/no" issue; i.e., whether to approve or deny the DaDa bar application. The fact that we were seeking the addition of conditions to enforce the "no noise" and "no loitering" Conditions that were already in the approval documents before the PS&N committee was ignored. This fact was ignored even though we had made it expressly clear to Supervisor Peskin's Legislative Aide Sunny Angulo at a meeting prior to the committee hearing and during each of our speaking segments at the meeting itself.

**Attached are the conditions we are respectfully requesting, and the reasons why.**

2. We had demonstrated our fairness by negotiating about these conditions in prior meetings/correspondence with the DaDa bar owners. The DaDa bar owners had already agreed in substance to the first of our conditions to slightly reduce the hours for Sundays through Wednesdays, and to the second of these conditions requesting a security person to manage loitering on Thursdays through Saturdays. The DaDa owners broke off negotiations the day before the PS&N committee hearing.
3. The July 14 hearing was fatally tainted by false accusations and appeals to prejudicial anti-rich-people stereotypes, made by the applicants' two principal advocates, and repeated references to the Ritz-Carlton Residences as bastions of wealthy privilege. (One of the bar owners falsely and scurrilously claimed that the protest was motivated by animus toward "brown-skinned people and Latinos", and a representative of the bar's landlord decried "this elitist, arbitrary and biased campaign"). The members of the PS&N Committee not only condoned these remarks, playing to the large crowd of DaDa supporters with repetitions of the "brown-skinned people and Latinos" canard, a snide remark that higher crime rate in our area was "probably corporate crime", and allusions to the wealth of the Ritz residents. (In fact, the owners/residents in our building are very diverse, and include African-American, Trinidadian, Mexican, Indian, Russian, Armenian, Japanese, Chinese, Libyan, Australian, Korean, and Indonesian individuals, as well as people who have historically not been considered part of the white "social elite", e.g., our Jewish, Italian and gay and bisexual neighbors.) These various remarks at the hearing tainted the hearing and prejudiced the outcome. We opponents were smeared and deprived of a fair hearing. We were also intensely disappointed in this derailment of the public process that we value so highly. Our concerns would be the same, because we are local residents, and do not depend on the type of building we live in.  
(After these repeated appeals to hostility against us, it came as no surprise that one of the DaDa supporters approached the lead opponent after the hearing and told her that now we could hold our Ku Klux Klan meetings at the DaDa bar.)
4. Although we'd been assured that our case would not be heard before the PS&N Committee in July, causing us to pace our preparation accordingly, we received 6 days notice (over a weekend) that our case would be heard on July 14. Many of our other supporters who wished to attend and testify were unable to change their commitments on such short notice and do so. Moreover, this rush to hearing derailed the negotiations between the parties that the SFPD had urged and that were on a productive track. According to information and belief, the PS&N Committee was in such a hurry, driven by the lobbying of the DaDa bar owners and their supporters, that it would have scheduled the meeting even if the SFPD filed to make any recommendations. We were thus denied a fair process.

Sincerely,

16 attending residents on behalf of 35 residents who have submitted letters of protest and concern  
Leanne Williams, Stephen Perlman, Joanne Perlman, Norman Cheung, Darryl Quan, Sam Srinivasan,  
Rita Channon, Ying-sun Ho, Rebecca Follo, Tony Melucci, Kathilee Fong, Michael Mayer, Susan Fang,  
Diane Xu, Anna Gatti, Lisa Li

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BOARD OF SUPERVISORS  
SAN FRANCISCO  
JUL 25 AM 10:35