

FILE NO. 211130

Petitions and Communications received from October 21, 2021, through October 28, 2021, for reference by the President to Committee considering related matters, or to be ordered filed by the Clerk on November 2, 2021.

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

From the Office of the Mayor, submitting an Acting Mayor Notice designating Supervisor Catherine Stefani as Acting-Mayor from Friday October 22, 2021, at 11:55 p.m. until Thursday, October 28, 2021, at 11:24 a.m. Copy: Each Supervisor. (1)

From the California Fish and Game Commission, submitting notices of proposed 90-day extension of emergency action. 2 letters. Copy: Each Supervisor. (2)

From Pacific Gas & Electric Company, submitting a request to increase rates for its 2023 gas transmission and storage cost allocation and rate design application. Copy: Each Supervisor. (3)

From Mary McNamara, regarding the cannabis experience in San Francisco. Copy: Each Supervisor. (4)

From concerned citizen, regarding the Commission on Judicial Performance in San Francisco. Copy: Each Supervisor. (5)

From Roe E. Ebenstein, regarding the vehicle triage center in the Candlestick area. Copy: Each Supervisor. (6)

From the Immigrant Rights Commission, regarding a proposed Ordinance amending the Municipal Elections Code to reauthorize Non-United States citizen voting in elections for the Board of Education of the San Francisco Unified School District and specifying that Non-United States citizens may vote in recall elections regarding members of the Board of Education. File No. 210961. Copy: Each Supervisor. (7)

From concerned citizens, regarding a hearing of persons interested in or objecting to the certification of a Final Environmental Impact Report for the proposed 469 Stevenson Street Project. 5 letters. Copy: Each Supervisor. (8)

From Kathy Howard, regarding a proposed Ordinance amending the Planning Code to add Laundromat as a defined term, to require conditional use authorization for uses replacing Laundromats, and to prohibit Accessory Dwelling Units that reduce on-site laundry services unless replaced. File No. 210808. Copy: Each Supervisor. (9)

From Jia Min Cheng, regarding a proposed Resolution stating that the City and County of San Francisco supports notice and compliance opportunities for small businesses facing lawsuits or violations related to Americans with Disabilities Act accommodations. File No. 211105. Copy: Each Supervisor. (10)

From Christi Azevedo, regarding fires in the Mission. Copy: Each Supervisor. (11)

From Paul DeMello, regarding Vision Zero and quality of life in San Francisco. Copy: Each Supervisor. (12)

From concerned citizens, regarding rent-controlled units. 5 letters. Copy: Each Supervisor. (13)

From concerned citizens, regarding issues with the Great Highway. 8 letters. Copy: Each Supervisor. (14)

From Heather Evans, regarding a Hearing regarding the availability of behavioral health services provided by Kaiser Permanente in the San Francisco Bay Area and California. File No. 210971. Copy: Each Supervisor. (15)

From the San Francisco Public Utilities Commission, submitting an Annual Report on the Low Carbon Fuel Standard Credit Sales Fund in accordance with Board of Supervisors, Ordinance No. 199-19. File No. 190656. Copy: Each Supervisor. (16)

From concerned citizens, regarding a proposed ordinance amending the Administrative Code to require residential landlords to allow tenant organizing activities to occur in common areas of the building. File No. 211096. Copy: Each Supervisor. (17)

From concerned citizens, regarding John F. Kennedy Drive, Kid Safe JFK. 4 letters. Copy: Each Supervisor. (18)

From Jonathan Ortiz, regarding a COVID-19 alternative shelter site at 940 Sutter St. Copy: Each Supervisor. (19)

From Carole Glosenger, regarding water services in residential high-rise apartments. Copy: Each Supervisor. (20)

From the office of the Mayor, regarding Plan Bay Area. Copy: Each Supervisor. (21)

From the San Francisco International Airport, submitting the fully executed Baggage Handling Systems (BHS) and Passenger Boarding Bridges (PBB) Maintenance Agreement medication in accordance with Board of Supervisors Resolution 418-21. Copy: Each Supervisor. (22)

From the office of the City Attorney, submitting a memo regarding the temporary discharge of duties of the City Attorney during transition. Copy: Each Supervisor. (23)

From the Office of the Mayor, submitting the Thirty-Ninth Supplement to the Mayoral Proclamation Declaring the Existence of a Local Emergency. Copy: Each Supervisor.  
(24)

**From:** [Mchugh, Eileen \(BOS\)](#)  
**To:** [BOS-Supervisors](#); [BOS-Legislative Aides](#)  
**Cc:** [Calvillo, Angela \(BOS\)](#); [Somera, Alisa \(BOS\)](#); [Laxamana, Junko \(BOS\)](#); [Ng, Wilson \(BOS\)](#); [PEARSON, ANNE \(CAT\)](#); [BOS-IT](#); [BOS-Operations](#); [BOS-Legislative Services](#); [BOS Legislation, \(BOS\)](#); [Paulino, Tom \(MYR\)](#)  
**Subject:** FW: Acting Mayor - Stefani - 10.22.21 - 10.28.21  
**Date:** Friday, October 22, 2021 3:34:31 PM  
**Attachments:** [Acting Mayor Notice 10.22 - 10.28.pdf](#)

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Dear Supervisors,

Please find the attached memo from Mayor London N. Breed designating Supervisor Catherine Stefani as Acting-Mayor beginning on Friday, October 22, 2021 at 11:55 p.m. until Thursday, October 28, 2021 at 11:24 a.m. In the event the Mayor is delayed, Supervisor Stefani will continue to be Acting-Mayor until the Mayor's return to California.

Thank you,

Eileen McHugh  
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  
[eileen.e.mchugh@sfgov.org](mailto:eileen.e.mchugh@sfgov.org) | [www.sfbos.org](http://www.sfbos.org)

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**From:** Paulino, Tom (MYR) <tom.paulino@sfgov.org>  
**Sent:** Friday, October 22, 2021 12:45 PM  
**To:** Paulino, Tom (MYR) <tom.paulino@sfgov.org>  
**Cc:** Calvillo, Angela (BOS) <angela.calvillo@sfgov.org>; dennis.herrera@sfcityatty.org; Elsbernd, Sean (MYR) <sean.elsbernd@sfgov.org>; Stefani, Catherine (BOS) <catherine.stefani@sfgov.org>  
**Subject:** Acting Mayor - Stefani - 10.22.21 - 10.28.21

Dear all,

Please see the attached Acting Mayor notice for the period of Mayor Breed's travel out of state from October 22<sup>nd</sup> - October 28<sup>th</sup>.

11:55 PM, October 22, 2021 – 11:24 AM, October 28, 2021: **Supervisor Catherine Stefani**

In the event that Mayor Breed is delayed, Supervisor Catherine Stefani will continue to serve until Mayor Breed's return.

Cheers,



**Tom Paulino**

He/Him

Liaison to the Board of Supervisors

Office of the Mayor

City and County of San Francisco

OFFICE OF THE MAYOR  
SAN FRANCISCO



LONDON N. BREED  
MAYOR

October 21, 2021

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 Catherine Stefani as Acting-Mayor effective Friday, October 22, 2021 at 11:55 p.m. until 11:24 a.m. on Thursday, October 28, 2021.

In the event I am delayed, I designate Supervisor Catherine Stefani to continue to be the Acting-Mayor until my return to California.

Sincerely,

A handwritten signature in blue ink that reads "London Breed". The signature is fluid and cursive, with the first name "London" and last name "Breed" clearly distinguishable.

London N. Breed  
Mayor

cc: Mr. Dennis Herrera, City Attorney

**From:** [Board of Supervisors, \(BOS\)](#)  
**To:** [BOS-Supervisors](#)  
**Cc:** [Calvillo, Angela \(BOS\)](#); [Mchugh, Eileen \(BOS\)](#); [Somera, Alisa \(BOS\)](#); [Ng, Wilson \(BOS\)](#); [Laxamana, Junko \(BOS\)](#)  
**Subject:** Fish and Game Commission communications  
**Date:** Monday, October 25, 2021 11:06:00 AM  
**Attachments:** [102521 Fish and Game Commission \(1\).pdf](#)  
[102521 Fish and Game Commission \(2\).pdf](#)

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Hello,

Please see attached two communications from the Fish and Game Commission.

**Office of the Clerk of the Board of Supervisors**

1 Dr. Carlton B. Goodlett Place, Room 244

San Francisco, CA 94102

(415) 554-5184

**Commissioners**  
**Peter S. Silva**, President

Jamul

**Samantha Murray**, Vice President  
Del Mar

**Jacque Hostler-Carmesin**, Member  
McKinleyville

**Eric Sklar**, Member  
Saint Helena

**Erika Zavaleta**, Member  
Santa Cruz

STATE OF CALIFORNIA  
Gavin Newsom, Governor

## Fish and Game Commission



*Wildlife Heritage and Conservation  
Since 1870*

October 19, 2021

**Melissa Miller-Henson**  
**Executive Director**  
P.O. Box 944209  
Sacramento, CA 94244-2090  
(916) 653-4899  
[fgc@fgc.ca.gov](mailto:fgc@fgc.ca.gov)  
[www.fgc.ca.gov](http://www.fgc.ca.gov)

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2021 OCT 25 AM 11:43  
BY *JA*

### **NOTICE OF PROPOSAL FOR A 90 DAY EXTENSION OF EMERGENCY ACTION**

Emergency Regulation: 749.11, Title 14, California Code of Regulations

Re: Take of Western Joshua Tree

Reference OAL File # 2020-1228-02E

Pursuant to the requirements of Government Code Section 11346.1(a)(1), the Fish and Game Commission (Commission) is providing notice of proposed emergency action with regard to the above-entitled emergency regulation.

### **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 or e-mail, relevant to the proposed emergency regulatory action. Written comments submitted via U.S. mail or e-mail 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 "2021 Emergency Take of Western Joshua Tree" addressed to:

Mailing Address: Reference Attorney  
Office of Administrative Law  
300 Capitol Mall, Suite 1250  
Sacramento, CA 95814

California Fish and Game Commission  
Attn: Jenn Greaves  
P.O. Box 944209  
Sacramento, CA 94244-2090

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)  
N/A

Note that this extension of emergency action was authorized by the Commission at its October 14, 2021 meeting. The original emergency action was extended automatically by 120 days via governor executive orders and is in effect until it expires November 9, 2021.

The Commission anticipates it will submit the rulemaking to OAL between October 26 and October 28, 2021. 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  
FINDING OF EMERGENCY AND  
STATEMENT OF PROPOSED EMERGENCY REGULATORY ACTION FOR  
READOPTION OF EMERGENCY REGULATIONS

Re-adoption of Section 749.11  
Title 14, California Code of Regulations  
Re: Incidental Take of Western Joshua Tree

Date of Statement: September 24, 2021

**I. Emergency Regulation in Effect to Date**

The California Game Commission (Commission) approved an emergency rulemaking to add Section 749.11, Title 14, CCR that became effective on January 7, 2021. The emergency addresses potential human safety issues related to western Joshua trees (*Yucca brevifolia*, WJT), the winter weather that much of the state was beginning to experience, and the constraints imposed by the WJT candidacy protections. The rule allows for incidental take of WJT tree during the candidacy period that may result from activities related to the removal of a dead WJT or trimming of a WJT under certain conditions. The Commission granted WJT endangered status protection under the California Endangered Species Act on September 22, 2020, by determining that WJT is a candidate species.

Subsection 749.11(b) describes the conditions under which the California Department of Fish and Wildlife (Department) may issue a permit to authorize either the removal of a dead WJT or the trimming of a WJT, without payment of mitigation or other fees or mitigation. A permit may be issued provided that the dead tree or any limb to be removed:

- Has fallen over and is within 30 feet of a structure; or
- Is leaning against an existing structure; or
- Creates an imminent threat to public health or safety.

These criteria are necessary to ensure that removal or trimming of a WJT only occurs when the tree creates a hazard to the public or structures, and not for other reasons such as convenience.

**II. Request for Approval of Readoption of Emergency Regulations**

The current emergency rule, Section 749.11, will expire on November 9, 2021 unless it is readopted for an additional 90 days.

As of September 7, 2021, and since its adoption in January, Department staff has issued 44 permits under Section 749.11. The most common requests are for trimming limbs or removing fallen trees that threaten public safety/homes and the removal of detached limbs and trees within 30 feet of a structure. The Department anticipates issuing several dozen more permits with the re-adoption of this emergency regulation.

### **III. Statement of Facts Constituting the Need for Readoption of the Emergency Regulatory Action**

On October 21, 2019, the Commission received a petition from the Center for Biological Diversity to list WJT as threatened under the California Endangered Species Act (CESA). On September 22, 2020, the Commission determined that listing may be warranted pursuant to Fish and Game Code (FGC) Section 2074.2. On October 9, 2020, WJT became a candidate species under CESA, effective upon publication of the notice of findings (Office of Administrative Law notice number Z2020- 0924-01). Pursuant to FGC Section 2074.6, the Department has undertaken a one-year status review. During the status review process, candidate species are protected from take under CESA pursuant to FGC Section 2085.

Winter weather conditions in the high desert, including high winds and snow, can result in fallen trees in public rights-of-way and weakened tree limbs, which can create a public health and safety hazard. Dead trees and branches also pose a fire risk. These situations are particularly dangerous when dead or damaged trees are in close proximity to homes or other structures. The California Department of Forestry and Fire Protection (CalFire) advises property owners regarding the need to maintain a multiple zone defensible space for fire management, which includes removing any dead trees from a zone that extends a minimum of 30 feet from buildings, structures, decks, etc. and trimming tree branches based on proximity to structures or proximity to other trees. The CalFire advice is outlined on the CalFire website here: <https://www.readyforwildfire.org/prepare-for-wildfire/get-ready/defensible-space/>.

The emergency continues to exist as a consequence of the application of candidacy protections on WJT and the impact of those protections on the ability to mitigate threats to human safety and property resulting from particular WJTs that create a hazard.

#### **Prior Commission Actions**

On September 22, 2020, the Commission determined that listing WJT under the California Endangered Species Act (CESA) may be warranted pursuant to FGC Section 2074.2. A species is a "candidate" until the Commission decides whether listing the species as threatened or endangered "is warranted" or "is not warranted" (FGC Section 2075.5). The emergency regulation adopted by the Commission under FGC Section 2084 authorizes incidental take of WJT during candidacy, subject to certain terms and conditions prescribed by the Commission (i.e., a "Section 2084" regulation). On December 10, 2020, the Commission adopted Section 749.11 emergency regulation to protect public health pursuant to FGC Section 2084. On June 16, 2021, the Commission approved the Department's request for a 6-month extension to deliver the one-year status review.

#### **Existence of an Emergency and Need for Immediate Action**

The Commission considered the following factors in determining whether an emergency exists: public health, safety and general welfare, as well as the

magnitude of potential harm; the immediacy of the need; and whether the anticipation of harm has a basis firmer than simple speculation, and has determined that an emergency regulation authorized under FGC Section 2084 is needed. In this case, an emergency exists because of the public health and safety hazard presented by dead or weakened WJT in public rights-of-way or near structures.

### **Proposed Action by the Commission**

The Commission proposes the readoption of Section 749.11 that is the same as previously adopted, with minor exceptions considered substantially equivalent:

Subsection 749.11(a)(1)(B):

- Clarifying language for the meaning of an “accredited college” has been added to make explicit the general term for recognition by the U.S. Department of Education for a college or university. This necessary change makes it clear that a desert plant specialist must hold a degree from such an institution.
- Additional language for the meaning of “professional experience” has been added to clarify that the desert plant specialist refers to a person who has been formally employed to conduct relocation or restoration of WJT.

Subsection 749.11(c)(2):

- Two extra uses of the word “email” required slight reorganization in wording to clarify that within 30 days of receipt of a request for a permit, the department would either issue it, or deny the request.

## **IV. 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:

The Commission anticipates that there will be costs to the State, specifically the Department. Estimated program costs of \$64,987.35 over the proposed emergency regulation period of 90 days will be absorbed within existing budgets.

- (b) Nondiscretionary Costs/Savings to Local Agencies:

This emergency regulation will not introduce nondiscretionary costs or savings to local agencies. Should an agency choose to consider the review and issuance of a permit, the process would likely entail the review of project plans, census information, and relocation plans.

- (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.

## **V. Readoption Criteria**

### **1) Same as or Substantially Equivalent**

Pursuant to Government Code subdivision 11346.1(h), the text of a readopted “same or substantially equivalent” to the text of the original emergency regulation must be the “same as or substantially equivalent” to the text of an emergency regulation previously adopted by that agency.” The language proposed for this rulemaking is nearly the same as the language of the original emergency regulation, with the three exceptions noted above in Section III.

### **2) Substantial Progress**

Government Code subdivision 11346.1(h) specifies “readoption shall be permitted only if the agency has made substantial progress and proceeded with diligence to comply with subdivision (e)” [Sections 11346.2 through 11347.3, inclusive].

Pursuant to FGC sections 2080 and 2085, take of a candidate species is prohibited, unless: (1) the take is authorized in a regulation adopted by the Commission pursuant to FGC Section 2084 or (2) the Department authorizes the take through Incidental Take Permits (ITP) issued on a project-by-project basis pursuant to FGC section 2081. A 12-month review of the species’ status by the Department will be presented to the Commission in April 2022 for a final decision on listing status as threatened or endangered. A certificate of compliance (permanent) rulemaking is not being sought in this particular circumstance, because after the Commission makes the determination that listing the species is or is not warranted, a 2084 regulation would no longer be appropriate because the species is no longer a candidate for listing. At that point, the species is either protected under CESA as a listed species, or is no longer protected under CESA because it is not listed and is no longer a candidate for listing.

If the Commission determines that listing the WJT “is warranted,” the former candidate species will become a listed species and the persons conducting activities currently covered by the 2084 regulation that take WJT will be required to obtain an ITP pursuant to FGC section 2081(b) with tailored measures to mitigate the impacts of the take.

If the Commission decides that listing the WJT “is not warranted,” take of the former candidate species will no longer be prohibited under CESA. Absent protected status, no mechanism would be needed to authorize take of WJT. In that circumstance, permanent adoption of this 2084 regulation as permanent is unnecessary.

## **VI. Authority and Reference**

The Commission adopts this emergency action pursuant to the authority vested by sections 399 and 2084 of the Fish and Game Code and to implement, interpret, or make specific sections 399 and 2084 of the Fish and Game Code.

## **VII. Section 399 Finding**

Fallen WJT in public rights-of-way and weakened tree limbs from winter conditions can create a public health and safety hazard. Dead trees and branches also pose a fire risk during fire-prone conditions. These situations are particularly dangerous when dead or damaged trees have fallen over, are leaning against an existing structure, or are otherwise creating an imminent threat to public health or safety.

Pursuant to Section 399, subdivision (b), of the Fish and Game Code, the Commission finds, based on the information above, that adopting this regulation is necessary for the immediate preservation of the public peace, health and safety, and general welfare.

## Informative Digest (Plain English Overview)

### **Proposed Regulatory Action**

On October 21, 2019, the California Fish and Game Commission (Commission) received a petition from the Center for Biological Diversity to list the western Joshua tree (*Yucca brevifolia*; WJT) as threatened under the California Endangered Species Act (CESA). California Fish and Game Code (FGC) Section 2073.5 requires that the California Department of Fish and Wildlife (Department) evaluate the petition and submit a written evaluation with a recommendation to the Commission, which was received at the Commission's April 2020 meeting. Based upon the information contained in the petition and other relevant information, the Department determined and informed the Commission that there is sufficient scientific information available to indicate that the petitioned action may be warranted.

On September 22, 2020, the Commission determined that listing may be warranted pursuant to FGC Section 2074.2, and therefore western Joshua tree is a candidate species and the Department will deliver a one- year status review to the Commission. Due to the large geographic range of the species and the depth of scientific information available, the Department requested and received a 6-month extension to deliver the one-year status review. As such, the Department is on track to deliver the one-year status review to the Commission in accordance with that extension by April 2022. At that time, the Commission will make a final decision on listing.

Candidate species are protected from take under CESA pursuant to FGC Section 2085 during the remainder of the CESA listing. Under FGC Section 2084, CESA provides that the Commission may adopt regulations to authorize take of candidate species, based on the best available scientific information, when the take is otherwise consistent with CESA. As with all regulations, the Commission may adopt a regulation under Section 2084 on an emergency basis when it determines that a situation exists which threatens public health and safety or general welfare.

The Commission considered the following factors in determining whether an emergency exists: public health, safety and general welfare, as well as the magnitude of potential harm; the immediacy of the need; and whether the anticipation of harm has a basis firmer than simple speculation, and determined that an emergency regulation authorized under FGC Section 2084 is needed. In this case, an emergency exists because of the public health and safety hazard presented by dead or weakened WJT in public rights-of-way, or near structures. The readoption of Section 749.11, Title 14, California Code of Regulations allows the continued incidental take of WJT during CESA candidacy for tree and limb removal actions.

The emergency continues to exist as a consequence of the application of candidacy protections on WJT and the impact of those protections on the ability to mitigate threats to human safety and property resulting from particular WJTs that create a hazard.

The current emergency rule, Section 749.11, will expire on November 9, 2021 unless it is readopted for an additional 90 days. The Commission proposes the readoption of Section 749.11 that is the same as previously adopted, with minor exceptions:

Subsection 749.11(a)(1)(B):

- Clarifying language for the meaning of an "accredited college" has been

added to make explicit the general term for recognition by the U.S. Department of Education for a college or university. This necessary change makes it clear that a desert plant specialist must hold a degree from such an institution.

- Additional language for the meaning of “professional experience” has been added to clarify that the desert plant specialist refers to a person who has been formally employed to conduct relocation or restoration of WJT.

Subsection 749.11(c)(2):

- Two extra uses of the word “email” required slight reorganization in wording to clarify that within 30 days of receipt of a request for a permit, the department would either issue it, or deny the request.

### **Benefits**

The primary benefit of the proposed emergency action is removal of hazardous western Joshua trees for public safety. Winter weather conditions in the high desert, including high winds and snow, can result in fallen trees in public rights-of-way and weakened tree limbs, which can create a public health and safety hazard. Dead trees and branches also pose a fire risk. These situations are particularly dangerous when dead or damaged trees are in close proximity to homes or other structures. The California Department of Forestry and Fire Protection (CalFire) advises property owners regarding the need to maintain a multiple zone defensible space for fire management, which includes removing any dead trees from a zone that extends a minimum of 30 feet from buildings, structures, decks, etc. and trimming tree branches based on proximity to structures or proximity to other trees. The CalFire advice is outlined on the CalFire website here: <https://www.readyforwildfire.org/prepare-for-wildfire/get-ready/defensible-space/>

### **Consistency and Compatibility with Existing State Regulations**

Commission staff has searched the California Code of Regulations and has found no other state regulation relating to the Commission’s ability to allow for incidental take of a candidate species under CESA, and therefore concludes that the proposed regulations are neither inconsistent nor incompatible with existing state regulation.

## Regulatory Language

Section 749.11 Title 14, CCR, is amended to read:

### **§749.11 Special Order Relating to Take of Western Joshua Tree (*Yucca brevifolia*) During Candidacy Period.**

The commission authorizes the take of western Joshua tree during the candidacy period for each of the activities described in this section, subject to the terms and conditions specified for each activity.

#### (a) Definitions.

##### (1) Desert native plant specialist means:

(A) An arborist certified by the International Society of Arborists; or

(B) An individual with a four-year college degree ~~from an accredited college~~ in ecology or fish and wildlife related biological science ~~from an accredited college~~ from a college accredited by the U.S. Department of Education, and at least two years of professional experience (i.e., formal employment) with relocation or restoration of native California desert vegetation; or

(C) An individual with at least five years of professional experience with relocation or restoration of native California desert vegetation.

(2) Western Joshua tree means an individual western Joshua tree (*Yucca brevifolia*) that has emerged from the ground, regardless of age or size, including all stems that have emerged from the ground within a one-meter radius measured from a single point at the base of the largest stem.

(b) The department may issue a permit to authorize either the removal of a dead western Joshua tree or the trimming of a western Joshua tree. The project proponent or its agent may remove a detached dead western Joshua tree or detached limb of a western Joshua tree. All other removals and all trimming of western Joshua trees authorized by permits issued pursuant to this subsection shall be completed by a desert native plant specialist. The department may issue permits pursuant to this subsection, without payment of mitigation fees or other mitigation, provided that the dead western Joshua tree or any limb(s) to be removed:

(1) Has fallen over and is within 30 feet of a structure; or

(2) Is leaning against an existing structure; or

(3) Creates an imminent threat to public health or safety.

#### (c) Permit Process.

(1) A property owner seeking a permit pursuant to subsection (b) shall submit a permit request to the Department by emailing to [WJT@wildlife.ca.gov](mailto:WJT@wildlife.ca.gov), or mailing to California

Department of Fish and Wildlife, Habitat Conservation Planning Branch, Attention: Western Joshua Tree Permitting, P.O. Box 944209, Sacramento, CA 94244-2090 the following information:

(A) The name, telephone number, mailing address, and email address of the property owner seeking the permit.

(B) The street address of the property on which the western Joshua tree to be removed or trimmed is located. If no street address is available, the property owner may include the assessor's parcel number.

(C) Photographs of the western Joshua tree that visually depict either:

1. That the tree is dead and meets one or more of the three requirements of subsection (b); or

2. The specific limb or limbs to be trimmed and that the limb or limbs to be trimmed meet one or more of the three requirements of subsection (b).

(2) Within thirty days of receipt of a request for a permit pursuant to subsection (c)(1), the department shall either issue a permit allowing for the removal or trimming or deny the request if the request does not demonstrate a permit can be issued pursuant to this section.

(A) If the department issues the permit, it shall do so by email, or by U.S. mail if the permit request was received by mail, and it will provide the property owner sixty days in which to complete the removal or trimming.

(B) If the department denies the permit request, the property owner may resubmit the request with additional information and photographs. Resubmissions pursuant to this subsection shall be processed as new permit requests.

(3) Within thirty days of completing the removal of a dead western Joshua tree or trimming one or more limbs from a western Joshua tree in accordance with a permit issued pursuant to this section, to demonstrate compliance with this section the property owner shall by mail or email photographs of the site at which the dead western Joshua tree was removed or the western Joshua tree that was trimmed pursuant to the permit.

(d) Limitations.

(1) Nothing in this section is intended to be or shall be construed to be a general project approval. It shall be the responsibility of each project proponent receiving take authorization pursuant to this section to obtain all necessary permits and approvals and to comply with all applicable federal, state, and local laws.

(2) Nothing in this section is intended to or shall be construed to limit the terms and conditions, including those relating to compensatory mitigation, the department includes in incidental take permits for western Joshua tree issued pursuant to Fish and Game Code section 2081, subdivision (b).

Note: Authority cited: Sections 399 and 2084, Fish and Game Code. Reference:  
Sections 399 and 2084, Fish and Game Code.

**From:** [Board of Supervisors, \(BOS\)](#)  
**To:** [BOS-Supervisors](#)  
**Cc:** [Calvillo, Angela \(BOS\)](#); [Mchugh, Eileen \(BOS\)](#); [Somera, Alisa \(BOS\)](#); [Ng, Wilson \(BOS\)](#); [Laxamana, Junko \(BOS\)](#)  
**Subject:** Fish and Game Commission communications  
**Date:** Monday, October 25, 2021 11:06:00 AM  
**Attachments:** [102521 Fish and Game Commission \(1\).pdf](#)  
[102521 Fish and Game Commission \(2\).pdf](#)

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Hello,

Please see attached two communications from the Fish and Game Commission.

**Office of the Clerk of the Board of Supervisors**

1 Dr. Carlton B. Goodlett Place, Room 244

San Francisco, CA 94102

(415) 554-5184



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STATE OF CALIFORNIA  
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## Fish and Game Commission



*Wildlife Heritage and Conservation  
Since 1870*

October 19, 2021

**Melissa Miller-Henson**  
**Executive Director**  
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### NOTICE OF PROPOSAL FOR A 90 DAY EXTENSION OF EMERGENCY ACTION

Emergency Regulation: 749.12, Title 14, California Code of Regulations

Re: Take of Western Joshua Tree

Reference OAL File # 2020-1228-03E

Pursuant to the requirements of Government Code Section 11346.1(a)(1), the Fish and Game Commission (Commission) is providing notice of proposed emergency action with regard to the above-entitled emergency regulation.

### 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 or e-mail, relevant to the proposed emergency regulatory action. Written comments submitted via U.S. mail or e-mail 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 "2021 Emergency Take of Western Joshua Tree" addressed to:

Mailing Address: Reference Attorney  
Office of Administrative Law  
300 Capitol Mall, Suite 1250  
Sacramento, CA 95814

California Fish and Game Commission  
Attn: Jenn Greaves  
P.O. Box 944209  
Sacramento, CA 94244-2090

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)  
N/A

Note that this extension of emergency action was authorized by the Commission at its October 14, 2021 meeting. The original emergency action was extended automatically by 120 days via governor executive orders and is in effect until it expires on November 9, 2021.

The Commission anticipates it will submit the rulemaking to OAL between October 26 and October 28, 2021. 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  
FINDING OF EMERGENCY AND  
STATEMENT OF PROPOSED EMERGENCY REGULATORY ACTION FOR  
READOPTION OF EMERGENCY REGULATIONS

Readoption of Section 749.12  
Title 14, California Code of Regulations (CCR)  
Re: Incidental Take of Western Joshua Tree

Date of Statement: September 24, 2021

**I. Emergency Regulation in Effect to Date**

The California Game Commission (Commission) approved an emergency rulemaking to add Section 749.12, Title 14, CCR that became effective on January 7, 2021. The emergency regulation permits the City of Palmdale, County of San Bernardino and the Town of Yucca Valley (participating agencies) to continue work on certain projects scheduled within their jurisdictions that are addressing health and safety concerns that may cause take of western Joshua trees (*Yucca brevifolia*, WJT).

Section 749.12 grants participating agencies the authority to authorize the incidental take of a limited number of WJTs during the candidacy period that may result from activities related to approvals or permits issued by the participating agencies for construction of single-family residences and accessory structures, public works projects, or the trimming or removal of damaged or dead trees. These activities will take place within the jurisdictions of the participating agencies, in habitats that are currently supporting the presence of WJT.

**II. Request for Approval of Readoption of Emergency Regulations**

The current emergency rule, Section 749.12, will expire on November 9, 2021, unless it is readopted for an additional 90 days.

Post adoption of the emergency rule, the Town of Yucca Valley and the City of Palmdale adopted the required ordinances to implement Section 749.12 and provided their initial \$10,000 deposits to the Western Joshua Tree Mitigation Fund (mitigation fund). The County of San Bernardino opted to not participate in the implementation of Section 749.12, therefore, references to the applicability to and participation of the County of San Bernardino are deleted from the regulation text.

Since the adoption of the ordinances, the City of Palmdale has reported zero (0) take of WJT, and therefore has not paid any additional funds to the mitigation fund. In the same time frame, the Town of Yucca Valley has reported 64 total WJT take applications, where 36 permits were issued in support of connecting homes to the High Desert Water District (HDWD) wastewater treatment system and has paid an additional \$80,000 to the mitigation fund. The Department anticipates reviewing the bi-monthly reports from two entities, for a total of four more reports, during the next 90-day re-adoption period.

### **III. Statement of Facts Constituting the Need for Readoption of the Emergency Regulatory Action**

On October 21, 2019, the Commission received a petition from the Center for Biological Diversity to list WJT as threatened under the California Endangered Species Act (CESA). On September 22, 2020, the Commission determined that listing may be warranted pursuant to California Fish and Game Code (FGC) Section 2074.2. On October 9, 2020, WJT became a candidate species under CESA, effective upon publication of the notice of findings (Office of Administrative Law notice number Z2020- 0924-01). Pursuant to FGC Section 2074.6, the California Department of Wildlife (Department) has undertaken a one-year status review. During the status review process, candidate species are protected from take under CESA pursuant to FGC Section 2085.

The Commission adopted a regulation under Section 2084 on an emergency basis because it determined that a situation exists which threatens public health and safety or general welfare.

Scheduled projects within the jurisdictions of the City of Palmdale and the Town of Yucca Valley continue to move forward and require the removal, relocation and/or trimming of WJT to address the associated health and safety concerns. These were:

- Groundwater protection: Expediency is still needed for HDWD and the Town of Yucca Valley to be able to complete connection phases between the new water treatment and reclamation plant and residences already underway, in order to replace reliance on leaking septic systems and protect groundwater. Thirty-six permits have been issued thus far during the candidacy period in support of connecting homes to the new plant.
- Residences and accessory structures: Work associated with modifications to single-family residences and accessory structures within the candidacy period continues for the City of Palmdale and Town of Yucca Valley.
- Public works projects: Various public works and other projects are ongoing for the Town of Yucca Valley and the City of Palmdale during the candidacy period, including road improvements or road structures and new single family residences.
- Trimming or removing dead or damaged trees or limbs: Winter weather conditions in the high desert, including high winds and snow, can result in fallen trees in public rights-of-way and weakened tree limbs, which can create a public health and safety hazard. Dead trees and branches also pose a fire risk. These conditions remain a concern for public safety coming into winter months.

The emergency continues to exist as a consequence of the application of candidacy protections on WJT and the impact of those protections on the ability to address the associated health and safety concerns, or threats to property.

Another means to allow take of CESA candidate species is by Incidental Take

Permit (ITP) issued by the Department pursuant to FGC Section 2081, subdivision (b). An ITP allows a permittee to take CESA listed or candidate species if such taking is incidental to, and for the purpose of, carrying out an otherwise lawful activity. However, issuance of ITPs involve a more lengthy and costly permit approval process which is infeasible for the projects covered by the emergency regulation.

### **Prior Commission Actions**

On September 22, 2020, the Commission determined that listing WJT under the California Endangered Species Act (CESA) may be warranted pursuant to FGC Section 2074.2. A species is a "candidate" until the Commission decides whether listing the species as threatened or endangered "is warranted" or "is not warranted" (FGC Section 2075.5). The emergency regulation adopted by the Commission under FGC Section 2084 authorizes incidental take of WJT during candidacy, subject to certain terms and conditions prescribed by the Commission (i.e., a "Section 2084" regulation). On December 10, 2020, the Commission found that the adoption of the Section 749.12 emergency regulation pursuant to FGC Section 2084 was necessary for the immediate preservation of the public peace, health and safety or general welfare. On June 16, 2021, the Commission approved the Department's request for a 6-month extension to deliver the one-year status review.

### **Existence of an Emergency and Need for Immediate Action**

The Commission considered the following factors in determining whether an emergency exists: public health, safety and general welfare, as well as the magnitude of potential harm; the immediacy of the need; and whether the anticipation of harm has a basis firmer than simple speculation, and has determined that an emergency regulation authorized under FGC Section 2084 is needed.

### **Proposed Action by the Commission**

The Commission proposes the readoption of Section 749.12 that is the same as previously adopted, with the following exceptions:

Subsection 749.12(a) and (f)(2):

- The County of San Bernardino opted to not participate in the implementation of Section 749.12, therefore, references to the applicability to and participation of the County of San Bernardino are deleted from the regulation text.

Subsection 749.12(b)(2)(B):

- Clarifying language for the meaning of an "accredited college" has been added to make explicit the general term for recognition by the U.S. Department of Education for a college or university. This necessary change makes it clear that a desert plant specialist must hold a degree from such an institution.
- Additional language for the meaning of "professional experience" has been added to clarify that the desert plant specialist refers to a person who has been formally employed to conduct relocation or restoration of WJT.

Subsection 749.12(b)(4):

- Removal of the word “counties” since County of San Bernardino opted not to participate in implementation of Section 749.12, leaving “cities and towns.”

Subsection 749.12(b)(12):

- Correcting reference to 749.10(a)(5) from “Section” to “subsection,” and adding in the word “former” before 749.10(a)(5). This change is necessary because although Section 749.10 is repealed from Title 14, the WJT Mitigation Fund continues to exist, and maintaining the reference clarifies this specific mitigation fund for WJT.

Subsection 749.12(c):

- Changing the language, “within sixty days of the effective date of this section” to “No later than March 8, 2021” is necessary to prevent confusion with 60 days of the effective date of the re-adoption, when the 60 days was intended for the original enactment of the emergency. The March date ensures that affected individuals are clear on the (now past) due date for deposition of money in the Mitigation Fund.

Subsection 749.12(c)(5)(B):

- Remove the words “property owner may include” from before the words “the assessor’s parcel number” and add the words “may be included” since either the property owner or a participating agency could reasonably include the parcel number with the report on survival rates, if there is no street address.

Subsection 749.12(d)(4)(C)2.:

- Remove a hyphen between the words “foundations structures; striking out the words before and after it since a reader can’t see the hyphen when it is struck out.

Subsection 749.12(d)(7):

- Adds a subsection that clarifies that no refunds will be provided from the Western Joshua Tree Mitigation Fund. Additional changes are included to clarify the regulation. This added subsection is necessary to clarify that in the event that a city or town did not end up removing the tree, that the fees paid into the fund are non-refundable. The rationale for this is that the fees are calculated for mitigation for impacts, but even if a participating agency didn’t participate in take of WJT, the administrative aspect of reviewing and issuing the permit would still occur, and thus no refund is allowable.

#### **IV. 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:

The Commission anticipates that there will be costs to the State, specifically the Department. Estimated program costs of \$32,373.82 over the proposed

emergency regulation period of 90 days will be absorbed within existing budgets.

(b) **Nondiscretionary Costs/Savings to Local Agencies:**

This emergency regulation will not introduce nondiscretionary costs or savings to local agencies. Should an agency choose to consider the review and issuance of a permit, the process would likely entail the review of project plans, census information, and relocation plans.

(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.

## **V. Readoption Criteria**

### **1) Same as or Substantially Equivalent**

Pursuant to Government Code Section 11346.1(h), the text of a readopted “same or substantially equivalent” to the text of the original emergency regulation that must be the “same as or substantially equivalent” to the text of an emergency regulation previously adopted by that agency.” The language proposed for this rulemaking is substantially equivalent to the emergency regulation previously adopted by the Commission, with the exceptions noted above in Section III.

### **2) Substantial Progress**

Government Code subdivision 11346.1(h) specifies “readoption shall be permitted only if the agency has made substantial progress and proceeded with diligence to comply with subdivision (e)” [Sections 11346.2 through 11347.3, inclusive].

Pursuant to FGC sections 2080 and 2085, take of a candidate species is prohibited, unless: (1) the take is authorized in a regulation adopted by the Commission pursuant to FGC Section 2084 or (2) the Department authorizes the take through Incidental Take Permits (ITP) issued on a project-by-project basis pursuant to FGC section 2081. A 12-month review of the species’ status by the Department will be presented to the Commission in April 2022 for a final decision on listing status as threatened or endangered. A certificate of compliance (permanent) rulemaking is not being sought in this particular circumstance, because after the Commission makes the determination that listing the species is or is not warranted, a 2084 regulation would no longer be appropriate because the species is no longer a candidate for listing. At that point, the species is either protected under CESA as a listed species, or is no longer protected under CESA because it is not listed and is no longer a candidate for listing.

If the Commission determines that listing the WJT “is warranted,” the former candidate species will become a listed species and the persons conducting activities currently covered by the 2084 regulation that take WJT will be required to obtain an ITP pursuant to FGC section 2081(b) with tailored measures to mitigate the impacts of the take.



If the Commission decides that listing the WJT “is not warranted,” take of the former candidate species will no longer be prohibited under CESA. Absent protected status, no mechanism would be needed to authorize take of WJT. In that circumstance, permanent adoption of this 2084 regulation as permanent is unnecessary.

## **VI. Authority and Reference**

The Commission adopts this emergency action pursuant to the authority vested by sections 399 and 2084 of the Fish and Game Code and to implement, interpret, or make specific sections 399 and 2084 of the Fish and Game Code.

## **VII. Section 399 Finding**

Delay in the ability for residences in the Town of Yucca Valley to connect to the new sewer and water treatment system for groundwater recharge as a result of western Joshua tree take protections will risk CRWQCB noncompliance and may mean those connections aren’t realized and that septic waste would continue to leach to the groundwater basin. The necessary sewer connections are critical to implementing the transition away from septic and the reduction of nitrate concentrations in the groundwater basin, which is a clear public safety and public health concern.

Work associated with modifications to single-family residences and accessory structures will provide critical cash-flow to small businesses and local permitting agencies in economically hard-hit areas, benefiting the general welfare of the residents of those communities.

Fallen WJT in public rights-of-way and weakened tree limbs from winter conditions can create a public health and safety hazard. Dead trees and branches also pose a fire risk during fire-prone conditions. These situations are particularly dangerous when dead or damaged trees have fallen over, are leaning against an existing structure, or are otherwise creating an imminent threat to public health or safety.

Pursuant to Section 399, subdivision (b), of the Fish and Game Code, the Commission finds, based on the information above, that adopting this regulation is necessary for the immediate preservation of the public health and safety, and general welfare.



## Informative Digest (Plain English Overview)

### Proposed Regulatory Action

On October 21, 2019, the California Fish and Game Commission (Commission) received a petition from the Center for Biological Diversity to list the western Joshua tree (*Yucca brevifolia*, WJT) as threatened under the California Endangered Species Act (CESA). California Fish and Game Code (FGC) Section 2073.5 requires that the California Department of Fish and Wildlife (Department) evaluate the petition and submit a written evaluation with a recommendation to the Commission, which was received at the Commission's April 2020 meeting. Based upon the information contained in the petition and other relevant information, the Department recommended that the Commission determine the petition has sufficient scientific information available to indicate that the petitioned action may be warranted, and informed the Commission of that recommendation.

On September 22, 2020, the Commission determined that listing may be warranted pursuant to FGC Section 2074.2, and therefore WJT became a candidate species. The Department is in the process of conducting a one-year status review and will provide it to the Commission along with a listing recommendation. Due to the large geographic range of the species and the depth of scientific information available, the Department requested and received a 6-month extension to deliver the one-year status review. As such, the Department is on track to deliver the one-year status review to the Commission in accordance with that extension by April 2022. At that time, the Commission will make a final decision on listing.

Candidate species are protected from take under CESA pursuant to FGC Section 2085 during the remainder of the CESA listing. Under FGC Section 2084, CESA provides that the Commission may adopt regulations to authorize take of candidate species, based on the best available scientific information, when the take is otherwise consistent with CESA. As with all regulations, the Commission may adopt a regulation under Section 2084 on an emergency basis when it determines that a situation exists which threatens public health and safety or general welfare.

The Commission considered the following factors in determining whether an emergency exists: public health, safety and general welfare, as well as the magnitude of potential harm; the immediacy of the need; and whether the anticipation of harm has a basis firmer than simple speculation and determined that an emergency regulation authorized under FGC Section 2084 is needed.

The readoption of the emergency action of Section 749.12 to Title 14, California Code of Regulations would allow the Commission to grant the City of Palmdale and Town of Yucca Valley (participating agencies) the authority to authorize the incidental take of a limited number of WJTs during the candidacy period that may result from activities related to approvals or permits issued by the participating agencies for construction of single-family residences and accessory structures, public works projects, or the trimming or removal of damaged or dead trees. These activities will take place within the jurisdictions of the participating agencies, in habitats that are currently supporting the presence of WJT, ranging from poor to higher quality habitat. Lands on which project activities are expected to take place are expected to be pre-subdivided parcels of one to five acres in size. Parcels that have not been developed or disturbed are more likely to provide high quality WJT habitat, and parcels that have already been

developed or disturbed are likely to provide of lower quality WJT habitat.

Mitigation fees will be collected for authorized take of WJTs by the participating agencies. Project activities that result in take of WJT in habitats that are expected to provide lower quality habitat for WJT (developed parcels) are subject to lower mitigation fees than project activities that result in take of WJT in habitats that are expected to provide higher quality habitat (undeveloped parcels). Furthermore, removal and relocation of WJT from project activities will be subject to lower mitigation fees than removal of WJT without relocation, because relocated WJT may survive, and provide benefits. These fees will be deposited into a WJT Mitigation Fund and may be expended for the purpose of addressing threats to WJT, which may include but are not limited to acquiring and conserving WJT mitigation lands.

The participating agencies may authorize take of WJT associated with developing single-family residences, accessory structures, and public works projects concurrent with approval of the project, subject to the following terms and conditions:

- Adoption of a required WJT ordinance by each participating agency;
- Deposit of required moneys to the WJT Mitigation Fund no later than March 8, 2021, and bi-monthly thereafter;
- Submittal of bi-monthly reports and an annual report by each participating agency;
- No more than ten WJTs may be removed per project site;
- Completion of a required WJT census for each project by the project proponent, and submittal of a corresponding report to the participating agency;
- Avoidance of take to the maximum extent practicable;
- Minimization of take via limits on ground disturbance and a requirement to relocate WJTs to the maximum extent feasible;
- Meeting circumstances warranting relocation of individual WTJ, and subsequent measures to be taken for relocation efforts;
- The option of removal of individual WJT where relocation of such individuals is not feasible;
- Payment of required mitigation fees defined by size class, take action (relocation vs. removal), and land status (undeveloped or developed) to the participating agencies by the project proponents; and
- The option of issuing permits for removing detached WJT or tree limbs when posing a threat to structures or public health or safety.
- Cumulative limits on the amount of WJT take for single family residences, accessory structures, and public works projects that may be permitted by the participating agencies.

The current emergency rule, Section 749.12, will expire on November 9, 2021, unless it is readopted for an additional 90 days. The Commission proposes the readoption of Section 749.12 that is the same as previously adopted, with the following exceptions considered substantially equivalent:

Subsection 749.12(a) and (f)(2):

- The County of San Bernardino opted to not participate in the implementation of Section 749.12, therefore, references to the applicability to and participation of the County of San Bernardino are deleted from the regulation text.

Subsection 749.12(b)(2)(B):

- Clarifying language for the meaning of an “accredited college” has been added to make explicit the general term for recognition by the U.S. Department of Education for a college or university. This necessary change makes it clear that a desert plant specialist must hold a degree from such an institution.
- Additional language for the meaning of “professional experience” has been added to clarify that the desert plant specialist refers to a person who has been formally employed to conduct relocation or restoration of WJT.

Subsection 749.12(b)(4):

- Removal of the word “counties” since County of San Bernardino opted not to participate in implementation of Section 749.12, leaving “cities and towns.”

Subsection 749.12(b)(12):

- Correcting reference to 749.10(a)(5) from “Section” to “subsection,” and adding in the word “former” before 749.10(a)(5). This change is necessary because although Section 749.10 is repealed from Title 14, the WJT Mitigation Fund continues to exist, and maintaining the reference clarifies this specific mitigation fund for WJT.

Subsection 749.12(c):

- Changing the language, “within sixty days of the effective date of this section” to “No later than March 8, 2021” is necessary to prevent confusion with 60 days of the effective date of the re-adoption, when the 60 days was intended for the original enactment of the emergency. The March date ensures that affected individuals are clear on the (now past) due date for deposition of money in the Mitigation Fund.

Subsection 749.12(c)(5)(B):

- Remove the words “property owner may include” from before the words “the assessor’s parcel number” and add the words “may be included” since either the property owner or a participating agency could reasonably include the parcel number with the report on survival rates, if there is no street address.

Subsection 749.12(d)(4)(C)2.:

- Remove a hyphen between the words “foundations structures; striking out the words before and after it since a reader can’t see the hyphen when it is struck out.

Subsection 749.12(d)(7):

- Adds a subsection that clarifies that no refunds will be provided from the Western Joshua Tree Mitigation Fund. Additional changes are included to

clarify the regulation. This added subsection is necessary to clarify that in the event that a city or town did not end up removing the tree, that the fees paid into the fund are non-refundable. The rationale for this is that the fees are calculated for mitigation for impacts, but even if a participating agency didn't participate in take of WJT, the administrative aspect of reviewing and issuing the permit would still occur, and thus no refund is allowable.

### **Benefits**

The benefits of readopting the emergency regulation include fulfilling the transition away from septic tank storage for the Town of Yucca Valley and reducing nitrate leaching into the groundwater basin and ensuring timely connection to the new sewer and water treatment system, protecting the groundwater basin water quality (drinking water supply) and public health. Take authorization to participating agencies of WJT would augment the general welfare of city and county residents by allowing residential improvements by local contractors, and may provide critical cash-flow to small businesses and local permitting agencies in economically hard-hit areas. Allowing the removal of weakened WJT with broken or downed limbs would reduce threats to public safety and structures during the WJT candidacy period.

### **Consistency and Compatibility with Existing State Regulations**

Commission staff has searched the CCR and has found no other state regulation relating to the incidental take by the specific projects identified under this regulation of WJT during its candidacy under CESA, and therefore concludes that the proposed regulations are neither inconsistent nor incompatible with existing state regulation.

## Regulatory Language

Section 749.12 Title 14, CCR, is amended to read:

### **§749.12 Special Order Relating to Take of Western Joshua Tree (*Yucca brevifolia*) During Candidacy Period.**

The commission authorizes the take and possession of western Joshua tree during the candidacy period for each of the activities described in this section, subject to the terms and conditions specified for each activity.

(a) The take authorization conferred by this section shall apply only to take authorized, pursuant to subsections (d) and (e), by ~~the following counties, cities, and towns:~~

(1) City of Palmdale.

(2) ~~County of San Bernardino~~

~~(3) Town of Yucca Valley.~~

(b) Definitions.

(1) Accessory structure means a subordinate structure, the use of which is incidental to an existing or contemporaneously constructed single-family residence, and includes: an accessory dwelling unit, addition to an existing single-family residence, garage, carport, swimming pool, patio, greenhouse, storage shed, gazebo, septic tank, sewer connection, solar panels, or gravel or paved driveway.

(2) Desert native plant specialist means:

(A) An arborist certified by the International Society of Arborists; or

(B) An individual with a four-year college degree in ecology or fish and wildlife related biological science from ~~an~~ a college accredited by the U.S. Department of Education, ~~college~~ and at least two years of professional experience (i.e., formal employment) with relocation or restoration of native California desert vegetation; or

(C) An individual with at least five years of professional experience with relocation or restoration of native California desert vegetation.

(3) Developed parcel means a parcel with an existing single-family residence.

(4) Participating agency means each of the ~~counties, cities, and towns~~ listed in subsection (a).

(5) Project proponent means the owner of a project site for a single-family residence or accessory structure or the owner's agent or the public agency undertaking a public works project.

(6) Project site means the parcel or parcels on which a project proponent proposes to construct a single-family residence or accessory structure or on which a public agency proposes to undertake a public works project.

(7) Public works project means a project for the erection, construction, alteration, maintenance, or repair of any public structure, building, or road.

(8) Single-family residence means a single detached building that has been or will be constructed and used as living facilities, including provisions for sleeping, eating, cooking, and sanitation as required by the California Building Code for not more than one household. Nothing in this section shall be construed to authorize take of western Joshua tree for a subdivision or other development that includes more than one single-family residence.

(9) Size class means the classification of western Joshua trees by the following three sizes:

(A) Less than one meter in height;

(B) One meter or greater but less than four meters in height; and

(C) Four meters or greater in height.

(10) Undeveloped parcel means a parcel without an existing single-family residence.

(11) Western Joshua tree means an individual western Joshua tree (*Yucca brevifolia*) that has emerged from the ground, regardless of age or size, including all stems that have emerged from the ground within a one-meter radius measured from a single point at the base of the largest stem.

(12) Western Joshua Tree Mitigation Fund means the fund established pursuant to former Section subsection 749.10(a)(5).

(c) Each participating agency shall:

(1) No later than March 8, 2021 ~~Within sixty days of the effective date of this section,~~ adopt an ordinance that:

(A) Requires as a condition of any approval or permit for a single-family residence, accessory structure, or public works project that has one or more western Joshua trees on the project site satisfaction of each of the requirements set forth in subsection (d).

(B) Provides for the permitting of take of dead trees and trimming of limbs pursuant to subsection (e).

(2) No later than March 8, 2021 ~~Within sixty days of the effective date of this section,~~ deposit moneys in the Western Joshua Tree Mitigation Fund as follows:

(A) The City of Palmdale shall deposit the sum of \$10,000.

~~(B) The County of San Bernardino shall deposit the sum of \$10,000~~

~~(C) The Town of Yucca Valley shall deposit the sum of \$10,000.~~

(3) Make bi-monthly deposits to the Western Joshua Tree Mitigation Fund, by the fifteenth day of March, May, July, September, November, and January of all mitigation fees collected pursuant to subsection (d)(6) during the preceding two calendar months.

(4) Submit to the department at WJT@wildlife.ca.gov by the fifteenth day of March, May, July, September, November, and January a bi-monthly report that includes the following information for the preceding two calendar months:

(A) The number of projects approved pursuant to subsection (d) that resulted in the removal or relocation of western Joshua trees.

(B) The number and size class of western Joshua trees that were relocated pursuant to subsection (d).

(C) The number and size class of western Joshua trees removed and not relocated pursuant to subsection (d).

(D) The number of dead western Joshua trees removed and live trees trimmed pursuant to subsection (e).

(E) The total amount of mitigation fees collected for each of the mitigation categories set forth in subsection (d)(6).

(F) Documentation that the total amount of mitigation fees listed pursuant to subsection (c)(4)(E) was paid into the Western Joshua Tree Mitigation Fund.

(5) Submit to the department at WJT@wildlife.ca.gov an annual report on the survival rates of trees relocated pursuant to subsection (d) by January 15 of each year beginning in 2022 and continuing for a total of three years. The annual report shall include, at a minimum, the following:

(A) The total number of western Joshua trees relocated pursuant to subsection (d).

(B) For each western Joshua tree relocated:

1. The street address for the parcel on which the western Joshua tree was relocated. If no street address is available, the ~~property owner may include~~ the assessor's parcel number may be included.

2. The date of the relocation.

3. Whether the western Joshua tree is alive or dead as of the date of the annual report.

4. A photograph of the relocated western Joshua tree in its current condition.

(d) Upon compliance with subsections (c)(1) and (2), each participating agency may authorize take of western Joshua tree associated with developing single-family

residences, accessory structures, and public works projects concurrent with its approval of the project and subject to the following conditions:

(1) No project shall be eligible to receive take authorization pursuant to this section if it will result in the take of more than ten western Joshua trees from the project site.

(2) Census.

(A) The project proponent proposing to relocate or remove a western Joshua tree shall cause a census of western Joshua trees to be conducted on the project site by a desert native plant specialist. The census shall tag and count all western Joshua trees on the project site and classify them by size class.

(B) Prior to receiving take authorization from the participating agency, the project proponent shall submit to the participating agency a census report that shall include the following:

1. The name of the desert native plant specialist who conducted the census and the employer of the desert native plant specialist.

2. If applicable, the name of the desert native plant specialist who will relocate western Joshua trees pursuant to subsection (d)(4)(D) and the employer of the desert native plant specialist.

3. The date of the census.

4. The date or dates of the proposed relocation of western Joshua trees, if applicable.

5. A map of the project site that depicts: the location of the proposed single-family residence, accessory structure, or public works project; the number and location of all western Joshua trees on the project site; and, if applicable, the proposed western Joshua trees for removal, or the proposed placement of each relocated western Joshua tree.

6. Photographs of each western Joshua tree on the project site, including a visual representation of the scale of the height of each tree.

(3) Avoidance. To the maximum extent practicable, the project proponent shall avoid take of western Joshua trees on the project site.

(4) Minimization.

(A) Notwithstanding subsection (d)(3), the project proponent shall avoid all ground-disturbing activities within 10 feet of any western Joshua tree, unless those activities will be temporary, will not physically impact the western Joshua tree or its root system, and will not disturb the soil to a depth of greater than twelve inches.

(B) To the maximum extent feasible, the project proponent shall relocate all western Joshua trees that cannot be avoided to another location on the project site.



(C) For purposes of this subsection, relocation of a western Joshua tree shall be determined to be infeasible if any of the following applies:

1. Relocation of the western Joshua tree on the project site would pose a threat to public health or safety.
2. Relocation of the western Joshua tree on the project site would interfere with existing roadways, sidewalks, curbs, gutters, utility lines, sewer lines, drainage improvements, ~~foundations, structures,~~ foundations, structures, or setbacks to any of those structures or improvements.
3. There is no location on the project site that satisfies the requirements of subsection (d)(4)(D)2.

(D) The project proponent shall ensure that relocation of western Joshua trees pursuant to this section satisfies the following requirements:

1. All relocations of western Joshua trees one meter or greater in height shall be completed by a desert native plant specialist. All relocations of western Joshua trees less than one meter in height shall be relocated according to the terms of the applicable participating agency's ordinance adopted pursuant to subsection (c)(1).
2. All western Joshua trees to be relocated shall be placed at least twenty-five feet from any existing or proposed structure or improvement and at least ten feet from any other western Joshua tree.
3. Within thirty days of completing the relocation, the project proponent shall provide the participating agency with a map of the project site indicating where each western Joshua tree was relocated.

(5) Removal. Subject to the limitations of subsection (d)(1), a project proponent may remove western Joshua trees that cannot feasibly be avoided pursuant to subsection (d)(3) or relocated pursuant to subsection (d)(5).

(6) Mitigation. Prior to receiving take authorization from the participating agency, the project proponent shall pay mitigation fees to the participating agency for deposit into the Western Joshua Tree Mitigation Fund as follows:

(A) For single-family residence projects and sewer connection projects undertaken on undeveloped parcels and public works projects to erect or construct a new public structure, building, road, or improvement, the project proponent shall pay mitigation fees as follows:

1. \$2425 for each western Joshua tree four meters or greater in height that is relocated.
2. \$625 for each western Joshua tree under four meters in height that is relocated.
3. \$4175 for each western Joshua tree four meters or greater in height that is removed and not relocated.

4. \$1050 for each western Joshua tree under four meters in height that is removed and not relocated.

(B) For accessory structure projects undertaken on developed parcels and for public works projects to alter, maintain, or repair an existing public structure, building, road, or improvement, the project proponent shall pay mitigation fees as follows:

1. \$700 for each western Joshua tree four meters or greater in height that is relocated.

2. \$175 for each western Joshua tree under four meters in height that is relocated.

3. \$2100 for each western Joshua tree four meters or greater in height that is removed and not relocated.

4. \$525 for each western Joshua tree under four meters in height that is removed and not relocated.

(7) Refunds. Once mitigation fees have been paid and deposited into the Western Joshua Tree Mitigation Fund, no refunds will be provided, even if the project proponent does not take any western Joshua trees.

(e) Each participating agency may issue a permit to authorize either the removal of a dead western Joshua tree or the trimming of a western Joshua tree. The project proponent or its agent may remove a detached dead western Joshua tree or detached limb of a western Joshua tree. All other removals and all trimming of western Joshua trees authorized by permits issued pursuant to this subsection shall be completed by a desert native plant specialist. Each participating agency may issue permits pursuant to this subsection, without payment of mitigation fees, provided that the dead western Joshua tree or the limb(s) to be removed:

(1) Has fallen over and is within 30 feet of a structure; or

(2) Is leaning against an existing structure; or

(3) Creates an imminent threat to public health or safety.

(f) During the candidacy period, no participating agency shall authorize take pursuant to subsection (d), collectively, in excess of the following limits:

(1) The City of Palmdale shall not authorize take, in the form of relocation or removal, of more than 190 western Joshua trees pursuant to subsection (d).

~~(2) The County of San Bernardino shall not authorize take, in the form of relocation or removal, of more than 450 western Joshua trees pursuant to subsection (d)~~

~~(3) The Town of Yucca Valley shall not authorize take, in the form of relocation or removal, of more than 450 western Joshua trees pursuant to subsection (d), of which no more than 100 western Joshua trees shall be relocated or removed in relation to sewer connection projects.~~

(g) Enforcement.

(1) The department shall suspend a participating agency's authority to issue take authorization pursuant to subsections (d) and (e) if the participating agency does any of the following:

(A) Fails to make bi-monthly deposits of mitigation fees into the Western Joshua Tree Mitigation Fund, as required by subsection (c)(3).

(B) Fails to provide bi-monthly reports to the department, as required by subsection (c)(4).

(C) Authorizes take for a project not eligible to receive take authorization under this section.

(D) Authorizes take in excess of the limits set forth in subsection (f).

(2) The department shall provide the participating agency with written notice of a suspension within ten days of the department's discovery of facts supporting the suspension. A notice of suspension shall provide the participating agency with thirty days to remedy the failure identified in the notice. If the participating agency provides the department with written documentation that it has remedied the failure within thirty days of receipt of the notice, the department shall lift the suspension.

(3) The department shall revoke a participating agency's authority to issue take authorization pursuant to subsections (d) and (e) if the participating agency fails to remedy a failure identified in a notice of suspension within thirty days of receipt of the notice. All revocations shall be permanent.

(h) Limitations.

(1) Nothing in this section is intended to be or shall be construed to be a general project approval. It shall be the responsibility of each project proponent receiving take authorization pursuant to this section to obtain all necessary permits and approvals and to comply with all applicable federal, state, and local laws.

(2) Nothing in this section is intended to or shall be construed to limit the terms and conditions, including those relating to compensatory mitigation, the department includes in incidental take permits for western Joshua tree issued pursuant to Fish and Game Code section 2081, subdivision (b).

Note: Authority cited: Sections 399 and 2084, Fish and Game Code. Reference: Sections 399 and 2084, Fish and Game Code.

**From:** [Board of Supervisors, \(BOS\)](#)  
**To:** [BOS-Supervisors](#)  
**Cc:** [Calvillo, Angela \(BOS\)](#); [Mchugh, Eileen \(BOS\)](#); [Somera, Alisa \(BOS\)](#); [Ng, Wilson \(BOS\)](#); [Laxamana, Junko \(BOS\)](#)  
**Subject:** PG&E Notice  
**Date:** Monday, October 25, 2021 11:12:00 AM  
**Attachments:** [102521 PG&E.pdf](#)

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Hello,

Please see attached a notice of Pacific Gas and Electric Company's request to increase rates for its 2023 gas transmission & storage cost allocation and rate design application.

**Office of the Clerk of the Board of Supervisors**

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

DATE: October 8, 2021

TO: STATE, CITY AND LOCAL OFFICIALS

**NOTICE OF PACIFIC GAS AND ELECTRIC COMPANY'S REQUEST TO INCREASE RATES FOR ITS 2023 GAS TRANSMISSION & STORAGE COST ALLOCATION AND RATE DESIGN APPLICATION (A.21-09-018)**

**Acronyms you need to know**

**PG&E:** Pacific Gas and Electric Company

**CPUC:** California Public Utilities Commission

**Why am I receiving this notice?**

On September 30, 2021, PG&E filed with the CPUC its 2023 Gas Transmission & Storage Cost Allocation and Rate Design application, known as the GT&S CARD application.

This is the first time PG&E is filing GT&S CARD as a separate application addressing how gas transmission rates are designed. Going forward, PG&E is proposing this application be filed every four years.

**Why is PG&E requesting this rate change?**

This application includes the design and allocation of costs previously proposed in the General Rate Case Phase 1 related to gas transmission and gas storage facilities. Gas transmission lines bring gas from California's borders to the various parts of PG&E's service territory. Gas storage facilities allow for storing gas to meet changing demands on the system in the most cost-efficient way. There are no new costs being requested in this application.

PG&E's gas rates are designed by dividing approved costs among each customer class (residential, commercial, etc.) based on updated information on how each class uses the gas systems.

**How could this affect my monthly gas rates?**

Bundled gas customers receive transmission, distribution, and procurement services from PG&E.

If PG&E's rate request is approved by the CPUC, the average monthly bill for a typical residential customer averaging 31 therms per month would increase from \$56.34 to \$56.37, or 0.1%, based on currently authorized costs.

Detailed rate information is also being sent directly to customers. Actual impacts will vary depending on usage and are subject to CPUC regulatory approval. Future applications may also change this application's impact on rates.

**How does the rest of this process work?**

This application will be assigned to a CPUC Administrative Law Judge who will consider proposals and evidence presented during the formal hearing process. The Administrative Law Judge will issue a proposed decision that may adopt PG&E's application, modify it, or deny it. Any CPUC Commissioner may sponsor an alternate decision with a different outcome. The proposed decision, and any alternate decisions, will be discussed and voted upon by the CPUC Commissioners at a public CPUC Voting Meeting.

Parties to the proceeding are currently reviewing PG&E's application, including the Public Advocates Office, which is an independent consumer advocate within the CPUC that represents customers to obtain the lowest possible rate for service consistent with reliable and safe service levels. For more information about the Public Advocates Office, please call 1-415-703-1584, email [PublicAdvocatesOffice@cpuc.ca.gov](mailto:PublicAdvocatesOffice@cpuc.ca.gov) or visit [PublicAdvocates.cpuc.ca.gov](http://PublicAdvocates.cpuc.ca.gov).

**Where can I get more information?**

**CONTACT PG&E**

If you have questions about PG&E's filing, please contact PG&E at 1-800-743-5000. For TTY, call 1-800-652-4712. Para obtener más información sobre cómo este cambio podría afectar su pago mensual, llame al 1-800-660-6789 • 詳情請致電 1-800-893-9555.

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2021 OCT 25 AM 10:39  
94

If you would like a copy of the filing and exhibits, please write to the address below:

Pacific Gas and Electric Company  
2023 GT&S CARD Application (A.21-09-018)  
P.O. Box 7442  
San Francisco, CA 94120

**CONTACT CPUC**

Please visit **[apps.cpuc.ca.gov/c/A2109018](https://apps.cpuc.ca.gov/c/A2109018)** to submit a comment about this proceeding on the CPUC Docket Card. Here you can also view documents and other public comments related to this proceeding. Your participation by providing your thoughts on PG&E's request can help the CPUC make an informed decision.

If you have questions about CPUC processes, you may contact the CPUC's Public Advisor's Office at:

**Email: [Public.Advisor@cpuc.ca.gov](mailto:Public.Advisor@cpuc.ca.gov)**

**Mail:** CPUC  
Public Advisor's Office  
505 Van Ness Avenue  
San Francisco, CA 94102

**Call: 1-866-849-8390** (toll-free) or **1-415-703-2074**

Please reference the **2023 GT&S CARD Application A.21-09-018** in any communications you have with the CPUC regarding this matter.



BOS-11

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SAN FRANCISCO

**New Economic Growth for San Francisco**

2021 OCT 22 PM 4:53

San Francisco's new Cannabis commerce opportunity for tourist attraction, and tax dollars.

No matter whether you're from Oakland or outside California, or even outside the country: When you come to San Francisco and you're a cannabis consumer, or just a curious wanta smoke, when you come to San Francisco you look for dispensaries. Then when you get everything together there is nowhere where you can sit and smoke legally, and most hotels and hostels are non smoking leaving the tourist sneaking puffs around town, and in alleys.

This is the best opportunity to bring new commerce to the city by giving licenses to new businesses and helping existing businesses.

Union Square looks like the best choice with all it's dispensaries from Bush down to O'farrell and Van Ness to Grant. You have hotels and hostels and restaurants, tea/coffee houses which the fire marshall could designate and an area for smoking with ventilation. You could give each district an opportunity to receive a license for a bar or a restaurant.

You could open an Independent theater which caters to the Cannabis consumer, or reinvent a theater needing commerce.

You would have to come up with laws, codes and guidelines for consuming Cannabis areas, but for every tourist that walks into any establishment that sells Cannabis and they are not from San Francisco, they pay a dollar.

Just opening up comfortable places where people can sit down, smoke , eat, and consume Cannabis will bring more tourists to enjoy the American Cannabis experience.

This commerce of Cannabis could help create a way to help pay for a program where you use industrial strength Cannabis to help detox people from heroin and fentanyl. Plus HOUSING FOR THE HOMELESS.L

Thank you for you time,

Mary McNamara  
954-579-0077

# The movie business may be struggling, but you wouldn't know it at these thriving independent theaters

By [Ann Hornaday](#)

Today at 7:00 a.m. EDT



DES MOINES — Tears were shed three years ago when the Varsity Theatre, a beloved one-screen movie venue bordering the Drake University campus here, closed its doors. The building had served as an automotive sales and service shop and Coca-Cola bottling plant before being converted into a theater in 1938. On Dec. 30, 2018, after being owned and operated by the same family for more than 60 years, it would conclude its long run with a screening of — what else? — "Cinema Paradiso."

But where Des Moines film fans saw the end of an era, Ben Godar saw the future. As co-founder and director of Des Moines Film, a nonprofit film society, Godar considered the Varsity a perfect location for the kind of movie venue that is proving increasingly popular throughout the country: a two- or three-screen art house, often nonprofit, with a bar and cafe attached, designed to provide local audiences with independent, foreign-language, documentary and Oscar-bound movies that are too small for the multiplex.

A few months after the Varsity shut its doors, Des Moines Film bought the theater, and Godar immediately applied for historical preservation tax credits, which would provide the ballast of the \$3 million he intended to raise to offset the purchase, and renovate and upgrade the theater. With the tax credits secured, he prepared to launch a major capital campaign in February 2020.

"And then covid hit," he said.

Godar was surprisingly upbeat as he showed a recent visitor plans for a second screening room, an elevator, bigger bathrooms and a hip gathering place for filmgoers. "It hasn't been nearly as disastrous as I thought it was going to be in the early days," he said of the past 18 months. "In a way, if this had to hit, it hit at an okay time for us, in that we're still relatively small, I'm our only staff person, and we hadn't staffed up to operate the theater yet."

Instead of a capital campaign he intended to announce in 2020, Godar launched a virtual cinema, giving Des Moines viewers a taste of programming to come. He spent most of the year applying for government and foundation grants, and working with architects on the new design. Once Godar got the capital campaign underway earlier this year, the results were encouraging: "Our initial goal was to raise \$25,000 in the first five days," he said, "and we raised over \$100,000." More than 1,000 donors stepped up, many with modest contributions that proved to Godar that the



desperately looking for financial runway to recover from billions in losses. Box office revenue hovers around 70 percent compared with 2019. Attendance — already on a downward slope before the coronavirus pandemic — has done a similar nose dive. The rise of streaming has taken on exponential force, with studios either releasing their films in theaters and on streaming simultaneously or forgoing bricks-and-mortar theaters entirely.

And yet, for a certain sector of the exhibition business, things look, if not blazingly bright, at least cautiously bullish. While not immune to the forces that have affected the greater industry, independent theaters and art houses have managed to weather the challenges of the past year and half, some with startling success. Dozens of small theaters around the country are embarking on expansions, renovations or brand-new openings during the covid era.

In Millerton, N.Y., new owners David Maltby and Chelsea Altman have overhauled the Moviehouse, a three-screen theater serving audiences from Dutchess County to the Berkshires. They renovated the building's first floor and added a bar, installed an elevator and refurbished the smallest auditorium to create a speakeasy-like "screening lounge."

In Billings, Mont., the Art House microcinema has installed new sound, projection and seats, and will soon add two screens and a restaurant. Its sister theater, the 720-seat Babcock, is so big that it reopened just a few months into the pandemic with socially distanced screenings of such classics as "Jurassic Park," "The Goonies" and the Lord of the Rings trilogy.

In Iowa City, the nonprofit FilmScene had opened a new three-screen venue just six months before the pandemic hit; in 2021, they renovated and reopened their original two-screen location and established an outdoor screening venue in an adjacent public park.

In Washington, the Austin-based chain Alamo Drafthouse Cinema — which filed for bankruptcy in March, before being sold — has announced plans to open theaters at Brentwood and National Landing.

And in Brookline, Mass., the Coolidge Corner Theatre has announced plans for a 14,000-square-foot expansion, including two new screens and a community education and engagement center, the result of a \$12.5 million capital campaign.

The public-facing component of that campaign was set to launch in early 2020, recalls Coolidge executive director and CEO Katherine Tallman, "and then covid said, 'Sit down.'" Like Godar, Tallman made an immediate pivot, launching a virtual platform, applying for permits for the expansion, weighing in on blueprints and applying for federal Paycheck Protection Program (PPP) loans to keep her administrative staff. And then, she says, donations began to roll in.

"Our donations more than doubled when we were closed," Tallman says. "We raised over \$600,000 from an annual appeal, compared to \$180,000 the year before. Almost 50 percent of that was from new donors." One was a foundation that sent a \$50,000 check "with a message to the effect of, 'You're going to need this,'" Tallman recalls. "We had another that was a yellow piece of paper with a \$5 bill stuck on it saying, 'This is all I could afford, I hope it helps.'"

Mark O'Meara, who runs the Cinema Arts and University Mall Theatres in Fairfax, Va., didn't have the benefit of a huge capital campaign during the pandemic; as a for-profit theater, he needed to seek out different advantages. "Thank God I had two landlords who were very, very, very understanding," he says. "They're my heroes. I did pay them a little. I never paid all of [the rent]. but I paid them something." When he was forced to go dark in early 2020, he says, he

**Independent theaters and art houses** have never been considered massive moneymakers compared with corporate multiplexes. But they have proved to be uniquely positioned to survive the pandemic. Many of them are nonprofits, meaning they could not only take advantage of government programs such as the PPP loans and the Shuttered Venue Operators Grant, but they could fundraise from foundations and individuals. In many communities, they serve not just as filmgoing destinations, but as venues for other art forms and vital social hubs.

Although the exhibitors' trade group the National Association of Theatre Owners (NATO) has traditionally been associated with big chains such as AMC, Regal and Cinemark, the organization quickly came to the aid of small and midsize venues applying for government grants like SVOG. "The reason for that is the impact of those theaters," explains NATO chairman Rolando Rodriguez, chairman, president and CEO of Marcus Theatres. "We as an industry don't survive by just the top five or six companies. We support Main Street America, and Main Street America can be in Des Moines, Iowa, or Billings, Montana. Everyone is important to our long-term success."

Ironically, what might have once been a disadvantage for small theaters turned out to be an advantage during covid: Whereas multiplexes traditionally rely on studio ad campaigns that cost tens of millions of dollars, smaller theaters do the marketing themselves, reaching their customers through email lists, newsletters, social media and face-to-face contact.

In other words, smaller theaters had developed an authentic relationship with their audiences, with the result that, when they were forced to shut down in 2020, most of them were able to communicate directly with their patrons and immediately engage them with virtual cinemas, special online programs, podcasts and appeals for donations. When they began to reopen over the summer, they were able to provide the kind of personal assurances and safety measures people needed to feel safe.

The AFI Silver Theatre and Cultural Centre reopened in Silver Spring in late May, after receiving state, local and federal grants and some individual donations. The theater found success over the summer with such new releases as “Summer of Soul,” “Roadrunner” and “In the Heights.” But it has done even better with its repertory program, according to programming director Todd Hitchcock. Rereleases of the 1969 erotic thriller “La Piscine” and Fellini’s “8½,” as well as more modern classics such as “Raiders of the Lost Ark,” “Jaws” and “The Empire Strikes Back” have been the theater’s most popular films, he says, reinforcing its mission as a well-curated repertory house. More recently, the theater was well-attended for the return of its annual Latin American Film Festival and Noir City DC series; Hitchcock is optimistic that the Silent Cinema Showcase, which will run from Oct. 29 through Nov. 23, will do just as well.

“I had a regular patron tell me last summer that he watched more than 100 films last year [on our virtual platform],” Hitchcock says. “Now that he’s been back, he said, ‘I’ve seen 10 since you’ve reopened.’ That’s what he’s here for. He’s here to see movies on the big screen.” Noting that many films on the Silver’s schedule are ones people can see at home via streaming, Hitchcock sees their success as a confirmation of the theater’s core mission. “This is a big part of what we do, and it’s not anything different than what we’ve been doing for decades,” he says. “Ultimately, we’re in the get-out-of-the-house-and-come-to-the-theater-for-a-night-out-and-see-a-film-the-right-way business.”

At a time when most theaters are only realizing 50 percent of their typical revenue, the onset of the delta variant introduced yet another hurdle: Although most theater chains have not instituted vaccination mandates, many art houses have, including the AFI Silver and the Avalon, in northwest D.C. Avalon programming director Andrew Mencher admits he received some negative feedback after introducing the mandate, but the overwhelming feeling was one of support, he says. “We got some nasty phone calls, but what you learn being in this business, or any service business, is that the people who are angry are the ones who are most vocal.”

Then there are the movies themselves: There’s been a dearth of midrange, sophisticated movies that draw traditional “smarthouse” audiences and in a worrying trend, films that once would have played art houses have been going straight to streaming, or opening wide for a few weeks before going to video-on-demand. The result is that the core of the traditional art house business model — specialty films that open small, earn gradual word-of-mouth and play for weeks on end — has been in flux.

Moviehouse co-owner Altman notes that the new James Bond movie “No Time to Die” was a big success for the theater, especially with small groups that booked private screenings in the new lounge. The film’s opening weekend in early October “was also one of the best we’ve had since reopening for general admissions, which goes to prove that film content is critical,” Maltby adds. “We need to see more bigger-name movies come out that are only available theatrically.” Two films he was “cautiously optimistic” about are the Oct. 22 debut of Wes Anderson’s “The French Dispatch” and the Nov. 2 release of Chloe Zhao’s “Eternals.”

Even with strong awards-season titles on the horizon, Mencher remains cautious. “Will the delta variant push more breakthrough infections?” he asks. “Will we have another variant? The industry seems to be fundamentally changed as well, with streaming becoming such a huge part of how movies are going to be initially played [and] the windows we used to enjoy [not] coming back. What is the appetite of moviegoers going to be with all these different challenges? It seems like it’s a long way to something that resembles the normal business.”

Still, there are those who cling to the fact that a long way doesn’t mean never. Back in Des Moines, a group gathered for a fundraiser at the Varsity, where Godar led tours and where film society members shared stories of the theater in its heyday. (The theater is just over two-thirds of the way to its \$3 million goal; Godar anticipates reopening in the spring of 2022.)

Polk County Supervisor Matt McCoy — who had helped secure public funding — recalled a childhood matinee of the “Sound of Music” when he learned that “if you put a melting Hershey bar on the floor, it would get hard again.” (Yes, it was wrapped.) Capital campaign co-chair Loretta Sieman remembered getting her first kiss — from her now-husband — in the aisle. “Someone asked me what movie it was. Who cares? It was my first kiss!”

“There are so memories in this building,” says Des Moines Film board secretary Debra Kurtz. “The great movies I saw, the great conversations I had afterward, the popcorn. This is about bringing back that sense of community, sitting in a theater with a roomful of strangers and having that silver beam come on the screen. It’s magical.”

**From:** [Board of Supervisors, \(BOS\)](#)  
**To:** [BOS-Supervisors](#)  
**Cc:** [Calvillo, Angela \(BOS\)](#); [Mchugh, Eileen \(BOS\)](#); [Ng, Wilson \(BOS\)](#); [Somera, Alisa \(BOS\)](#); [Laxamana, Junko \(BOS\)](#)  
**Subject:** Public Correspondence regarding Commission on Judicial Performance  
**Date:** Monday, October 25, 2021 11:24:00 AM  
**Attachments:** [102521 Judicial performance in SF.pdf](#)

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Hello,

Please see attached a postcard regarding the Commission on Judicial Performance in San Francisco.

Sincerely,

**Office of the Clerk of the Board of Supervisors**

1 Dr. Carlton B. Goodlett Place, Room 244

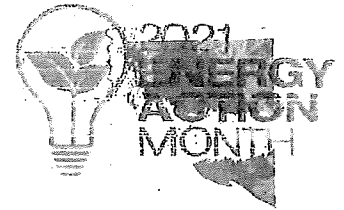
San Francisco, CA 94102

(415) 554-5184

J. Wertzler  
14801 Meribrook Ct.  
Saratoga, CA 95070

SAN JOSE CA 950

21 OCT 2021 PM 4 L



Forever USA

To: The San Francisco Board of  
Supervisors

City Hall

1 Dr. Carlton B. Goodlett Place  
SF, CA 94102

94102-999199

Hello

10/21/21

please take a look at the functioning/  
administration of the Commission on  
Judicial Performance in SF.

Our experience:

- 1) Not actively addressing  
concerns/complaints of consumers
- 2) Accessibility issues.

Thanks

A handwritten signature, likely of J. Wertzler, consisting of a stylized 'J' followed by a series of loops.

**From:** [Board of Supervisors, \(BOS\)](#)  
**To:** [BOS-Supervisors](#)  
**Cc:** [Calvillo, Angela \(BOS\)](#); [Mchugh, Eileen \(BOS\)](#); [Somera, Alisa \(BOS\)](#); [Ng, Wilson \(BOS\)](#); [Laxamana, Junko \(BOS\)](#)  
**Subject:** FW: Candlestick Area  
**Date:** Tuesday, October 26, 2021 2:57:00 PM

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

From: RoeE Ebenstein <roee\_te3@hotmail.com>  
Sent: Friday, October 22, 2021 11:31 AM  
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>; Major, Erica (BOS) <erica.major@sfgov.org>; Wong, Linda (BOS) <linda.wong@sfgov.org>; Carroll, John (BOS) <john.carroll@sfgov.org>; Breed, Mayor London (MYR) <mayorlondonbreed@sfgov.org>  
Subject: Candlestick Area

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Hello Mayor Breed and the Board of Supervisors,

While I've seen the excitement in your announcement about the VTC at our area, it is (to be gentle) not so nice that for years you all neglected the residents of the same area.

You made sure people experiencing homelessness are getting basic services, while those who actually pay the taxes you use for this - do not get nearly any service in the same area. Not only that, in the past couple of months, our area became more dirty, but crime increased tremendously thanks to the policies enacted regarding lack of law enforcement and not clearing illegally parked vehicles.

The fact I need to travel for 1.5-2 hours to get to Mission using public transportation from Candlestick Cove, a 10 minutes drive, and not having even one coffee shop/restaurant/grocery store in a 25 minutes walk is just a shame and shows you have all failed in your basic job. Assisting others should be a privilege after taking care of your actual residents. We pay you to take care of us first (And yes, our tax money is your salary, and you do not treat it that way. It feels like you forgot this is not your money).

I have already decided to leave the city (as most of those high income people I know), but I think you should all wake up and understand that you should take care of your tax paying residents. San Francisco is already a place domestic travelers do not want to visit anymore (I've been trying to make family, friends, and colleagues to stop by in the past 2 years, and none agreed due to the developing reputation of the city). If you'll continue on this path - no one will want to visit here or even be here. It's sad to see the falling of this city.

While I will depart the city (and the state) soon, I wanted to flag this with you - as your decisions have consequences.

The main consequence is going to be devalue of properties here (something that already is happening), the next would be higher crime (already happening), and following that - escaping this city (started happening). While you'd might think every thing is OK, with the new tech companies policies which allow working remotely permanently, you'll start seeing the disappearance of those tech employees...

You can't expect a consistent decrease in quality of life and safety and increase in crime will result in good things. You can't promise new construction and developments while providing nothing for so long without expecting people to vote (either in the polls or with their feet).

Good bye

**From:** [Board of Supervisors, \(BOS\)](#)  
**To:** [BOS-Supervisors](#)  
**Cc:** [Calvillo, Angela \(BOS\)](#); [Mchugh, Eileen \(BOS\)](#); [Somera, Alisa \(BOS\)](#); [Ng, Wilson \(BOS\)](#); [Laxamana, Junko \(BOS\)](#)  
**Subject:** FW: Immigrant Rights Commission Resolution Supporting Reauthorization of Noncitizen Voting in School Board Elections  
**Date:** Tuesday, October 26, 2021 2:53:00 PM  
**Attachments:** [IRC Resolution 21-00003 Non Citizen Voting F.pdf](#)

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**From:** Shore, Elena (ADM) <elena.shore@sfgov.org>  
**Sent:** Tuesday, October 26, 2021 1:04 PM  
**To:** Engagement, Civic (ADM) <civic.engagement@sfgov.org>  
**Cc:** Pon, Adrienne (ADM) <adrienne.pon@sfgov.org>  
**Subject:** Immigrant Rights Commission Resolution Supporting Reauthorization of Noncitizen Voting in School Board Elections

Dear Supervisors,

On behalf of Director Adrienne Pon, attached is a resolution that was approved by the Immigrant Rights Commission at its Executive Committee meeting on September 22, 2021, and at its Full Commission meeting on October 18, 2021, in support of the San Francisco Board of Supervisors action to reauthorize noncitizen voting in School Board elections (210961, Supervisors Chan, Melgar, Walton, Ronen, Preston, Mar, Mandelman and Peskin).

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

Thank you,

Elena

**Elena Shore | Senior Immigrant Affairs Advisor | Clerk, Immigrant Rights Commission**

**Pronouns:** She, Her, Hers

Office of Civic Engagement & Immigrant Affairs | City & County of San Francisco

[elena.shore@sfgov.org](mailto:elena.shore@sfgov.org) | [OCEIA](#) | [Immigrant Rights Commission](#)

1155 Market Street, 1<sup>st</sup> Floor | San Francisco, CA 94103



1 [RESOLUTION SUPPORTING REAUTHORIZATION OF NONCITIZEN VOTING IN SCHOOL  
2 BOARD ELECTIONS]

3  
4 **Resolution supporting the Board of Supervisors action in amending the Municipal**  
5 **Elections Code to reauthorize Non-United States citizen voting in elections for the**  
6 **Board of Education of the San Francisco Unified School District**

7  
8 WHEREAS, In November 2016, San Francisco voters approved Proposition N, a Charter  
9 amendment, adding Charter Section 13.111, to allow non-United States citizens  
10 (“noncitizens”) who meet certain criteria, to vote for members of the San Francisco Board of  
11 Education (“School Board”) in the City’s November 2018, November 2020, and November  
12 2022 elections; and

13  
14 WHEREAS, This right was extended to all noncitizen residents in San Francisco who were of  
15 legal voting age and the parents, legal guardians, and caregivers (collectively, “parents”) of a  
16 child under age 19 living within the boundaries of the San Francisco Unified School District  
17 (“School District”); and

18  
19 WHEREAS, Over the last 30 years, cities and towns in Illinois, Maryland, Massachusetts and  
20 New York have passed laws allowing immigrants to vote; and

21  
22 WHEREAS, The public in School Board meetings share ideas for improving the School  
23 District’s family communications plan, provide crucial input on budget matters, and educate  
24 fellow parents about their right to be involved in their children’s education. Realizing the vital  
25 contributions that noncitizen parents make to the School District, San Francisco voters passed

1 Proposition N to provide them with a greater voice in School District policies by permitting  
2 them to vote in School Board elections; and  
3

4 WHEREAS, Extensive research demonstrates how parent involvement in their children's  
5 education is critical for students' lifelong achievements and success. These studies  
6 demonstrate that students whose parents are involved in their schooling are more likely to  
7 attend school regularly, have better social emotional skills and succeed in their studies; and  
8

9 WHEREAS, Proposition N is imperative for parent and student engagement in our schools,  
10 and ensures that noncitizen parents have a role in selecting the officials who set the School  
11 District policies that impact their children's education; and  
12

13 WHEREAS, Continuation of noncitizen voting in School Board elections is necessary to allow  
14 many unheard voices to come forward. Though the number of noncitizen parents in the  
15 School District is currently unknown, as of the 2020-2021 school year, there were over 13,682  
16 English Language Learners in the School District. These students spoke a variety of  
17 languages including, but not limited to, Arabic, Mandarin, Cantonese, Japanese, Korean,  
18 Russian, Samoan, Spanish, Filipino, and Vietnamese; and  
19

20 WHEREAS, In order to realize the full civic engagement of noncitizen parents in School  
21 District affairs by voting, additional resources are necessary for outreach, engagement, and  
22 education, as well as improved coordination between community-based groups, School  
23 District, and City Departments in order to ensure that noncitizen parents have access to a  
24 safe voting system and knowledge of resources available including language access; and  
25

1 WHEREAS, Noncitizens have more of a stake in their communities when they have a seat at  
2 the table, particularly when they are eligible to vote for School Board representatives who are  
3 elected to represent the educational needs of their children; and

4  
5 WHEREAS, Reauthorization of noncitizen voting is an opportunity to enfranchise a broader  
6 San Francisco community and create pathways for more equitable allocation of public school  
7 resources as well as expanding efforts to increase cultural competency in our schools; now  
8 therefore be it

9  
10 RESOLVED, That the Immigrant Rights Commission supports the reauthorization of Non-  
11 United States Citizen voting pursuant to Charter Section 13.111(a)(2) non-United States  
12 citizen voting in School Board elections, according to the terms of Charter Section  
13 13.111(a)(1)(B), beyond December 31, 2022, with no sunset date on the extension; and be it

14  
15 FURTHER RESOLVED, That the Immigrant Rights Commission shall transmit a copy of this  
16 Resolution to the Sponsor, Board of Supervisors, and Mayor.



## CITY AND COUNTY OF SAN FRANCISCO IMMIGRANT RIGHTS COMMISSION

### CERTIFICATION OF EXECUTIVE DIRECTOR OF THE COMMISSION

**Commissioners:**

Celine Kennelly, Chair  
Mario Paz, Vice Chair  
Elahe Enssani  
Donna Fujii  
Haregu Gaime  
Ryan Khojasteh  
Camila Andrea Mena  
Lucia Obregon  
Nima Rahimi  
Franklin M. Ricarte  
Jessy Ruiz  
Sarah Souza  
Alicia Wang  
Luis Zamora

**Executive Director:**

Adrienne Pon  
Office of Civic Engagement  
& Immigrant Affairs

**Resolution No.** 2021-03

**Date Passed:** October 18, 2021

[SUPPORTING REAUTHORIZATION OF NONCITIZEN VOTING IN SCHOOL BOARD ELECTIONS]

**Resolution supporting the Board of Supervisors action in amending the Municipal Elections Code to reauthorize Non-United States citizen voting in elections for the Board of Education of the San Francisco Unified School District**

September 22, 2021

San Francisco Immigrant Rights Commission Executive Committee

Ayes: 4- Chair Kennelly, Vice Chair Paz, Commissioners Khojasteh and Rahimi

Nays: 0

October 18, 2021

San Francisco Immigrant Rights Commission

Ayes: 10- Vice Chair Paz, Commissioners Fujii, Gaime, Khojasteh, Mena, Obregon, Rahimi, Ruiz, Souza, and Zamora

Abstains: 1- Commissioner Wang

Nays: 0

File No. IRC2021-03

I hereby certify that I am the duly appointed Executive Director of the Immigrant Rights Commission and that the attached resolution was adopted and approved by the Immigrant Rights Commission of the City and County of San Francisco at properly noticed meetings on September 22, 2021 (Executive Committee) and October 18, 2021 (Full Commission).

A handwritten signature in black ink that reads "Adrienne Pon".

Adrienne Pon  
Executive Director  
Office of Civic Engagement & Immigrant Affairs

Date: October 22, 2021

**From:** [Board of Supervisors, \(BOS\)](#)  
**To:** [BOS-Supervisors](#)  
**Cc:** [Calvillo, Angela \(BOS\)](#); [Mchugh, Eileen \(BOS\)](#); [Somera, Alisa \(BOS\)](#); [Ng, Wilson \(BOS\)](#); [Laxamana, Junko \(BOS\)](#); [BOS Legislation, \(BOS\)](#)  
**Subject:** FW: 469 Stevenson - CEQA Appeal  
**Date:** Tuesday, October 26, 2021 3:56:00 PM  
**Attachments:** [469 Stevenson - HAA CEQA Letter.pdf](#)

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**From:** Rafa Sonnenfeld <rafa@yimbylaw.org>  
**Sent:** Tuesday, October 26, 2021 3:47 PM  
**To:** Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>  
**Subject:** 469 Stevenson - CEQA Appeal

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Good afternoon,

Please find our organization's letter concerning the CEQA Appeal of the project at 469 Stevenson attached. Please confirm receipt of this email.

Thank you,

--

**Rafa Sonnenfeld**  
Paralegal he/him



10/26/2021

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

Board.of.Supervisors@sfgov.org  
Via Email

Re: 469 Stevenson St.  
2017-014833CUA

Dear San Francisco Board of Supervisors,

YIMBY Law is a 501(c)3 non-profit corporation, whose mission is to increase the accessibility and affordability of housing in California. YIMBY Law sues municipalities when they fail to comply with state housing laws, including the Housing Accountability Act (HAA). As you know, the Board of Supervisors has an obligation to abide by all relevant state housing laws when evaluating the above captioned proposal, including the HAA. Should the City fail to follow the law, YIMBY Law will not hesitate to file suit to ensure that the law is enforced.

The Project involves the construction of a new 27-story, 274-foot-tall residential building containing 495 dwelling units. The Project Sponsor seeks to utilize the State Density Bonus Law, Government Code Section 65915 et seq ("the State Law"), as amended under Assembly Bill No. 2345 (AB-2345). Under the State Law, a housing development that includes affordable housing is entitled to additional density, concessions and incentives, and waivers from development standards that might otherwise preclude the construction of the project. Because the Project Sponsor is providing 13% of base project units of housing affordable to very-low income households, the Project seeks a density bonus of 42.5% and invokes an incentive/concession from Height (Section 250), and waivers of the following development standards: 1) Maximum Floor Area Ratio (Section 123); 2) Rear Yard (Section 134); 3) Common Useable Open Space (Section 135); 4) Dwelling Unit Exposure (Section 140); 5) Ground-Level Wind Current (Section 148); and 6) Bulk (Section 270).

The project was entitled by the Planning Commission at their July 29, 2021 meeting. When approving the project, the Planning Commission found "that the Project is, on balance, consistent with the Objectives and Policies of the General Plan."

California Government Code § 65589.5, the Housing Accountability Act, prohibits localities from denying housing development projects that are compliant with the locality's zoning ordinance or general plan at the time the application was deemed complete, unless the locality

can make findings that the proposed housing development would be a threat to public health and safety.

With the approved Density Bonus incentives and waivers, the above captioned Project is zoning compliant and general plan compliant, therefore, your local agency must approve the application, as the Planning Commission has already done once, or else make findings to the effect that the proposed project would have an adverse impact on public health and safety, as described above.

The City determined that this project would require an Environmental Impact Report. On March 11, 2020, the Planning Department published the Draft Environmental Impact Report ("DEIR") and provided public notice in a newspaper of general circulation of the availability of the DEIR for public review and comment and of the date and time of the Planning Commission ("Commission") public hearing on the DEIR. On March 11, 2020. The Final Environmental Impact Report (FEIR) document was published on May 26, 2021 and includes copies of all of the comments received on the DEIR and written responses to each comment. The Commission reviewed and considered the FEIR for the Project and found the FEIR to be adequate, accurate, and objective, thus reflecting the independent analysis and judgment of the Department and the Commission, and that the summary of comments and responses contained no significant revisions to the Draft EIR, and approved the FEIR for the Project in compliance with CEQA, the CEQA Guidelines, and Chapter 31.

On July 29, 2021, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Application Nos. 2017-014833DNX, 2017-014833CUA, and 2017-014833ENV to consider the various approvals for the Project, including Downtown Project Authorization, Conditional Use Authorization, and CEQA Findings. The Commission found, "the proposed project will not be detrimental to the health, safety, convenience, or general welfare of persons residing or working in the vicinity. There are no features of the project that could be detrimental to the health, safety, or convenience of those residing or working the area." The Commission also found that "the Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would contribute to the character and stability of the neighborhood and would constitute a beneficial development...The Commission hereby finds that approval of the Conditional Use Authorization would promote the health, safety, and welfare of the City."

### **CEQA Analysis Must Balance Housing with Environmental Concerns**

In addition to your obligation to approve this project based on it meeting the requirements of the HAA, the Board also has an obligation to make every effort to make decisions related to EIRs in support of increasing housing.

The state's approach to CEQA is one of balance; the state's interest is in both protecting the environment and "providing a decent home and satisfying living environment for every Californian." *Public Resource Code* § 21000(g); 21001(d)

It is important to note that CEQA does not give the City any new powers independent of the powers granted by other laws, and CEQA is specifically subject to limitations provided in other laws. § 21004; § 15040(a). *County of San Diego v. Grossmont-Cuyamaca Community College*

*District, 141 Cal.App.4th 86, 102 (2006)* found that “an agency’s authority to impose mitigation measures must be based on legal authority *other than CEQA*.” In fact, the exercise of a city’s powers under a law like the HAA must be within the scope of the city’s authority provided by that law and needs to be consistent with the limitations set by that law. See § 15040(d) and (e).

### **The HAA Requires Projects to Comply With CEQA, However the HAA is Mainly Concerned with the Environmental Consequences of Project Disapprovals**

Certainly, housing developments that are approved by lead agencies are required to comply with CEQA, but it’s important to note that in its references to CEQA, the HAA is silent about the environmental consequences of *approving* housing developments. CEQA’s statutory and regulatory mandate applies only to project approvals. However, the HAA is principally concerned with the environmental consequences of a lack of housing, and of disapproval of a particular housing project. Examples of supporting language in the HAA include,

“The lack of housing, including emergency shelters, is a critical problem that threatens the economic, environmental, and social quality of life in California.” § 65589.5(a)(1)(A)

“Many local governments do not give adequate attention to the economic, environmental, and social costs of decisions that result in disapproval of housing development projects, reduction in density of housing projects, and excessive standards for housing development projects.” § 65589.5(a)(1)(D)

“California has a housing supply and affordability crisis of historic proportions. The consequences of failing to effectively and aggressively confront this crisis are hurting millions of Californians, robbing future generations of the chance to call California home, stifling economic opportunities for workers and businesses, worsening poverty and homelessness, and undermining the state’s environmental and climate objectives.” § 65589.5(a)(2)(A)

“An additional consequence of the state’s cumulative housing shortage is a significant increase in greenhouse gas emissions caused by the displacement and redirection of populations to states with greater housing opportunities, particularly working- and middle-class households. California’s cumulative housing shortfall therefore has not only national but international environmental consequences.” § 65589.5(a)(2)(I)

“It is the policy of the state that a local government not reject or make infeasible housing development projects, including emergency shelters, that contribute to meeting the need determined pursuant to this article without a thorough analysis of the economic, social, and environmental effects of the action and without complying with subdivision (d).” § 65589.5(b)

The legislature recognizes that the statewide housing shortage, and local agencies’ disapprovals of housing projects have a substantial negative impact on the environment. While CEQA is focused on the environmental effects of project approvals, **the HAA policy framework clearly requires any local agency that denies approval of a housing project, or makes a housing project infeasible, to thoroughly analyze the environmental consequences of said denial or disapproval, even if the agency has valid HAA findings for disapproving a**



**project. Denial of the Project would be a CEQA violation under HAA, and thus the denial itself is an action that needs its own initial study.**

### **The Conditions for a Project to be Lawfully Disapproved are Established by the HAA**

The HAA determines the conditions under which a project that includes very low-, low-, or moderate-income households, can be lawfully disapproved in § 65589.5(d); (also reference *North Pacifica, LLC v. City of Pacifica, supra*, 234 F.Supp.2d at 1059-60). There are five prescribed circumstances under which a project can be disapproved; and then any findings must be written, and based on a preponderance of evidence.

The City cannot disapprove a housing development project or place conditions upon approval if doing so would make the project infeasible unless it finds, based upon a record of a preponderance of evidence, that the proposed project, “would have a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households...” § 65589(d)(2). The HAA also clarifies that “a ‘specific, adverse impact’ means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.” Therefore, in order to lawfully disapprove the Project, the City would need to have a written document that existed on the date the application was deemed complete that contains objective, identified public health or safety standards, policies, or conditions.

If the City is able to prove by a preponderance of the evidence that it does have written, objective, identified public health or safety standard, policy, or conditions, then the City would need to prove, by a preponderance of the evidence, that the Project would have a “significant, quantifiable, direct, and unavoidable” impact in order to lawfully disapprove the Project. **If the City cannot prove, based on a preponderance of evidence, that the Project would impact all four qualities: significant, quantifiable, direct, and unavoidable; using a document that itself is qualified under the meaning of the HAA, then it cannot legally deny approval of the Project.** *Hoffman Street, LLC v. City of West Hollywood*, 179 Cal.App.4th 754, 771-72 (2009) held that the city did not make the findings necessary to adopt an ordinance for failing to identify “a specific, adverse impact upon the public health or safety” and to identify any “written public health or safety standards, policies, or conditions.”

### **CEQA Does Not Allow the City to Disapprove this Project**

CEQA requires a specific process for cities to follow when planning an activity that could fall within its scope. § 15002(k):

- 1) Determination of whether or not an activity is a “project,” that “may cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.” § 21065.
- 2) If the activity is determined to be a project, the City needs to determine if the project is exempt from the CEQA review, via either a statutory or categorical exemption process (§ 21080, § 21084(a), § 15260-15285, § 15300-15333). If the project is not exempt, the City

then must evaluate if the project imposes a significant environmental impact. If there's no such impact, then the City "must 'adopt a negative declaration to that effect.' " § 21080(c); § 15070.

3) If the City determines a project "may have a significant effect on the environment," it must go through the EIR process before approving the project. § 21100(a); §21151(a); §21080(d); §21082.2(d).

It's important to note that CEQA does not require disapproval of a project that the City finds having a significant environmental impact, nor is the City required to select the alternative "most protective of the environmental status quo" option. *San Franciscans Upholding the Downtown Plan v. City and County of San Francisco*, 102 Cal.App.4th 656, 695 (2002) found if "economic, social, or other conditions" make alternatives and mitigation "infeasible," a project is allowed to be approved regardless of its significant environmental impacts as long as the City approves a "statement of overriding considerations" that determines that the project's benefits exceed the potential environmental impact. § 21002, §21002.1(c), § 5093. When the city determines whether or not a mitigation measure is feasible, it "involves a balancing of various 'economic, environmental, social, and technological factors.'" § 21061.1. *The CEQA Guidelines* define "feasible" as "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors." § 15364.

The HAA determines the basis for the city to possibly deny a housing project under § 65589.5(d) and § 65589.5(j); neither subsection references CEQA or the environment. §65589.5(e), requires CEQA compliance, but that does not "relieve the local agency from making one or more of the findings required pursuant to Section 21081" if there is a proposed project with significant environmental effects. The HAA is what sets the only conditions where the City is permitted to disapprove a project or condition a project to make it infeasible (see *North Pacifica, LLC v. City of Pacifica*, *supra*, 234 F.Supp.2d at 1059-60).

The city has no feasible way to fail to approve the Project even if it is eventually found to have significant and unavoidable environmental effects under CEQA (see *Sequoyah Hills Homeowners Association v. City of Oakland*, 23 Cal.App.4th 704 (1993)). In the Sequoyah Hills case, NIMBYs sued over Oakland's EIR certification and the approval of a 45-unit housing development project that was covered by the HAA. The City of Oakland found that the HAA prevented it from requiring the developer to reduce the project's density, which was the remedy requested by the NIMBYs. The Oakland City Council decided that it would be legally infeasible to decrease the project's density under the HAA.

The NIMBYs lost their suit, appealed, and the Court of Appeal affirmed the trial court's denial of the NIMBY's attempt to affect the project, agreeing with Oakland and the developer that the HAA "is not a legislative will-o'-the-wisp. On the contrary, the legislature found that "The lack of affordable housing is a critical problem which threatens the economic, environmental, and social quality of life in California." The Court held: "the only way appellant can avoid the impact of section 65589.5, subdivision (j)(1), is by establishing that the project, at the approved density, will have a "specific, adverse impact upon the public health or safety." This they cannot do. There is no evidence to support such a conclusion, and the city specifically found that no such impact would result from the project. We conclude that the city did not

abuse its discretion when it found that any decreased density alternative would be legally infeasible and approved the mitigated alternative.”

## Conclusion

It is clear that the City and County of San Francisco is required to approve the Project at 469 Stevenson Street, which you will effectively do by denying the CEQA Appeal. The City has not identified any health and safety impacts that cannot be mitigated with approval of this project, and even if it does identify significant environmental impacts in the future, the city will be obligated to evaluate the environmental consequences of *not* approving the Project if the City fails to issue a statement of overriding considerations or approve a mitigated alternative that allows the development to proceed. It’s also abundantly clear how the Project’s benefits to the community exceed any environmental impacts of this infill development, which have not yet even been established.

I am signing this letter both in my capacity as the Executive Director of YIMBY Law, and as a resident of California who is affected by the shortage of housing in our state.

Sincerely,

A handwritten signature in black ink that reads "Sonja Trauss". The signature is written in a cursive, flowing style with a large, stylized 'S' and 'T'.

Sonja Trauss  
Executive Director  
YIMBY Law

**From:** [Board of Supervisors, \(BOS\)](#)  
**To:** [BOS-Supervisors](#); [BOS-Legislative Aides](#)  
**Cc:** [Calvillo, Angela \(BOS\)](#); [Somera, Alisa \(BOS\)](#); [Laxamana, Junko \(BOS\)](#); [Ng, Wilson \(BOS\)](#); [BOS Legislation, \(BOS\)](#)  
**Subject:** FW: 469 Stevenson Petition Signers  
**Date:** Monday, October 25, 2021 5:19:00 PM  
**Attachments:** [469 Stevenson Petition Signers 10.25.2021.xlsx](#)

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**From:** Corey Smith <corey@sfhac.org>  
**Sent:** Monday, October 25, 2021 10:29 AM  
**To:** BOS-Supervisors <bos-supervisors@sfgov.org>  
**Cc:** BOS-Legislative Aides <bos-legislative\_aides@sfgov.org>; Todd David <todd@sfhac.org>; Laura Clark <laura@yimbyaction.org>; Lou Vasquez <lou@bldsf.com>; Tyler Kepler <tyler@bldsf.com>  
**Subject:** 469 Stevenson Petition Signers

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Members of the San Francisco Board of Supervisors,

On behalf of the Housing Action Coalition and YIMBY Action, please see the attached list of petition signers in support of the housing proposal at [469 Stevenson](#).

Please let me know if you have any questions.

Respectfully,  
Corey Smith  
Deputy Director, HAC

--

**Corey Smith** 陈锐 | Pronouns: He/Him  
Deputy Director | Housing Action Coalition  
95 Brady Street, San Francisco, CA 94103  
Office: (415) 541-9001 | Cell: (925) 360-5290

  
Email: [corey@sfhac.org](mailto:corey@sfhac.org) | Web: [sfhac.org](http://sfhac.org)

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Campaign Name	First Name	Last Name	Email
469 Stevenson Street Petitions	Travis	Cole	kelp@plek.org
469 Stevenson Street Petitions	Cory	Creath	ccreath@axisgfa.com
469 Stevenson Street Petitions	Lindsay	Haddix	lindsayleighhaddix@gmail.com
469 Stevenson Street Petitions	Larry	Badiner	larry@badinerurbanplanning.com
469 Stevenson Street Petitions	Michael	Lamperd	mikestheone@sbcglobal.net
469 Stevenson Street Petitions	Mark	Macy	markm@macyarchitecture.com
469 Stevenson Street Petitions	Eric	Gregory	mrericsir@gmail.com
469 Stevenson Street Petitions	Michael	Chen	mychen10@yahoo.com
469 Stevenson Street Petitions	Omar	Elorabi	omarelorabi@gmail.com
469 Stevenson Street Petitions	scott	eschelman	scott@bldsf.com
469 Stevenson Street Petitions	stanley	saitowitz	stanley@saitowitz.com
469 Stevenson Street Petitions	Steven	Grafton	sgrifton@gmail.com
469 Stevenson Street Petitions	Andrew	Sullivan	andrew@sulli.org
469 Stevenson Street Petitions	Armand	Domalewski	armanddomalewski@gmail.com
469 Stevenson Street Petitions	Asumu	Takikawa	asumu@simplyrobot.org
469 Stevenson Street Petitions	Tim	Carrico	tcarrico@well.com
469 Stevenson Street Petitions	Charles	Whitfield	whitfield.cw@gmail.com
469 Stevenson Street Petitions	christi	azevedo	ca@christiazevedo.com
469 Stevenson Street Petitions	David	Salem	dsssandg@gmail.com
469 Stevenson Street Petitions	gene	novikov	gene.novikov@gmail.com
469 Stevenson Street Petitions	George	Grohwin	ggrohwin@gmail.com
469 Stevenson Street Petitions	Jose	Rosales	ictus1769@gmail.com
469 Stevenson Street Petitions	Jason	Lally	jason.lally@gmail.com
469 Stevenson Street Petitions	Joshua	Garcia	joshgarciadesign@yahoo.com

469 Stevenson Street Petitions	aaron	conner	aaronconner86@gmail.com
469 Stevenson Street Petitions	Cliff	Bargar	
469 Stevenson Street Petitions	Scot	Conner	scot.conner@berkeley.edu
469 Stevenson Street Petitions	Hunter	Oatman-Stanford	hoatmanstanford@gmail.com
469 Stevenson Street Petitions	Elliot	Schwartz	elliott.schwartz@gmail.com
469 Stevenson Street Petitions	Timothy	Green	tpgreen3@gmail.com
469 Stevenson Street Petitions	Joe	Girton	girtongirton@gmail.com
469 Stevenson Street Petitions	Julia	Berg	berg.juliaj@gmail.com
469 Stevenson Street Petitions	Nishant	Kheterpal	nishantkheterpal@gmail.com
469 Stevenson Street Petitions	Andrew	Morcos	amorcos@greystar.com
469 Stevenson Street Petitions	Deepak	Jagannath	deciblast@gmail.com
469 Stevenson Street Petitions	Meghan	Warner	meghanowarner@gmail.com
469 Stevenson Street Petitions	Dicko	Ba	dickoba@berkeley.edu
469 Stevenson Street Petitions	Deborah	Schneider	deborah.schneider@gmail.com
469 Stevenson Street Petitions	Steve	Marzo	smarzo@alumni.nd.edu
469 Stevenson Street Petitions	Ben	Donahue	ben@bendonahue.com
469 Stevenson Street Petitions	Shawn	Alexander	salexander@axisgfa.com
469 Stevenson Street Petitions	Alex	Taylor	alextaylor1001@gmail.com
469 Stevenson Street Petitions	Chris	Heriot	cheriot@gmail.com
469 Stevenson Street Petitions	John	Jenkins	johnjenkinsnfdu@gmail.com
469 Stevenson Street Petitions	Joris	van Mens	jorisvanmens@gmail.com
469 Stevenson Street Petitions	John	Bolka	johnbolka64@gmail.com
469 Stevenson Street Petitions	Andy	Matuschak	andy@andymatuschak.org
469 Stevenson Street Petitions	Greg	Brandt	brandt.greg@gmail.com

469 Stevenson Street Petitions	John	Cate	jwcate@yahoo.com
469 Stevenson Street Petitions	Joshua	Kehl	joshuarkehl@gmail.com
469 Stevenson Street Petitions	Yoon	Choi	ycchoi02@gmail.com
469 Stevenson Street Petitions	Charles	Ayers	cayers99@gmail.com
469 Stevenson Street Petitions	Alan	Billingsley	alanbillingsley215@gmail.com
469 Stevenson Street Petitions	Wilma	Bolio	wilmabolio1@gmail.com
469 Stevenson Street Petitions	loring	sagan	loring.sagan@gmail.com
469 Stevenson Street Petitions	Margherita	Sagan	margherita@piccino.com
469 Stevenson Street Petitions	Lauren	Harvey	ldharvey93@gmail.com
469 Stevenson Street Petitions	Stuart	Sagan	fourthgreennv@gmail.com
469 Stevenson Street Petitions	Robbie	Lazarow	robbie.lazarow@gmail.com
469 Stevenson Street Petitions	Aaron	Singer	aaron@seaplane.com
469 Stevenson Street Petitions		mollya868@gmail.com	mollya868@gmail.com
469 Stevenson Street Petitions	Jack	Kisseberth	jackkisseberth@gmail.com
469 Stevenson Street Petitions	Eleanor	Rask	
469 Stevenson Street Petitions	Bill	Wenner	wenner.william@gmail.com
469 Stevenson Street Petitions	Savannah	Keller	savkeller@yahoo.com
469 Stevenson Street Petitions	Meredith	Hoffman	
469 Stevenson Street Petitions	Mitch	Braff	mitchbraff@mac.com
469 Stevenson Street Petitions	Mali	Richlen	malirichlen@gmail.com
469 Stevenson Street Petitions	Eric	Tsaur	eric.tsaur@gmail.com
469 Stevenson Street Petitions	Julius	Berkemeier	
469 Stevenson Street Petitions	Howard	Zack	howard@whoknewllc.com
469 Stevenson Street Petitions	Philipe	Manoux	pmanoux@mac.com

469 Stevenson Street Petitions	Alexander	Bonorris	alexanderbonorris@gmail.com
469 Stevenson Street Petitions	Liz	McCormack	ecmccormack5@gmail.com
469 Stevenson Street Petitions	Boone	Saunders	boone.saunders15@gmail.com
469 Stevenson Street Petitions	Avery	McEvoy	averylmcevoy@gmail.com
469 Stevenson Street Petitions	Lillian	Holland	lilymholland@gmail.com
469 Stevenson Street Petitions	Brendan	Palmieri	brendanpalmieri@gmail.com
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469 Stevenson Street Petitions	Seth	Andrews	sethseth1@gmail.com
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469 Stevenson Street Petitions	Trevor	Burke	trevorpburke@gmail.com
469 Stevenson Street Petitions	Maria	Bowe	mariacbowe@gmail.com
469 Stevenson Street Petitions	Sonia	Nguyen	sonia.t.nguyen@gmail.com
469 Stevenson Street Petitions	Patrick	Flemming	patrick.flemming@gmail.com
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469 Stevenson Street Petitions	Sam	Pannepacker	
469 Stevenson Street Petitions	Carlos	Vasquez	cdtvasquez@gmail.com



469 Stevenson Street Petitions	Trey	Clark	trey.e.clark@gmail.com
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469 Stevenson Street Petitions	Lori	Lerner	lorillerner@gmail.com
469 Stevenson Street Petitions	Christine	Lin	clin512@gmail.com
469 Stevenson Street Petitions	Eve	Alexander	eve.alexander@gmail.com
469 Stevenson Street Petitions	Ana	Makins	analindenst@gmail.com
469 Stevenson Street Petitions	Hailey	Flemming	haileypaflemming@gmail.com
469 Stevenson Street Petitions	Raymond	Kania	
469 Stevenson Street Petitions	charles	jiang	
469 Stevenson Street Petitions	owen	jiang	cjiangbills@gmail.com
469 Stevenson Street Petitions	alice	chen	owenjiangemail@gmail.com
469 Stevenson Street Petitions	Marissa	Chacko	marissachacko@yahoo.com
469 Stevenson Street Petitions	Alex	Ko	
469 Stevenson Street Petitions	German	Freiwald	germanfreiwald@gmail.com
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469 Stevenson Street Petitions	Stella	Sagan	ginettasagan@yahoo.com
469 Stevenson Street Petitions	Sandy	Lee	onesandbox@gmail.com
469 Stevenson Street Petitions	Julia	Tang	mengni93@outlook.com
469 Stevenson Street Petitions	Katherine	Young	
469 Stevenson Street Petitions	Brian	Young	brianyoung@primeredbluff.com
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469 Stevenson Street Petitions	Annabelle	Young	abyoung2002@gmail.com
469 Stevenson Street Petitions	Sharad	Bharadwaj	sharad@thebharadwaj.com

469 Stevenson Street Petitions	Andrew	Gorin	andrewgorin@gmail.com
469 Stevenson Street Petitions	akash	sharma	aksharma86@gmail.com
469 Stevenson Street Petitions	Cheyne	Bloch	cheyneb@gmail.com
469 Stevenson Street Petitions	Bret	Young	bret.young@clearwayenergy.com
469 Stevenson Street Petitions	John	Bickford	bickford_j@yahoo.com
469 Stevenson Street Petitions	Gabriel	Speyer	gabe@lesardevelopment.com
469 Stevenson Street Petitions	Raul	Maldonado	rmaldonadocloud@gmail.com
469 Stevenson Street Petitions	Corey	Smith	cwsmith17@gmail.com

<b>Mailing City</b>	<b>Mailing Zip/Postal Code</b>
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San Francisco	94103
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Emeryville	94102
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Atherton	94027
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San Francisco	94115
San Rafael	94903
Corte Madera	94925
San Francisco	94109
Larkspur	94939
Greenbrae	94904
Oakland	94602

Carnelian Bay	96140
San Francisco	94117
Mill Valley	94941
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Mill Valley	94941
Truckee	96161
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Berkeley	94710
Incline Village	89451
Atherton	94027
San Francisco	94103
New York	10044
San Francisco	94112
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Hayward	94545

Porter Ranch 91326

San Francisco 94107

San Francisco 94109

San Francisco 94103

San Francisco 94123

San Francisco 94122

San Francisco 94132

San Francisco 94117



**From:** [Board of Supervisors, \(BOS\)](#)  
**To:** [BOS-Supervisors](#); [BOS-Legislative Aides](#)  
**Cc:** [Calvillo, Angela \(BOS\)](#); [Somera, Alisa \(BOS\)](#); [Laxamana, Junko \(BOS\)](#); [Ng, Wilson \(BOS\)](#); [BOS Legislation, \(BOS\)](#)  
**Subject:** FW: Appeal of CEQA Final Environmental Impact Report - Proposed 469 Stevenson Street Project - Appeal Hearing October 26, 2021  
**Date:** Tuesday, October 26, 2021 9:48:00 AM  
**Attachments:** [San Francisco Board of Supervisors 4.pdf](#)

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**From:** John Elberling <johne@todco.org>  
**Sent:** Tuesday, October 26, 2021 8:02 AM  
**To:** BOS Legislation, (BOS) <bos.legislation@sfgov.org>  
**Cc:** tyler@bldsf.com; lou@bldsf.com; Alexis Pelosi <alexis@pzlandlaw.com>; PEARSON, ANNE (CAT) <Anne.Pearson@sfcityatty.org>; STACY, KATE (CAT) <Kate.Stacy@sfcityatty.org>; JENSEN, KRISTEN (CAT) <Kristen.Jensen@sfcityatty.org>; Hillis, Rich (CPC) <rich.hillis@sfgov.org>; Teague, Corey (CPC) <corey.teague@sfgov.org>; Sanchez, Scott (CPC) <scott.sanchez@sfgov.org>; Gibson, Lisa (CPC) <lisa.gibson@sfgov.org>; Jain, Devyani (CPC) <devyani.jain@sfgov.org>; Delumo, Jenny (CPC) <jenny.delumo@sfgov.org>; Range, Jessica (CPC) <jessica.range@sfgov.org>; Varat, Adam (CPC) <adam.varat@sfgov.org>; Sider, Dan (CPC) <dan.sider@sfgov.org>; Starr, Aaron (CPC) <aaron.starr@sfgov.org>; Ionin, Jonas (CPC) <jonas.ionin@sfgov.org>; Foster, Nicholas (CPC) <nicholas.foster@sfgov.org>; Rosenberg, Julie (BOA) <julie.rosenberg@sfgov.org>; Longaway, Alec (BOA) <alec.longaway@sfgov.org>; Susan Brandt-Hawley <susanbh@me.com>; BOS-Supervisors <bos-supervisors@sfgov.org>; BOS-Legislative Aides <bos-legislative\_aides@sfgov.org>; Calvillo, Angela (BOS) <angela.calvillo@sfgov.org>; Somera, Alisa (BOS) <alisa.somera@sfgov.org>; Mchugh, Eileen (BOS) <eileen.e.mchugh@sfgov.org>  
**Subject:** Re: Appeal of CEQA Final Environmental Impact Report - Proposed 469 Stevenson Street Project - Appeal Hearing October 26, 2021

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Please find attached additional comment for the record in support of our YBNC Appeal.

The Yerba Buena Neighborhood Consortium  
c/o 230 Fourth St. San Francisco, CA 94103  
A Council of the Yerba Buena Neighborhood's Residents and Community Organizations

San Francisco Board of Supervisors  
City Hall  
San Francisco CA 94102

October 26, 2021

RE: 469 Stevenson FEIR Project Appeal  
2017-014833ENV

Supervisors:

There is one last grievous flaw in the Environmental Review process for the 469 Stevenson Project that we want to bring to your attention as you consider our Appeal of the Certification of its EIR tomorrow. It is this conclusion stated in the Comments and Responses to its DEIR (and the full discussion on pages 81-82) that are a part of the legal environmental record we are challenging:

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The overall conclusion from the literature review is that there is no evidence to support the argument that new market-rate development causes gentrification or displacement. The findings overwhelmingly suggest that while some displacement may occur, it is not the inevitable result of gentrification, and that many factors influence whether or not displacement occurs.<sup>33</sup> As such, the planning department finds that the proposed project is not likely to result in residential displacement and gentrification. Thus, the proposed project would not result in physical environmental impacts due to gentrification or displacement beyond those disclosed in the draft EIR.

Both the science of Sociology and the cold-blooded market dynamics of the Real Estate Industry well understand that the Truth of American society is the exact opposite: **People with sufficient income buying power chose to live where others already live who are like themselves, with regard to race and class.**

Thus with regard to class, the more professional "gentry" people who live in a neighborhood, the more likely other higher-income professional class people are to want to move there too, of any race, as well.

This is what makes the 469 Stevenson project a mortal threat to our low-income, overwhelmingly BIPOC Sixth Street community. Starting with putting the Filipino-American community's crucial asset, the Mint Mall apartment building on Mission Street between the Project site and the just-completed 5M project, in grave danger of 'flipping' via "investor" purchase and "reno-victions into an upmarket residence for Tech Industry workers.

The Planning Department has never conducted a survey of who lives in the new market rate housing in SOMA built in recent years in SOMA or anywhere. Thus it has no legally adequate basis to make such conclusions about who does or does not live in market-rate housing in SOMA or anywhere as a legally adequate basis for this EIR conclusion above. It could of course. Surveys could be required for all approved projects in the past. The Department has simply failed to ask. Using Census data is no substitute, because that data does not distinguish among who lives in regulated affordable housing in SOMA and who does not. And citing various research papers is also legally inadequate, because the Department can easily 'cherry-pick' only those that support a certain viewpoint. Other papers have been published with the opposite conclusion as well, which the Department has ignored. But in any case, primary data should be the standard, had the Department has none.

The Planning Department has not asked for that data because ... it doesn't really want us to know. But we can guess, we do know. It's mostly professionals of every demographic. And so do they. They are just 'hiding the ball.'

If built, the 469 Stevenson Project would be a spearhead for the transformation of all of Sixth Street and its privately owned housing into one more gentrified innercity district. For mainly professional 'gentry' future populations. And the Tenderloin would be next. Uphold, please, our appeal and stop this before it happens. It does not have to turn out this way.

John Elberling  
Manager  
230 Fourth Street San Francisco CA 94103

**From:** [Board of Supervisors, \(BOS\)](#)  
**To:** [BOS-Supervisors](#); [BOS-Legislative Aides](#)  
**Cc:** [Calvillo, Angela \(BOS\)](#); [Somera, Alisa \(BOS\)](#); [Laxamana, Junko \(BOS\)](#); [Ng, Wilson \(BOS\)](#); [BOS Legislation, \(BOS\)](#)  
**Subject:** FW: Letter in Support of Appeal of CEQA Final Environmental Impact Report - Proposed 469 Stevenson Street Project - Appeal Hearing October 26, 2021  
**Date:** Tuesday, October 26, 2021 9:49:00 AM  
**Attachments:** [San Francisco Board of Supervisors.pdf](#)

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**From:** John Elberling <johne@todco.org>  
**Sent:** Tuesday, October 26, 2021 7:53 AM  
**To:** BOS Legislation, (BOS) <bos.legislation@sfgov.org>  
**Cc:** BOS-Supervisors <bos-supervisors@sfgov.org>; BOS-Legislative Aides <bos-legislative\_aides@sfgov.org>; Calvillo, Angela (BOS) <angela.calvillo@sfgov.org>  
**Subject:** Letter in Support of Appeal of CEQA Final Environmental Impact Report - Proposed 469 Stevenson Street Project - Appeal Hearing October 26, 2021

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Please find our letter of this date attached.

Thank you.



NEIGHBORHOOD BUILDING SINCE 1971

San Francisco Board of Supervisors  
City Hall  
San Francisco CA 94102

October 25, 2021

RE: 469 Stevenson Project

Honorable Supervisors:

We have just received a copy of the October 20<sup>th</sup> Mid-Market Coalition letter of support for the 469 Stevenson Project. Unfortunately we must advise that the “commitments” for community benefits by Build Inc. stated in that letter are, at best, token gestures. And at worst they are disingenuous or simply bogus.

Here are the specifics, with first the “commitment” and then the facts:

**1) Community Spaces.** The community will gain much-needed accessible community spaces on the project's ground floor at 469 Stevenson Street. The project sponsor dedicates two ground floor spaces at below-market rent for community-serving retail and community spaces. We intend to use the spaces for community programs and promote community-serving local businesses that would otherwise not have access to retail spaces in SOMA. We believe that these space allocations would make the proposed building more accessible to current community members and help promote an inclusive local community.

There are just one or two small retail storefront spaces in the Project, totaling about 5,000 sq ft. This is not a significant amount of space, and worse, the future “below market rent” is not specified. Given that current market rents in SOMA are at least \$40/ft/yr, that BMR rent could still be too high to actually be affordable for any community organization.

**2) Community Programming Fund.** The project sponsor donates \$578,700 to a Community Programming Fund to benefit resident-led projects and organizations in SOMA and Tenderloin. The Community Programming Fund would help ensure the sustainability of resident-led projects and organizations and fund programs that promote community, public safety, sanitation, and resident wellness.

This is a small amount for such a large project, a token gesture. The organization that would hold and distribute the funds is not identified. There is no deadline set for making it.

**3) Local Employment.** The project sponsor agrees to work in conjunction with OEWD 6th Street Employment Program to develop employment programs for the local residents of SOMA and Tenderloin residing in 94103 and 94102 zip codes.

This is disingenuous. The developer would have to do this anyway under current City policies.

**4) Impact assessment.** The project sponsor agrees to fund an independent impact assessment/study to evaluate the extent of the construction impact, including impact to social equity, livelihoods, health, and the general SOMA population. This impact study will help inform current and future community programming.

This is also disingenuous. There is no actual \$ amount stated. There is no scope of the study. There is no identified way to use the results. There is no deadline set to fund it. It's pure window-dressing.

**5) Architecture and Public Art.** The project sponsor agrees to continue its partnership with the community as the project design moves forward and to fund \$250,000 to support public art and public realm projects at 469 Stevenson that recognize the Filipino community's history, culture, and contributions.

This is simply a pitch to the Arts Commission to direct the Project's required public arts fee to that goal. But that would already be required anyway.

**6) Affordable Housing.** The project sponsor agrees to make commercially reasonable best efforts to negotiate a lease and purchase options for the Helen Hotel, backstop 12 months of rent, and fund the rehabilitation of the ground floor of the Helen Hotel for the Urban Rest and Sleep Center. The project sponsor also agrees to work with our coalition and MOHCD to redirect relevant impact fees to 967 Mission Street. Finally, the project sponsor agrees to donate the land located at 59 6th Street to be developed into an affordable housing project. We believe that these efforts will benefit the most vulnerable of our communities, including seniors, people with disabilities, and people in the lower tiers of the area median income.

First, the Helen Hotel on Turk Street is a very small SRO with less than two dozen residential units. The developer has not committed to buying it, simply to secure an option. Since the Project's housing fees CANNOT be used to buy existing housing (a legal requirement of the fee ordinance is the fees must fund new housing only), the developer is not committing any actual additional funds of its own to its acquisition except to pay the rent for its first 12 months of a master lease. Thus it is disingenuous to imply that the developer is providing any additional affordable housing beyond the requirement of City ordinances. MOH would have to fund any future purchase of this hotel.

Second, funding renovations for the small ground floor retail space in the Helen Hotel is a token amount at best.

Third, proposing to donate the tiny 2,000 sq ft parking lot at the corner of Sixth and Stevenson Street for future affordable housing is disingenuous, since this parcel is much too small for actual cost-effective affordable housing development. And MOH does not accept parcels this small, with a 10,000 sq ft minimum required instead.

Fourth, the developer is well aware, as noted above, that the housing fees required of the Project CANNOT be used to buy or renovate existing housing, period. For that reason, a "commitment" to "work with" anyone to help stabilize the Mint Mall building at 967 Mission Street – the Filipino-American community asset that is the most directly threatened by the gentrification pressures that would result from the 469 Stevenson Project – with those fees is TOTALLY BOGUS!

We support the Appeal of the 469 Stevenson Project's FEIR and urge the Board to reject that EIR.

Sincerely,

John Elberling  
President

Cc: Mid-Market Coalition

**From:** [Board of Supervisors, \(BOS\)](#)  
**To:** [BOS-Supervisors](#)  
**Cc:** [Calvillo, Angela \(BOS\)](#); [Mchugh, Eileen \(BOS\)](#); [Somera, Alisa \(BOS\)](#); [Ng, Wilson \(BOS\)](#); [Laxamana, Junko \(BOS\)](#)  
**Subject:** FW: Meeting of October 26 Items 38/39/40  
**Date:** Tuesday, October 26, 2021 3:03:00 PM  
**Attachments:** [Community Appeal Support Letter 10-21-21\[1\].pdf](#)

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**From:** John Elberling <johne@todco.org>  
**Sent:** Friday, October 22, 2021 3:52 PM  
**To:** Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>  
**Cc:** Rudy <rudy@unitedplayaz.org>; Carla Laurel <carla@westbaycentersf.org>  
**Subject:** Meeting of October 26 Items 38/39/40

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Please distribute the attached letter regarding Agenda Items 38/39/40 in support of that Appeal to the Members of the Board.

Thank you.

Clerk of the Board  
San Francisco Board of Supervisors  
City Hall  
San Francisco, CA 94102

October 22, 2021

Re: Items 38/39/40 Appeal of Final Environmental Impact Report Certification - Proposed 469 Stevenson Street Project

Honorable Supervisors:

Our community is writing today to state that we oppose the project at 469 Stevenson and support the appeal being brought forth by the Yerba Buena Neighborhood Consortium.

This 27 story 400 unit market-rate project, if approved, will drive the Gentrification of SOMA's Sixth Street Community – the last SOMA low-income neighborhood left today – beyond the point of no return, and will have ripple effects for other low income neighborhoods struggling to survive. But alternatively, this is the most important and promising potential affordable housing site in SOMA.

Simultaneously, the would-be developer of 469 Stevenson, Build Inc., is asking the City to approve cramming more/smaller studio apartments into its already-approved One Oak Street 37-story tall market housing project at Van Ness and Market Streets.

Build Inc. has suggested it would partly mitigate the impacts of the 469 Stevenson project by buying a small residential hotel on Turk Street in the Tenderloin and giving it to some nonprofit group for low-income housing. But that is pitifully inadequate numerically and will do nothing at all to protect our Sixth Street Community from Gentrification.

And the Gentrification threat for Sixth Street is already very real. The 5M project on Fifth Street will be completed this year, including its new market-rate housing. If another big market-rate project is approved on this same block as proposed by 469 Stevenson, that would put all other existing housing nearby at risk of being purchased by “investors” to be ‘flipped’ into up-market Tech housing.

For example, the predominantly Filipino-American 200+ unit Mint Mall apartment building located in between 5M and 469 Stevenson would immediately become a prime target for such a “reno-viction” project that could displace ALL its existing tenants – legally.

Likewise, the 200+ room Chronicle Hotel SRO on this block of Mission Street that has shamefully remained closed and empty for the last 20+ years would become another prime target for a Tech group housing/dorm buyout, instead of becoming an affordable SRO for our Unhoused as it always should have been.

This does not have to happen.

Instead Build Inc. can deed the 469 Stevenson site to the City for future affordable housing construction and receive a full credit for its land cost to apply towards the affordable housing fees that will be required for the much bigger One Oak Street project. This has been done before for by other developers for other SOMA projects. The 469 Stevenson parking lot could then instead become 100% affordable housing for the future of our Sixth Street Community. And its ground floors could provide much needed space for community programs for all the residents of Sixth Street.

The community has worked and fought to assure a stable future for the thousands of residents of the Sixth Street Community since it was hit hard by the Loma Prieta Earthquake in 1989. In that effort, TODCO spearheaded the City's Sixth Earthquake Recovery Redevelopment Project that resulted in a dozen affordable housing developments there, and community facilities like the Bayanihan Center, Bindlestiff Theater, and the South of Market Health Center. But the future of our Sixth Street Community has never been more at risk to ‘market forces,’ and that is what is at stake, here and now. We are determined to protect it.

This is why we collectively support the appeal of the Planning Commission's approval of the 469 Stevenson project's Environmental Impact Report to the City's Board of Supervisors. The EIR is badly flawed legally, as outlined by Legal Counsel Susan Brandt-Hawley. Build's proposal is the Wrong Project, in the Wrong Place, at the Wrong Time.

Rudy Corpus  
For: United Playaz

Carla Laurel  
For: Westbay Pilipino Multiservice Agency

**From:** [Board of Supervisors, \(BOS\)](#)  
**To:** [BOS-Supervisors](#)  
**Cc:** [Calvillo, Angela \(BOS\)](#); [Mchugh, Eileen \(BOS\)](#); [Somera, Alisa \(BOS\)](#); [Ng, Wilson \(BOS\)](#); [Laxamana, Junko \(BOS\)](#)  
**Subject:** FW: Support 210808 - Requirements for laundromats and on-site laundry services  
**Date:** Tuesday, October 26, 2021 3:01:00 PM

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**From:** Kathy Howard <kathyhoward@earthlink.net>

**Sent:** Saturday, October 23, 2021 4:08 PM

**To:** Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>; ChanStaff (BOS) <chanstaff@sfgov.org>; MandelmanStaff, [BOS] <mandelmanstaff@sfgov.org>; MelgarStaff (BOS) <melgarstaff@sfgov.org>; Preston, Dean (BOS) <dean.preston@sfgov.org>; Safai, Ahsha (BOS) <ahsha.safai@sfgov.org>; Walton, Shamann (BOS) <shamann.walton@sfgov.org>; Haney, Matt (BOS) <matt.haney@sfgov.org>; Mar, Gordon (BOS) <gordon.mar@sfgov.org>; Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>; Ronen, Hillary <hillary.ronen@sfgov.org>; Stefani, Catherine (BOS) <catherine.stefani@sfgov.org>

**Subject:** Support 210808 - Requirements for laundromats and on-site laundry services

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Supervisors,

Please support this legislation.

Laundromats are places where people can not only wash and dry their clothes but also meet their neighbors, find out what is happening from the bulletin boards, and otherwise feel that they are part of the community.

Even some of my neighbors, who are in single-family homes, use the local laundromats. Contrary to current myths, many people in single-family homes purchased them years ago and are not wealthy or able to install the plumbing necessary for a washer at home. Others may be renting a single-family home without a washer or dryer.

Laundromats provide critical services to long-term renters, many of whom are lower-income San Franciscans. When a Laundromat closes down, it presents severe hardships, particularly for seniors, people with disabilities, and families with small children.

The legislation is only for three years, during which time the City can evaluate if this is onerous or beneficial.

Please protect essential community-serving businesses such as laundromats from landlord speculation and other threats.

Sincerely,



Katherine Howard  
Outer Sunset

**From:** [Board of Supervisors, \(BOS\)](#)  
**To:** [BOS-Supervisors](#)  
**Cc:** [Calvillo, Angela \(BOS\)](#); [Mchugh, Eileen \(BOS\)](#); [Somera, Alisa \(BOS\)](#); [Ng, Wilson \(BOS\)](#); [Laxamana, Junko \(BOS\)](#)  
**Subject:** FW: Public Comments in Opposition to Item #54 on 10/26/2021 Agenda, FILE NO. 211105 Resolution regarding notice and compliance for ADA violations lawsuits  
**Date:** Tuesday, October 26, 2021 2:53:00 PM  
**Attachments:** [2021.10.26 DRC +DRA Public Comments on 10-26-2021 Agenda Item 54.pdf](#)

---

**From:** Jia Min Cheng <JiaMin.Cheng@disabilityrightsca.org>  
**Sent:** Tuesday, October 26, 2021 1:58 PM  
**To:** Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>; BOS Legislation, (BOS) <bos.legislation@sfgov.org>; BOS-Supervisors <bos-supervisors@sfgov.org>; BOS-Legislative Aides <bos-legislative\_aides@sfgov.org>  
**Cc:** Stuart Seaborn Professional <sseaborn@dralegal.org>  
**Subject:** Public Comments in Opposition to Item #54 on 10/26/2021 Agenda, FILE NO. 211105 Resolution regarding notice and compliance for ADA violations lawsuits

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

To SF BOS:

Please find attached our comments in opposition to Item #54 on the 10/26/2021 Agenda.

Thank you for your consideration,  
Jia Min

Jia Min Cheng  
Supervising Attorney  
Housing Stability Project  
(She/Her/Hers)

My name is pronounced: like "Benjamin" minus the "Ben" part

**Disability Rights California**

**Mailing Address:** 2111 J St., #406, Sacramento, CA 95816

Telephone: (510) 267-1200

Direct: (510) 267-1254

Fax: (510) 267-1201

[www.disabilityrightsca.org](http://www.disabilityrightsca.org)

Please note that our business hours are Monday-Friday from 9:00 AM to 5:00PM. I will not be able to review emails received outside that time and I will respond during business hours.

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October 26, 2021

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

*Submitted via Electronic Mail to Board.of.Supervisors@sfgov.org and  
BOS.legislation@sfgov.org*

Re: Public Comments in Opposition to Item #54, FILE NO. 211105  
Resolution regarding notice and compliance for ADA violations lawsuits

To the esteemed members of the San Francisco Board of Supervisors:

I write as a long-time San Francisco resident, a current resident of District 3, and a supervising attorney at Disability Rights California (“DRC”) on behalf of DRC and Disability Rights Advocates (“DRA”) in opposition to the proposed resolution regarding notice and compliance for ADA violations lawsuits (Item #54 on the 10/26/2021 BOS Regular Meeting Agenda).

We strongly urge the Board to either reject or decline to act on this extremely complicated matter today. A “notice” requirement would be devastating to disabled individuals’ ability to access the shops, restaurants, and other public places that their fellow San Franciscans can enjoy. **This resolution was put forward only one week ago and without meaningful engagement with the disability community** – in fact our organizations first learned of it this morning despite having engaged in working group discussions convened by the SF District Attorney’s Office since late July 2021 on this very matter. We’re unaware of any other outreach to people with disabilities.

We are troubled by a distorted narrative circulating the Bay Area: that outsiders are exploiting the system by filing frivolous lawsuits against local

mom-and-pop businesses, particularly in San Francisco's Chinatown. That narrative appears to be motivating the Board's consideration of this resolution.

We are troubled because this distorted narrative glosses over the unfortunate fact that our communities, including in San Francisco, are nowhere near as accessible as we might want to think. San Francisco and California have the proud history of leading the nation in the disability rights movement. Our state laws protected the rights of people with disabilities decades before Congress made those protections nationwide. This resolution represents a troubling step backwards. The goal of the ADA, passed more than three decades ago in 1990, is "to provide a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities." Included in that mandate is the requirement that privately-owned places of public accommodation—shopping malls, grocery stores, restaurants, movie theaters, etc.—be accessible to people with disabilities.

"But why resort to litigation?" critics ask. "Why not give small businesses some time to fix the violation first and leave litigation for when it's really necessary?" The answer is that businesses have already had plenty of time to comply with the ADA—it's been around for 30 years. Ignorance of the law does not excuse violation of the law. More importantly, would we ask the same of a person of color alleging racial discrimination—that the business be given time to fix the violation when the discrimination has already occurred? No. Civil rights must not be put on hold until it's convenient to comply.

Even though it has been three decades since the ADA was passed, so many of our public accommodations continue to be inaccessible to people with disabilities. As a San Francisco resident, I walk around and I see some of it; however, as a person that does not have physical disabilities, I am aware that there are likely so many more barriers that escape my notice. Enforcement of the ADA is challenging when there are so still many problems to address three decades later, and so few people doing the work. That is why it is troubling to hear so many people—including local government officials—argue that ADA litigation has gone too far. We have heard officials argue that the high volume of litigation we're seeing must be frivolous based on its sheer numbers.

*Voluminous* is not the same as *frivolous*. A frivolous lawsuit is one that is baseless and lacks merit. Our legal system already has procedures in place for dealing with frivolous cases, dismissing them before trial and often requiring the frivolous litigants to repay the defendants' attorney fees. Unethical lawyers can be, and are routinely, disbarred. But that is not how most ADA lawsuits are resolved. Most ADA laws are not dismissed as frivolous because they are based on legitimate violations of the ADA.

"But the ADA demands too much. Mom-and-pop stores will go out of business trying to comply!" This is simply not true. The ADA does not require small businesses to spend their last penny on accessibility. Instead, it requires businesses to remove barriers to access when it is "readily achievable." In other words, businesses must remove a barrier to access when it can be done easily without much difficulty or expense.

"But the ADA is so complicated! How is a small business supposed to know what the barriers are and if they need to remove them?" While it is true that the ADA is comprehensive, we are fortunate that there are many resources available to help small businesses in San Francisco comply. We are aware of the excellent work done by the SF Office of Small Business. The Department of Justice and regional ADA centers also provide free technical assistance to businesses on ADA compliance. We even have a state agency—the California Commission on Disability Access—whose goal is to help businesses comply with accessibility laws, reducing the need for litigation. Financial assistance is available to qualifying businesses and federal tax credits available to all businesses.

The pandemic has been a frightening time for everyone. It has also been a time to reflect on how our communities operate and reassess our values. We are troubled that the proposed resolution is being put forth with such inexplicable urgency and without meaningful input from the disability community—the very people whom the ADA sought to protect and who will be most detrimentally impacted by any further increase of barriers to access which this proposed resolution will inadvertently but undoubtedly create. We are further troubled that the proposed resolution has been put forth without input or engagement with Regina Dick-Endrizzi, Executive Director of the Office of Small Business, and Nicole Bohn, Director of the Mayor's Office on Disability. The issue of notice and opportunity to cure for ADA lawsuits has a long, fraught history. When the Federal Government refused to issue regulations to enforce federal laws ensuring disability

access, the disability community occupied the San Francisco department of Health Education and Welfare back in 1974. One of its slogans was “Nothing about us without us.” That occupation worked, the regulations were issued, and that activism continues to this day, Yet this resolution has been introduced without input from the community it directly affects. We urge the SF BOS to reject the proposed resolution, take a step back, and solicit input from the disability community in San Francisco and other stakeholders before moving forward.

Thank you for considering our comments. DRC and our partner organizations are available to provide further clarifying information and proposed solutions which we believe will increase access while simultaneously assisting small businesses and reducing the need for litigation. I can be reached via email at [jiamin.cheng@disabilityrightsca.org](mailto:jiamin.cheng@disabilityrightsca.org).

Best regards,

/s/ Jia Min Cheng

/s/ Stuart Seaborn  
[sseaborn@dralegal.org](mailto:sseaborn@dralegal.org)  
Disability Rights Advocates

**From:** [Board of Supervisors, \(BOS\)](#)  
**To:** [BOS-Supervisors](#)  
**Cc:** [Calvillo, Angela \(BOS\)](#); [Mchugh, Eileen \(BOS\)](#); [Somera, Alisa \(BOS\)](#); [Ng, Wilson \(BOS\)](#); [Laxamana, Junko \(BOS\)](#)  
**Subject:** FW: mission homeless fires  
**Date:** Tuesday, October 26, 2021 2:56:00 PM  
**Attachments:** [FIRES c.pdf](#)

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**From:** Christi Azevedo <ca@christiazevedo.com>  
**Sent:** Tuesday, October 26, 2021 7:32 AM  
**To:** Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>  
**Subject:** mission homeless fires

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Supervisors,

Encampment fires are constantly occurring in the Mission, yet largely go undocumented. I have taken the time to map and photograph the activity within a block of my home at 15th and South Van Ness. I would appreciate your review and action.

Both police and firefighters seem frustrated yet unable to do anything but 'put out the fire'. I'm hoping the BOS can do something to stop the fires before they happen.

Thank You, Christi

christi azevedo  
**Azevedo Design Inc.**  
1477 15th st  
san francisco, ca 94103  
415 706 0385  
[www.christiazevedo.com](http://www.christiazevedo.com)



OCTOBER 12, 2021

HOMELESS FIRES ARE HAPPENING CONSTANTLY IN MY NEIGHBORHOOD. THERE HAVE BEEN 3 IN 3 MONTHS WITHIN ONE BLOCK OF MY HOUSE. THIS IS TERRIFYING AND UNACCEPTABLE.

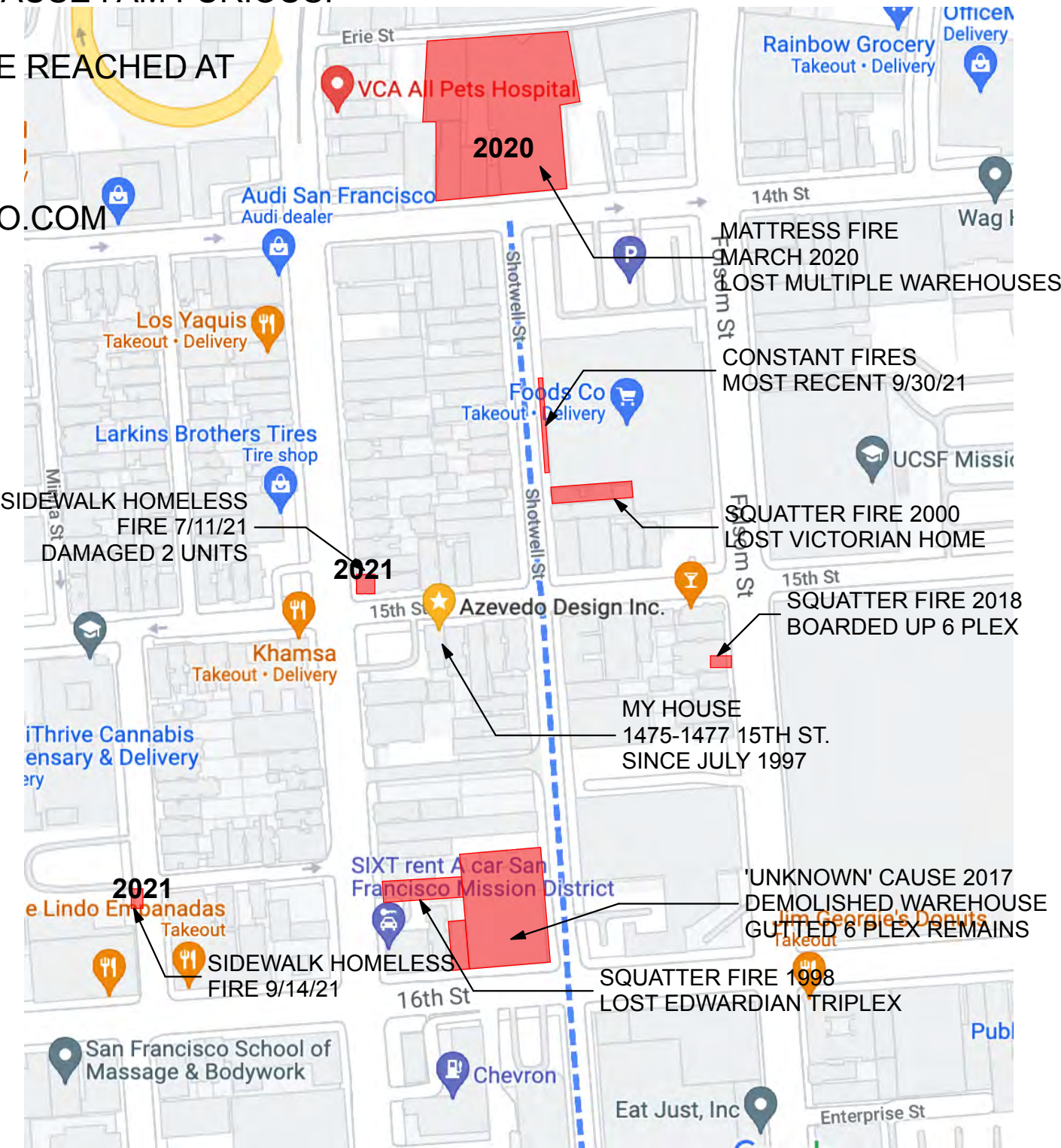
THIS MAP ONLY SHOWS FIRES I HAVE WITNESSED MYSELF. MANY MORE HAPPEN THROUGHOUT THE MISSION. THE FIRE DEPARTMENT REGULARLY RUSHES TO THESE SITUATIONS, ENDANGERING FIREFIGHTERS AND WASTING VALUABLE RESOURCES.

I HAVE HEARD FROM MY SUPERVISOR THAT COOKING IS ALLOWED ON THE STREET. IF I "COOKED" AND CAUGHT A BUILDING ON FIRE I WOULD BE HELD ACCOUNTABLE. PEOPLE HAVE PROPANE TANKS AND ARE USING SHOPPING CARTS AS BBQS. WE CANNOT WAIT UNTIL 'EVERYONE IS HOUSED' TO DEAL WITH THESE PYROTECHNICS. A TENT IS ONE THING, BUT PILES OF BELONGINGS AND FLAMMABLE LIQUIDS IS AT BEST A HAZARD AND AT WORST ARSON, FELONY PROPERTY DAMAGE, AND POTENTIAL DEATH.

ALL KINDS OF PEOPLE LIVE IN THIS NEIGHBORHOOD, NOT JUST 'THOSE EXPERIENCING HOMELESSNESS'. THESE PEOPLE HAVE TO RUSH OUT IN THE MIDDLE OF THE NIGHT WITH FIRE EXTINGUISHERS TO KEEP THEIR APARTMENT BUILDING FROM BURNING DOWN. THEIR KIDS WATCH OUT THE WINDOW AS SIDING IS RIPPED OFF THEIR HOUSE. FAMILY PHOTOS ARE VISIBLE INSIDE A FLAT AS ITS WALLS ARE BEING AXED OPEN. HOUSING IS LOST.

ENCLOSED ARE SOME IMAGES SHOWING SOME OF THE MORE RECENT FIRE DAMAGE. YOU MAY WANT TO HANG THEM IN YOUR OFFICE TO REMIND YOU WHAT YOUR CONSTITUENTS ARE DEALING WITH. THE ALL CAPS INDEED ARE ANNOYING, BUT IMPERATIVE BECAUSE I AM FURIOUS.

I CAN AND SHOULD BE REACHED AT  
CHRISTIAZEVEDO  
1477 15TH STREET  
415 706 0385  
CA@CHRISTIAZEVEDO.COM







NE SVN & 15th st





2874-78 16TH STREET, 3/2016, "UNKNOWN FIRE SOURCE", LOST 6 UNITS AND WAREHOUSE/BUSINESS





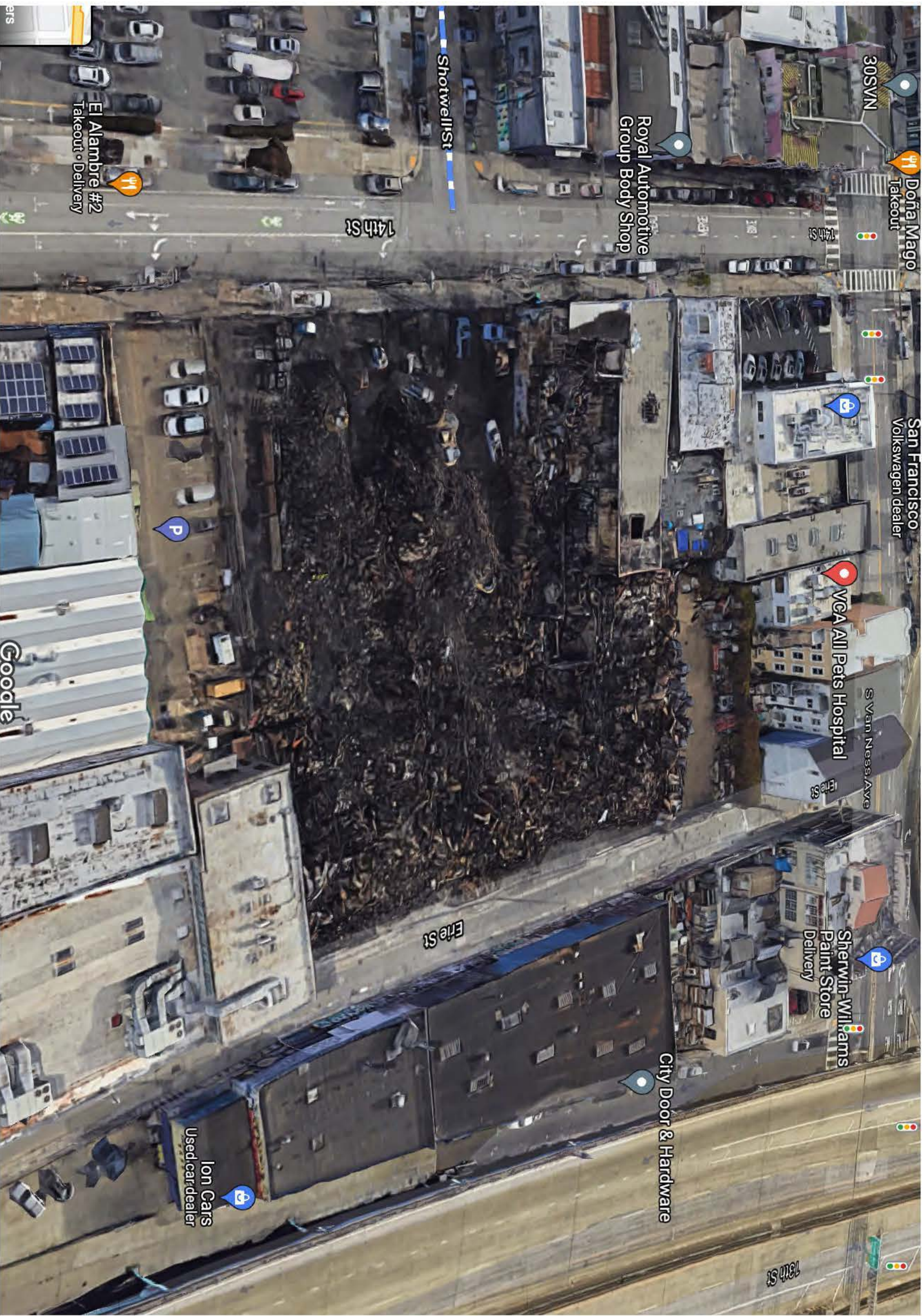
"SHOPPING CART BBQ FIRE" SHOTWELL @ 15TH 9/30/21

HOMELESS FIRE CAPP AND ADAIR 9/14/21



1908 FOLSOM, ABANDONED AFTER FIRE 3 YEARS AGO





14TH ST 3/2020, 5 ALARM MATTRESS FIRE. MULTIPLE WAREHOUSES/BUSINESSES LOST



**From:** [Board of Supervisors, \(BOS\)](#)  
**To:** [BOS-Supervisors](#)  
**Cc:** [Calvillo, Angela \(BOS\)](#); [Mchugh, Eileen \(BOS\)](#); [Somera, Alisa \(BOS\)](#); [Ng, Wilson \(BOS\)](#); [Laxamana, Junko \(BOS\)](#)  
**Subject:** FW: little kids biking to school  
**Date:** Tuesday, October 26, 2021 2:55:00 PM

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**From:** Paul DeMello <pdemello@gmail.com>  
**Sent:** Tuesday, October 26, 2021 10:44 AM  
**To:** Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>; Breed, Mayor London (MYR) <mayorlondonbreed@sfgov.org>; MTABoard <MTABoard@sfmta.com>; Youthcom, (BOS) <youthcom@sfgov.org>  
**Subject:** little kids biking to school

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Hi everyone,

Just a friendly reminder / inspiration of what to shoot for in terms of Vision Zero and quality of life on our streets.

<https://www.npr.org/2021/10/22/1047341052/barcelona-bicibus-kids-parents-bike-ride-to-school>

Hoads of little kids on their bikes, biking on the street to go to school. This is happening in Barcelona. I know SF is not Barcelona, but I would love to see this in SF someday. How can we get there?

We need to shoot for this!

Thanks, and have a nice day.  
Paul

**From:** [Board of Supervisors, \(BOS\)](#)  
**To:** [BOS-Supervisors](#)  
**Cc:** [Calvillo, Angela \(BOS\)](#); [Mchugh, Eileen \(BOS\)](#); [Somera, Alisa \(BOS\)](#); [Ng, Wilson \(BOS\)](#); [Laxamana, Junko \(BOS\)](#)  
**Subject:** 5 letters regarding Rent Controlled Units  
**Date:** Wednesday, October 27, 2021 1:28:00 PM  
**Attachments:** [5 Letters regarding Rent Controlled Units.pdf](#)

---

Hello Supervisors,

Please see attached for 5 letters regarding rent controlled units in San Francisco.

Regards,

**Board of Supervisors - Clerk's Office**

1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102  
(415) 554-5184 | (415) 554-5163  
[board.of.supervisors@sfgov.org](mailto:board.of.supervisors@sfgov.org) | [www.sfbos.org](http://www.sfbos.org)

Complete a Board of Supervisors Customer Service Satisfaction Form by clicking  
<http://www.sfbos.org/index.aspx?page=104>

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**From:** [Mickaelan Lee](#)  
**To:** [Koppel, Joel \(CPC\)](#); [Moore, Kathrin \(CPC\)](#); [Chan, Deland \(CPC\)](#); [Diamond, Susan \(CPC\)](#); [Fung, Frank \(CPC\)](#); [Imperial, Theresa \(CPC\)](#); [Tanner, Rachael \(CPC\)](#)  
**Cc:** [Board of Supervisors, \(BOS\)](#); [BOS-Legislative Aides](#); [westsidecommunitycoalition@gmail.com](#)  
**Subject:** Preserve rent-controlled units in D5!  
**Date:** Thursday, October 21, 2021 9:34:40 AM  
**Attachments:** [image.png](#)

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Hi my name is Mickaelan. I live in District 5. I am a supporter of Westside Community Coalition.

I urge you to reject the proposed demolition at 1268 17th Ave because San Francisco needs to protect its rent-controlled units, not encourage speculative upscaling of properties that threaten the affordability of housing on the Westside.

I was raised in a single parent household with three other siblings. My family faced many financial hardships ignited by the Great 2008 Recession. Those experiences bore a pressure to lift my future out of the lower income class as well as aid my family when in need. This goal oriented me towards pursuing a higher education in Electrical Engineering. But I would have to do so alone. And I did. How? I worked hard of course, but I was also very lucky. I was able to afford a rent-controlled home for five years while I focused on my education. Unfortunately, an uprise in rent caused my close friend and many of my peers to defect from their schooling and relocate to safe, affordable housing.

Gratefully, I, after five years of learning, can afford a home in SF's District 5, where I am safe.

With hundreds of rent-controlled apartments losing protected status, rising housing prices, and the continued displacement of families on the Westside, it's critical that we preserve these units. Projects like this that would enable the replacement of two existing rent-controlled units with three upscaled units will not only enrich developers, but also make the cost of housing increasingly prohibitive for renters and working families.

I join my community and the Westside Community Coalition, Westside Tenants Association, and Richmond District Rising in demanding that the Planning Commission prioritize bringing rent controlled units up to code to provide the safe and stable housing our community needs, not tear it down to build luxury housing.

We all deserve to afford a home where we can feel safe.

Warmly,  
Mickaelan





## **MICKAELAN LEE**

B.S. in Electrical Engineering



**University of Cincinnati** College of Engineering and Applied Science

---

**P** 415-690-3497 **E** [mickaelan.a.lee@gmail.com](mailto:mickaelan.a.lee@gmail.com)

**From:** [Mickaelan Lee](#)  
**To:** [Koppel, Joel \(CPC\)](#); [Moore, Kathrin \(CPC\)](#); [Chan, Deland \(CPC\)](#); [Diamond, Susan \(CPC\)](#); [Fung, Frank \(CPC\)](#); [Imperial, Theresa \(CPC\)](#); [Tanner, Rachael \(CPC\)](#)  
**Cc:** [Board of Supervisors, \(BOS\)](#); [BOS-Legislative Aides](#); [westsidecommunitycoalition@gmail.com](mailto:westsidecommunitycoalition@gmail.com)  
**Subject:** Preserve rent-controlled units in D1!  
**Date:** Thursday, October 21, 2021 9:36:23 AM  
**Attachments:** [image \(2\).png](#)

---

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Hi my name is Mickaelan. I live in District 5. I am a supporter of Westside Community Coalition.

I urge you to reject the proposed demolition at 1268 17th Ave because San Francisco needs to protect its rent-controlled units, not encourage speculative upscaling of properties that threaten the affordability of housing on the Westside.

I was raised in a single parent household with three other siblings. My family faced many financial hardships ignited by the Great 2008 Recession. Those experiences bore a pressure to lift my future out of the lower income class as well as aid my family when in need. This goal oriented me towards pursuing a higher education in Electrical Engineering. But I would have to do so alone. And I did. How? I worked hard of course, but I was also very lucky. I was able to afford a rent-controlled home for five years while I focused on my education. Unfortunately, an uprise in rent caused my close friend and many of my peers to defect from their schooling and relocate to safe, affordable housing.

Gratefully, I, after five years of learning, can afford a home in SF's District 5, where I am safe.

With hundreds of rent-controlled apartments losing protected status, rising housing prices, and the continued displacement of families on the Westside, it's critical that we preserve these units. Projects like this that would enable the replacement of two existing rent-controlled units with three upscaled units will not only enrich developers, but also make the cost of housing increasingly prohibitive for renters and working families.

I join my community and the Westside Community Coalition, Westside Tenants Association, and Richmond District Rising in demanding that the Planning Commission prioritize bringing rent controlled units up to code to provide the safe and stable housing our community needs, not tear it down to build luxury housing.

We all deserve to afford a home where we can feel safe.

Warmly,  
Mickaelan

**From:** [Javarcia Ivory](#)  
**To:** [Koppel, Joel \(CPC\)](#); [Moore, Kathrin \(CPC\)](#); [Chan, Deland \(CPC\)](#); [Diamond, Susan \(CPC\)](#); [Fung, Frank \(CPC\)](#); [Imperial, Theresa \(CPC\)](#); [Tanner, Rachael \(CPC\)](#)  
**Cc:** [Board of Supervisors, \(BOS\)](#); [BOS-Legislative Aides](#); [westsidecommunitycoalition@gmail.com](mailto:westsidecommunitycoalition@gmail.com)  
**Subject:** Preserve rent-controlled units in D5!  
**Date:** Thursday, October 21, 2021 10:57:34 AM

---

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Hello,

My name is Javarcia Ivory. I live and work in District 5. I am a supporter of Westside Community Coalition.

I urge you to reject the proposed demolition at 1268 17th Ave because San Francisco needs to protect its rent-controlled units, not encourage speculative upscaling of properties that threaten the affordability of housing on the Westside.

As a student in the city, I find that rent-controlled housing is extremely needed and helpful in making living in SF feasible for me and my colleagues. That is, readily finding housing and having confidence that we will not have to stress excessively over finding housing again after a year due to rent increases. It means more time to do what we came here for -- learning!

With hundreds of rent-controlled apartments losing protected status, rising housing prices, and the continued displacement of families on the Westside, it's critical that we preserve these units. Projects like this that would enable the replacement of two existing rent-controlled units with three upscaled units will not only enrich developers, but also make the cost of housing increasingly prohibitive for renters and working families.

I join my community and the Westside Community Coalition, Westside Tenants Association, and Richmond District Rising in demanding that the Planning Commission prioritize bringing rent-controlled units up to code to provide the safe and stable housing our community needs, not tear it down to build luxury housing. Thank you!

Regards,  
Javarcia Ivory (94117)

**From:** [Jeanne](#)  
**To:** [n.moore@sfgov.org](mailto:n.moore@sfgov.org); [Chan, Deland \(CPC\)](#); [Diamond, Susan \(CPC\)](#); [Fung, Frank \(CPC\)](#); [Imperial, Theresa \(CPC\)](#); [Tanner, Rachael \(CPC\)](#)  
**Cc:** [Board of Supervisors, \(BOS\)](#); [BOS-Legislative Aides](#); [westsidecommunitycoalition@gmail.com](mailto:westsidecommunitycoalition@gmail.com); [Richmond District Rising](#)  
**Subject:** for 230 Anza  
**Date:** Friday, October 22, 2021 9:20:25 AM

---

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Dear Commissioners,

I am a resident of District 1, and I am writing to oppose the redevelopment of 230 Anza Street. While I generally support increasing our housing stock, this particular development does not make sense.

We need to be sensitive to the need for *affordable* housing, and so replacing rent controlled units with marginally more market rate units is counterproductive.

Please do not approve this destruction of rent-controlled housing.

Sincerely,

Jeanne Rosenmeier

--

Jeanne Rosenmeier  
203 4th Ave #2  
San Francisco, CA 94118

**From:** [Narissa](#)  
**To:** [Koppel, Joel \(CPC\)](#); [Moore, Kathrin \(CPC\)](#); [Chan, Deland \(CPC\)](#); [Diamond, Susan \(CPC\)](#); [Fung, Frank \(CPC\)](#); [Imperial, Theresa \(CPC\)](#); [Tanner, Rachael \(CPC\)](#)  
**Cc:** [Board of Supervisors, \(BOS\)](#); [BOS-Legislative Aides](#); [westsidecommunitycoalition@gmail.com](mailto:westsidecommunitycoalition@gmail.com)  
**Subject:** Preserve rent-controlled units in D1!  
**Date:** Friday, October 22, 2021 4:19:51 PM

---

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Planning Commissioners,

I urge you to reject the proposed demolition at 230 Anza Street because San Francisco needs to protect its rent-controlled units. Instead, please direct the sponsor to complete renovations on the property and bring the building up to code with two habitable, rent-controlled units that our city and the Westside desperately needs.

With hundreds of rent-controlled apartments losing protected status, rising housing prices, and the continued displacement of families on the westside, it's critical that we preserve these units. Projects like this that could replace rent-controlled units with market rate housing will not only enrich developers, but also make the cost of housing increasingly prohibitive for renters and working families. We cannot set a precedent that would allow owners to neglect properties so that they or a future owner would be able to demolish deteriorated properties for maximum profit instead of maintaining the original, invaluable units of rent-controlled housing.

I join my community and the Westside Community Coalition, Westside Tenants Association, and Richmond District Rising in demanding that the Planning Commission prioritize bringing rent controlled units up to code to provide the safe and stable housing our community needs, not tear it down to build luxury housing.

Thank you!  
Narissa  
Inner Sunset, D5  
94122

**From:** [Board of Supervisors, \(BOS\)](#)  
**To:** [BOS-Supervisors](#)  
**Cc:** [Calvillo, Angela \(BOS\)](#); [Mchugh, Eileen \(BOS\)](#); [Somera, Alisa \(BOS\)](#); [Ng, Wilson \(BOS\)](#); [Laxamana, Junko \(BOS\)](#)  
**Subject:** 7 Letters regarding issues with the Great Highway  
**Date:** Wednesday, October 27, 2021 3:00:00 PM  
**Attachments:** [7 Letters regarding issues with the Great Highway.pdf](#)

---

Hello Supervisors,

Please see attached for 7 letters regarding issues with the Great Highway.

Regards,

**Board of Supervisors - Clerk's Office**

1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102  
(415) 554-5184 | (415) 554-5163  
[board.of.supervisors@sfgov.org](mailto:board.of.supervisors@sfgov.org) | [www.sfbos.org](http://www.sfbos.org)

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**From:** [Lauris Jensen](#)  
**To:** [Breed, Mayor London \(MYR\)](#); [Board of Supervisors, \(BOS\)](#); [Chan, Connie \(BOS\)](#); [Melgar, Myrna \(BOS\)](#); [Stefani, Catherine \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [Mar, Gordon \(BOS\)](#); [Preston, Dean \(BOS\)](#); [Haney, Matt \(BOS\)](#); [Mandelman, Rafael \(BOS\)](#); [Ronen, Hillary](#); [Walton, Shamann \(BOS\)](#); [Safai, Ahsha \(BOS\)](#); [ChanStaff \(BOS\)](#); [MelgarStaff \(BOS\)](#); [MandelmanStaff, \(BOS\)](#); [info@openthegreathighway.com](#); [Commission, Recpark \(REC\)](#); [Ginsburg, Phil \(REC\)](#); [clerk@sfcta.org](#)  
**Subject:** Re: Great Highway: Closure at Friday 12PM does not work -  
**Date:** Friday, October 22, 2021 12:46:40 PM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

My name is Lauris Jensen  
My email address is [lauris.jensen@gmail.com](mailto:lauris.jensen@gmail.com)

Hello Mayor Breed, District Supervisors, SFCTA and SFMTA

The first week of the Mayor's compromise plan under which the Great Highway is open to cars Monday through Friday until noon is now behind us. Aside from a couple of Critical Mass-like stunts by the no-compromise zealots, and a few issues with signage and the timing of the gate closures, the new arrangement seemed to go smoothly and to accommodate all interests.

However, the point of the compromise arrangement is to allow drivers to use the Highway during the week, when they are taking kids to school, traveling to and from jobs, etc. There seems to be little rhyme or reason to closing the Highway so early on Fridays, forcing people who are trying to get home to start their weekends to be caught up in the traffic mess that the closed Highway brings. Friday also tends to be "getaway" day, with many folks trying to leave town (including many who want the Highway closed to drivers), and cutting off this access route makes little sense. Indeed, the traffic conditions reverted to "horrendous" this first Friday once the Great Highway was closed, just as the work week was winding down.

That said, I ask that you adjust the closure hours so that the Great Highway is available to drivers through Friday's evening commute. Keep in mind, once it's dark, no one is using it but vehicles. Rather than closing it at noon on Fridays, let the closure wait until 6:00 a.m. on Saturday, consistent with Monday's 6:00 a.m. reopening.

Thank you for your time.

Sincerely,  
Lauris Jensen

-----  
<https://www.openthegreathighway.com/gh-friday-closure-at-12pm>

**From:** [Lauris Jensen](#)  
**To:** [Breed, Mayor London \(MYR\)](#); [Board of Supervisors \(BOS\)](#); [Chan, Connie \(BOS\)](#); [Melgar, Myrna \(BOS\)](#); [Stefani, Catherine \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [Mar, Gordon \(BOS\)](#); [Preston, Dean \(BOS\)](#); [Haney, Matt \(BOS\)](#); [Mandelman, Rafael \(BOS\)](#); [Ronen, Hillary](#); [Walton, Shamann \(BOS\)](#); [Safai, Ahsha \(BOS\)](#); [ChanStaff \(BOS\)](#); [MelgarStaff \(BOS\)](#); [MandelmanStaff \(BOS\)](#); [Commission, Recpark \(REC\)](#); [Ginsburg, Phil \(REC\)](#); [clerk@sfcta.org](#); [SFPD, Chief \(POL\)](#); [Rainsford, Nicholas \(POL\)](#); [Cityattorney](#); [SFPD Taraval Station \(POL\)](#); [info@openthegreathighway.com](#)  
**Subject:** Re: Bicyclists trap commuters on Great Highway during Rush Hour from Lauris Jensen  
**Date:** Friday, October 22, 2021 12:48:10 PM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.



My name is **Lauris Jensen**  
My email address is **lauris.jensen@gmail.com**

Dear City Attorney Herrera,

On Thursday, September 9th, a group of bicyclists took over the Upper Great Highway for the third time in as many weeks, blocking cars and preventing thousands of people from arriving at their destinations in a timely manner. At the first two events, the police created a buffer zone between those in automobiles and those on bikes, with a police car separating the two as they rode down the Highway. This time, however, the department's response was to take a more hands-off approach. Three police cars were present at Murphy's Windmill where the bicyclists gathered before the event, but they left as soon as the event began. There was no police car and no police presence between bikes and cars. This created an extremely dangerous situation, and it was only because of the remarkable restraint shown by drivers that situation didn't escalate and turn violent.

The Mayor and the Board of Supervisors, and now the police, have been informed numerous times that bicyclists are taking over the Highway and tempers are running short. It is a powder keg in District Four right now, and no one seems to care.



It is now time for the City Attorney's office to step in to ensure that no one is harmed when this happens again (and it will). It is your responsibility, as the legal counsel for the city of San Francisco, to notify the appropriate agencies of the urgency in resolving and stopping this disruptive behavior on the part of bicyclists. Their failure to do will likely result in violent confrontations in which people could suffer preventable injuries and unnecessary property damages. It is within the realm of possibility that lawsuits will be filed against the city for its failure to mitigate. You have been put on notice.

Please advise as to what action the City Attorney's Office will be taking to resolve this precarious situation.

Thank you for your time.

Sincerely,  
Lauris Jensen

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<https://www.openthegreathighway.com/trapped>

[YouTube: Bicyclists trap commuters on Great Highway during Rush Hour](#)

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[Open the Great Highway Petition](#)

**From:** [Allen Woo](#)  
**To:** [Breed, Mayor London \(MYR\)](#); [Board of Supervisors. \(BOS\)](#); [Chan, Connie \(BOS\)](#); [Melgar, Myrna \(BOS\)](#); [Stefani, Catherine \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [Mar, Gordon \(BOS\)](#); [Preston, Dean \(BOS\)](#); [Haney, Matt \(BOS\)](#); [Mandelman, Rafael \(BOS\)](#); [Ronen, Hillary](#); [Walton, Shamann \(BOS\)](#); [Safai, Ahsha \(BOS\)](#); [ChanStaff \(BOS\)](#); [MelgarStaff \(BOS\)](#); [MandelmanStaff. \(BOS\)](#); [Commission, Recpark \(REC\)](#); [Ginsburg, Phil \(REC\)](#); [clerk@sfcta.org](#); [SFPD, Chief \(POL\)](#); [Rainsford, Nicholas \(POL\)](#); [Cityattorney](#); [SFPD Taraval Station. \(POL\)](#); [info@openthegreathighway.com](#)  
**Subject:** Re: Bicyclists trap commuters on Great Highway during Rush Hour from Allen Woo  
**Date:** Monday, October 25, 2021 10:51:23 AM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.



My name is **Allen Woo**  
My email address is **slk230@mail.com**

Dear City Attorney Herrera,

On Thursday, September 9th, a group of bicyclists took over the Upper Great Highway for the third time in as many weeks, blocking cars and preventing thousands of people from arriving at their destinations in a timely manner. At the first two events, the police created a buffer zone between those in automobiles and those on bikes, with a police car separating the two as they rode down the Highway. This time, however, the department's response was to take a more hands-off approach. Three police cars were present at Murphy's Windmill where the bicyclists gathered before the event, but they left as soon as the event began. There was no police car and no police presence between bikes and cars. This created an extremely dangerous situation, and it was only because of the remarkable restraint shown by drivers that situation didn't escalate and turn violent.

The Mayor and the Board of Supervisors, and now the police, have been informed numerous times that bicyclists are taking over the Highway and tempers are running short. It is a powder keg in District Four right now, and no one seems to care.

It is now time for the City Attorney's office to step in to ensure that no one is harmed when this happens again (and it will). It is your responsibility, as the legal counsel for the city of San Francisco, to notify the appropriate agencies of the urgency in resolving and stopping this disruptive behavior on the part of bicyclists. Their failure to do will likely result in violent confrontations in which people could suffer preventable injuries and unnecessary property damages. It is within the realm of possibility that lawsuits will be filed against the city for its failure to mitigate. You have been put on notice.

Please advise as to what action the City Attorney's Office will be taking to resolve this precarious situation.

Thank you for your time.

Sincerely,  
Allen Woo

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<https://www.openthegreathighway.com/trapped>

[YouTube: Bicyclists trap commuters on Great Highway during Rush Hour](#)

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[Open the Great Highway Petition](#)

**From:** [Cee Fong](#)  
**To:** [Breed, Mayor London \(MYR\)](#); [Board of Supervisors, \(BOS\)](#); [Chan, Connie \(BOS\)](#); [Melgar, Myrna \(BOS\)](#); [Stefani, Catherine \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [Mar, Gordon \(BOS\)](#); [Preston, Dean \(BOS\)](#); [Haney, Matt \(BOS\)](#); [Mandelman, Rafael \(BOS\)](#); [Ronen, Hillary](#); [Walton, Shamann \(BOS\)](#); [Safai, Ahsha \(BOS\)](#); [ChanStaff \(BOS\)](#); [MelgarStaff \(BOS\)](#); [MandelmanStaff, \(BOS\)](#); [info@openthegreathighway.com](#); [Commission, Recpark \(REC\)](#); [Ginsburg, Phil \(REC\)](#); [clerk@sfcta.org](#)  
**Subject:** Re: Great Highway: Closure at Friday 12PM does not work -  
**Date:** Monday, October 25, 2021 1:15:34 PM

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My name is Cee Fong  
My email address is princessmar84@hotmail.com

Hello Mayor Breed, District Supervisors, SFCTA and SFMTA

The first week of the Mayor's compromise plan under which the Great Highway is open to cars Monday through Friday until noon is now behind us. Aside from a couple of Critical Mass-like stunts by the no-compromise zealots, and a few issues with signage and the timing of the gate closures, the new arrangement seemed to go smoothly and to accommodate all interests.

However, the point of the compromise arrangement is to allow drivers to use the Highway during the week, when they are taking kids to school, traveling to and from jobs, etc. There seems to be little rhyme or reason to closing the Highway so early on Fridays, forcing people who are trying to get home to start their weekends to be caught up in the traffic mess that the closed Highway brings. Friday also tends to be "getaway" day, with many folks trying to leave town (including many who want the Highway closed to drivers), and cutting off this access route makes little sense. Indeed, the traffic conditions reverted to "horrendous" this first Friday once the Great Highway was closed, just as the work week was winding down.

That said, I ask that you adjust the closure hours so that the Great Highway is available to drivers through Friday's evening commute. Keep in mind, once it's dark, no one is using it but vehicles. Rather than closing it at noon on Fridays, let the closure wait until 6:00 a.m. on Saturday, consistent with Monday's 6:00 a.m. reopening.

Thank you for your time.

Sincerely,  
Cee Fong

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<https://www.openthegreathighway.com/gh-friday-closure-at-12pm>

**From:** [Nancy Zerner](#)  
**To:** [Breed, Mayor London \(MYR\)](#); [Board of Supervisors, \(BOS\)](#); [Chan, Connie \(BOS\)](#); [Melgar, Myrna \(BOS\)](#); [Stefani, Catherine \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [Mar, Gordon \(BOS\)](#); [Preston, Dean \(BOS\)](#); [Haney, Matt \(BOS\)](#); [Mandelman, Rafael \(BOS\)](#); [Ronen, Hillary](#); [Walton, Shamann \(BOS\)](#); [Safai, Ahsha \(BOS\)](#); [ChanStaff \(BOS\)](#); [MelgarStaff \(BOS\)](#); [MandelmanStaff, \(BOS\)](#); [info@openthegreathighway.com](#); [Commission, Recpark \(REC\)](#); [Ginsburg, Phil \(REC\)](#); [clerk@sfcta.org](#)  
**Subject:** Re: Great Highway: Closure at Friday 12PM does not work -  
**Date:** Monday, October 25, 2021 1:44:03 PM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

My name is Nancy Zerner  
My email address is [nzerner@jeffersonesd.org](mailto:nzerner@jeffersonesd.org)

Hello Mayor Breed, District Supervisors, SFCTA and SFMTA

I am a teacher in Daly City and Outer Richmond resident and home owner. I am so frustrated by the Friday closure of the Upper Great Highway at noon.

I have sat in an extra 25-45 minutes of traffic trying to maneuver through the streets of the city. This is causing a horrendous amount of pollution, congestion and frustration.

The first week of the Mayor's compromise plan under which the Great Highway is open to cars Monday through Friday until noon is now behind us. Aside from a couple of Critical Mass-like stunts by the no-compromise zealots, and a few issues with signage and the timing of the gate closures, the new arrangement seemed to go smoothly and to accommodate all interests.

However, the point of the compromise arrangement is to allow drivers to use the Highway during the week, when they are taking kids to school, traveling to and from jobs, etc. There seems to be little rhyme or reason to closing the Highway so early on Fridays, forcing people who are trying to get home to start their weekends to be caught up in the traffic mess that the closed Highway brings. Friday also tends to be "getaway" day, with many folks trying to leave town (including many who want the Highway closed to drivers), and cutting off this access route makes little sense. Indeed, the traffic conditions reverted to "horrendous" this first Friday once the Great Highway was closed, just as the work week was winding down.

That said, I ask that you adjust the closure hours so that the Great Highway is available to drivers through Friday's evening commute. Keep in mind, once it's dark, no one is using it but vehicles. Rather than closing it at noon on Fridays, let the closure wait until 6:00 a.m. on Saturday, consistent with Monday's 6:00 a.m. reopening.

Thank you for your time.

Sincerely,  
Nancy Zerner

-----  
<https://www.openthegreathighway.com/gh-friday-closure-at-12pm>

**From:** [Nancy Zerner](#)  
**To:** [Breed, Mayor London \(MYR\)](#); [Board of Supervisors \(BOS\)](#); [Chan, Connie \(BOS\)](#); [Melgar, Myrna \(BOS\)](#); [Stefani, Catherine \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [Mar, Gordon \(BOS\)](#); [Preston, Dean \(BOS\)](#); [Haney, Matt \(BOS\)](#); [Mandelman, Rafael \(BOS\)](#); [Ronen, Hillary](#); [Walton, Shamann \(BOS\)](#); [Safai, Ahsha \(BOS\)](#); [ChanStaff \(BOS\)](#); [MelgarStaff \(BOS\)](#); [MandelmanStaff \(BOS\)](#); [Commission, Recpark \(REC\)](#); [Ginsburg, Phil \(REC\)](#); [clerk@sfcta.org](#); [SFPD, Chief \(POL\)](#); [Rainsford, Nicholas \(POL\)](#); [info@openthegreathighway.com](#)  
**Subject:** Re: Bicyclists block Great Highway and Sup. Dean Preston thinks it's "Beautiful to see" from Nancy Zerner  
**Date:** Monday, October 25, 2021 1:45:31 PM

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My name is **Nancy Zerner**  
My email address is **[nzerner@jeffersonesd.org](mailto:nzerner@jeffersonesd.org)**

Dear Mayor Breed, BOS, SF City Attorney, Capt. Nicholas Rainsford of Taraval Station, SFPD Chief of Police

On Tuesday, August 24, 2021, 26 entitled Great Walkway Civil Disobedience Society (twitter: @safestreetrebel) bicyclists took over the Great Highway during the evening commute between 6 and 7 pm, completely blocking the passage of hundreds of vehicles driven by working people, taxpayers, and voters on their way home for the evening. This act was illegal, violating the CA vehicle traffic code and other laws. The bikers also refused to comply with peace officers following who instructed them to move to the right of the roadway to let faster vehicles pass. Traveling at 5 miles an hour, this group refused to move to the right of the entire north-south route, blocking all traffic. They then repeated this stunt going south-north, again backing up more commuter traffic. No city official has condemned these actions. (see YouTube video footnoted to this letter.)

We are concerned that not one elected or appointed city official has condemned these lawless cyclists. These illegal actions make a mockery of the Mayor, Supervisors Mar, Chan, and Melgar, the tax-paying and voting commuters trying to get home, the police (following in a police van as a buffer between

bikers and cars, trying to keep all safe) and members of the public impacted by the closure of the Great Highway. Not one official has recognized and condemned the danger from the escalation of "civil disobedience" by these bike fanatics and been brave enough to speak out against these "protests," which will undoubtedly re-occur. This is clearly indicated by a Twitter post by one of the Aug. 24 bikers:

8/24/21 Twitter post by self-described "complete closure zealot" (@bambipotf) : "cop told us to move over to the right lane twice, we did not. they gave up very quickly. the more of us there are, the more successful we're going to be at taking our space back and holding it. drivers can take Sunset."

It's clear these bicyclists consider the Great Highway "our space" with zero consideration of the harm this closure has done to the safety of many thousands of commuters and residents in the Sunset and Richmond. Their entitled actions are offensive, illegal, dangerous, disruptive, unacceptable, and childish. They reveal zero consideration for children, seniors, the disabled, and families who have to negotiate the intersections of nearby neighborhoods now periodically populated with 18,000-20,000 more vehicles. The videos of the bunched-up cars on the Great Highway on Tuesday clearly demonstrate that hundreds of vehicles were prevented from their rightful use of the highway. These hundreds of cars and trucks would have been in front of our houses on neighborhood streets if not for the decision to reopen the highway during the workweek.

Of course, you will hear "Free speech! First Amendment! Right to protest!" There is no right for any citizen, protesting or not, to willfully break laws. The bicyclists violated two sections of the CA Vehicle Code, two sections of the San Francisco Police Code, and two sections of the San Francisco Park Code. Yet there have been no consequences, or even acknowledgment, of these offenses by San Francisco officials.

### Supervisor Preston Thinks It's Beautiful

In fact, the only official speaking out about this illegal blocking of traffic has been Supervisor Dean Preston, on Twitter (@DeanPreston), not condemning these scofflaws, but actually **CONDONING** their illegal acts, and by implication, encouraging future similar events. Preston retweeted a photo of the miscreant bikers with the caption, "Beautiful to see."

This is an official who is a member of the California State Bar who took an oath to uphold the law. He took an oath when he was sworn in as Supervisor to uphold the law. Preston is clearly demonstrating his bias, which is against BOS policy, in a matter that will be placed before the Board of Supervisors in a few months for a vote on the future of the Great Highway. He displayed a complete lack of ethics and a clear disregard for the law and for hundreds of commuters who were denied their rightful use of the road. He should be censured by the BOS and disallowed to vote on the Great Highway decision. He should be reported to the State Bar and the SF Ethics Commission for his outrageous incitement of illegal and dangerous acts.

Why the silence from elected officials about this matter? It appears that transactional politics with special interest groups in San Francisco are more important than upholding the law. Transactional politics are more important than allowing residents and working people to have safety on the streets. Transactional politics are more important than the much-ballyhooed Vision Zero. It's time San Francisco officials stop pandering to these special interest groups and start taking care of working people who must commute and the pedestrians in the Sunset and the Richmond who deserve safe streets.

Please, would just one of you speak out against this illegal Great Walkway action and the dangerous post of Supervisor Dean Preston that incites more lawlessness? We are waiting.

Update: The Open the Great Highway online petition now has over 13,000 signatures.

Thank you for your time.

Sincerely,  
Nancy Zerner

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<https://www.openthegreathighway.com/gh-blocked-deanpreston>

<https://youtu.be/UESLxb5azAw>



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[Open the Great Highway Petition](#)

**From:** [nancy Zerner](#)  
**To:** [Breed, Mayor London \(MYR\)](#); [Board of Supervisors, \(BOS\)](#); [Chan, Connie \(BOS\)](#); [Melgar, Myrna \(BOS\)](#); [Stefani, Catherine \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [Mar, Gordon \(BOS\)](#); [Preston, Dean \(BOS\)](#); [Haney, Matt \(BOS\)](#); [Mandelman, Rafael \(BOS\)](#); [Ronen, Hillary](#); [Walton, Shamann \(BOS\)](#); [Safai, Ahsha \(BOS\)](#); [ChanStaff \(BOS\)](#); [MelgarStaff \(BOS\)](#); [MandelmanStaff, \(BOS\)](#); [Commission, Recpark \(REC\)](#); [Ginsburg, Phil \(REC\)](#); [clerk@sfcta.org](#); [info@openthegreathighway.com](#)  
**Subject:** Re: Great Highway: A Temporary Success Story -  
**Date:** Monday, October 25, 2021 1:47:12 PM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

My name is nancy Zerner  
My email address is [nzerner@jeffersonesd.org](mailto:nzerner@jeffersonesd.org)

Hello Mayor Breed, District Supervisors, SFCTA and SFMTA

I am writing in response to Mayor London Breed's recent decision to reopen the Upper Great Highway. I appreciate this first step to relieving the distress and inconvenience that many residents in the Sunset and Richmond Districts, as well as others throughout the city and beyond, have experienced since the Highway was abruptly closed sixteen months ago. This may be a good start, but it is not enough.

The Upper Great Highway will still remain closed from Friday afternoon until Monday morning and on holidays, during which time all of the impacts of diverting thousands of cars into a quiet, residential neighborhood, and traffic congestion in Golden Gate Park will continue. Cars and trucks will clog quiet streets; pedestrian and traffic safety will be at risk; greenhouse gas emissions due to drivers spending more time in their cars while they detour around the Great Highway will increase; and emergency vehicle response will be slowed, when a few seconds can mean the difference between life and death.

Additionally, there are plans to replace this temporary Emergency Order with a pilot program that could again completely close the Great Highway for two more years, continuing the problems that have plagued the Western part of San Francisco for over a year. And this pilot program will be conducted without an Environmental Impact Report as mandated by the California Environmental Quality Act.

Please resist those who do not want the highway shared, and who have proposed introducing a skatepark, food trucks, and entertainment on the Upper Great Highway in total disregard of the impacts that will be suffered by the residential community, the pristine quiet beach, and the National Wildlife Sanctuary.

I urge you to fully reopen the Upper Great Highway as soon as possible and to keep it open until the City conducts an EIR to study the impacts of any pilot project. Any change to its use should be done only after a full and fair review of all of the impacts resulting from a closure.

As the Sierra Club has written: "Evaluating environmental damage after a Pilot Project has been in place for two years - or in this case a potential total of over 3 years - is a bit like closing the barn door after the horse has escaped."

Please, stop this Highway Robbery.

Thank you for your time.

Sincerely,  
nancy Zerner

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<https://www.openthegreathighway.com/ugh-next-steps>

**From:** [Board of Supervisors, \(BOS\)](#)  
**To:** [BOS-Supervisors](#)  
**Cc:** [Calvillo, Angela \(BOS\)](#); [Mchugh, Eileen \(BOS\)](#); [Somera, Alisa \(BOS\)](#); [Ng, Wilson \(BOS\)](#); [Laxamana, Junko \(BOS\)](#)  
**Subject:** FW: Great Highway: Closure at Friday 12PM does not work -  
**Date:** Thursday, October 28, 2021 8:36:00 AM

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**From:** Laura Horihan <info@openthegreathighway.com>

**Sent:** Wednesday, October 27, 2021 2:11 PM

**To:** Breed, Mayor London (MYR) <mayorlondonbreed@sfgov.org>; Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>; Chan, Connie (BOS) <connie.chan@sfgov.org>; Melgar, Myrna (BOS) <myrna.melgar@sfgov.org>; Stefani, Catherine (BOS) <catherine.stefani@sfgov.org>; Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>; Mar, Gordon (BOS) <gordon.mar@sfgov.org>; Preston, Dean (BOS) <dean.preston@sfgov.org>; Haney, Matt (BOS) <matt.haney@sfgov.org>; Mandelman, Rafael (BOS) <rafael.mandelman@sfgov.org>; Ronen, Hillary <hillary.ronen@sfgov.org>; Walton, Shamann (BOS) <shamann.walton@sfgov.org>; Safai, Ahsha (BOS) <ahsha.safai@sfgov.org>; ChanStaff (BOS) <chanstaff@sfgov.org>; MelgarStaff (BOS) <melgarstaff@sfgov.org>; MandelmanStaff, [BOS] <mandelmanstaff@sfgov.org>; info@openthegreathighway.com; Commission, Recpark (REC) <recpark.commission@sfgov.org>; Ginsburg, Phil (REC) <phil.ginsburg@sfgov.org>; clerk@sfcta.org

**Subject:** Re: Great Highway: Closure at Friday 12PM does not work -

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

My name is Laura Horihan

My email address is [laura.horihan@gmail.com](mailto:laura.horihan@gmail.com)

Hello

I am a resident of the Outer Richmond district, and am dismayed by the ongoing blockade of public highways for which I pay high city taxes.

Unfortunately, I am not as privileged as those who are digging in their heels and wanting to keep the streets open for their own leisurely pleasures.

Are the city leaders going to continue supporting this? What about those of us that don't have the leisure time to blockade streets for fun and actually have a job to go to during the week and on weekends??? I'm so tired of the privileged leadership that talks about equality but does NOTHING to support those of lower classes who don't work from home and have such leisurely privileges.

Use the many many parks and bike paths for your fun and enjoyment!! Meanwhile, others are working.. and struggling to get there.

Enough is enough!

JFK is open on Sunday only to bicyclists and pedestrians and that's great. Use it people!!

Thank you for your time.

Sincerely,  
Laura Horihan

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<https://www.openthegreathighway.com/gh-friday-closure-at-12pm>

**From:** [Board of Supervisors, \(BOS\)](#)  
**To:** [BOS-Supervisors](#)  
**Cc:** [Calvillo, Angela \(BOS\)](#); [Mchugh, Eileen \(BOS\)](#); [Somera, Alisa \(BOS\)](#); [Ng, Wilson \(BOS\)](#); [Laxamana, Junko \(BOS\)](#); [Carroll, John \(BOS\)](#)  
**Subject:** FW: HEvans\_SFBOStatement.pdf - BOS File No. 210971  
**Date:** Wednesday, October 27, 2021 1:20:00 PM  
**Attachments:** [image001.png](#)  
[HEvans\\_SFBOStatement.pdf](#)

---

**From:** Carroll, John (BOS) [john.carroll@sfgov.org](mailto:john.carroll@sfgov.org)  
**Sent:** Monday, October 25, 2021 10:43 AM  
**To:** John Avalos [javalos@nuhw.org](mailto:javalos@nuhw.org)  
**Cc:** Board of Supervisors, (BOS) [board.of.supervisors@sfgov.org](mailto:board.of.supervisors@sfgov.org)  
**Subject:** RE: HEvans\_SFBOStatement.pdf - BOS File No.

Thank you for the message. I'm adding it to the file, and by copy of this message to the [board.of.supervisors@sfgov.org](mailto:board.of.supervisors@sfgov.org) email address, it will be sent to the Board of Supervisors for their consideration.

Best to you,

**John Carroll**  
**Assistant Clerk**

Board of Supervisors  
San Francisco City Hall, Room 244  
San Francisco, CA 94102  
(415) 554-4445

**(VIRTUAL APPOINTMENTS)** To schedule a virtual meeting with me (on Microsoft Teams), please ask and I can answer your questions in real time.

*Due to the current COVID-19 health emergency and the Shelter in Place Order, the Office of the Clerk of the Board is working remotely while providing complete access to the legislative process and our services.*



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**From:** John Avalos <[javalos@nuhw.org](mailto:javalos@nuhw.org)>  
**Sent:** Monday, October 25, 2021 6:23 AM  
**To:** Carroll, John (BOS) <[john.carroll@sfgov.org](mailto:john.carroll@sfgov.org)>  
**Subject:** HEvans\_SFBOStatement.pdf

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Hi John

Good to see you in action last week.

Attached please find the testimony for Hearher Wilson who was unable to stay the whole time for item #2 at Thursday's GAO meeting.

Thank you!

JOHN AVALOS (via cell phone)

Coordinator National Union of Healthcare Workers

[javalos@nuhw.org](mailto:javalos@nuhw.org)

Phone: 415-359-8367

Pronouns: He/Him/His

21 Oct 2021

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

Dear Members of the Board,

My name is Heather Evans. I serve Fresno County and am a former patient of Kaiser's Behavioral Health Department (KBH) here. I understand you are reviewing their policies and procedures for mental health care in your jurisdiction, and I believe my experience is germane to your inquiries.

I live with a chronic traumatic stress disorder. I have received care for it at multiple stages of my adult life. Due to the nature of the disorder, even successful therapeutic collaborations will not inoculate me from flare-ups. Effective courses of treatment have all involved weekly individual sessions with a therapist for 12-36 months. The routine nature of the appointments is necessary for me to develop and maintain a bond with the therapist. I have been seen by practitioners in New Mexico, New York, Massachusetts, Wisconsin, and California.

Such a flare-up occurred in the spring of 2018. I contacted KBH reporting a return of dissociative episodes. It took a month to receive an initial appointment. At the end of the assessment, the therapist announced that she was very good at her job, and thus in high demand and would squeeze me in when next she could. Sometimes it would be ten days away, sometimes it would be three weeks away. In five months, having little reduction in aggravating symptoms, I requested a change of therapists. However, the new therapist also struggled to accommodate even biweekly meetings. After an especially distressed complaint I left on her phone, she went out of her way to try and make that happen. We were able to meet at least on the same day for about four months, during which I made the sort of progress I was used to seeing in care. That was when she marked my PTSD resolved and I was dropped to monthly visits. I was unaware of the diagnosis resolution, so it took me another four months to realize that this would be the new normal. When she recommended I join a therapy class I felt was inappropriate to my needs, I ended our relationship and sought care outside KBH. She was surprised when I told her.

The first six months with Kaiser prolonged my crisis period. The final four resurfaced the most damaging beliefs about my traumas, and added weight to them because their evidence was coming from my mental health provider. I wondered whether I'd been misdiagnosed before, or that maybe the thing that was wrong with me was that I felt like something was wrong. I was just malingering; I should just get over it.



Kaiser showed itself to be structurally incapable of meeting my mental health needs. I do not believe they can adequately care for anyone addressing severe trauma because they are unwilling to authorize the human labor it requires. I urge you to drop them from your employee benefit plan.

Kind Regards,

Heather Evans, MA, MLIS  
Fresno, CA 93722

**From:** [Board of Supervisors, \(BOS\)](#)  
**To:** [BOS-Supervisors](#)  
**Cc:** [Calvillo, Angela \(BOS\)](#); [Mchugh, Eileen \(BOS\)](#); [Somera, Alisa \(BOS\)](#); [Ng, Wilson \(BOS\)](#); [Laxamana, Junko \(BOS\)](#)  
**Subject:** FW: Annual Report on Low Carbon Fuel Standard Credit Sales Fund  
**Date:** Wednesday, October 27, 2021 11:41:00 AM  
**Attachments:** [image001.png](#)  
[10-15-21 LCFS Memo to Board of Supervisors.pdf](#)

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**From:** Castorena, Edith <ECastorena@sfgwater.org>  
**Sent:** Wednesday, October 27, 2021 11:26 AM  
**To:** Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>; Calvillo, Angela (BOS) <angela.calvillo@sfgov.org>  
**Cc:** Scarpulla, John (PUC) <JScarpulla@sfgwater.org>; BOS Legislation, (BOS) <bos.legislation@sfgov.org>  
**Subject:** Annual Report on Low Carbon Fuel Standard Credit Sales Fund

Dear Board of Supervisors staff,

Attached please find the San Francisco Public Utilities Commission's (SFPUC) Annual Report on the Low Carbon Fuel Standard Credit Sales Fund. This report is being submitted in accordance with Ordinance 199-19.

The following is a list of accompanying documents:

1. Annual Report on the Low Carbon Fuel Standard Credit Sales

Best,  
Edith


Edith Castorena (she/her/hers & they/them/theirs)  
Policy & Government Affairs  
San Francisco Public Utilities Commission  
[ecastorena@sfgwater.org](mailto:ecastorena@sfgwater.org)






**DATE:** October 15, 2021

**TO:** Clerk of the Board of Supervisors  
Office of the Controller

**THROUGH:** Michael Carlin, Acting General Manager  
Barbara Hale, Assistant General Manager, Power 

**FROM:** Michael Clark, Acting Finance and Administration Manager, Power 

**SUBJECT:** Annual Report on the Low Carbon Fuel Standard Credit Sales Fund  
Pursuant to Ordinance 199-19

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The following annual report has been prepared for the Board of Supervisors (Board) in accordance with Ordinance No. 199-19.

In Ordinance No. 199-19, the Board established the Low Carbon Fuel Standard (LCFS) Credits Sales Fund (Fund #25455) and authorized the General Manager of the San Francisco Public Utilities Commission (SFPUC) to enter into one or more agreements to sell LCFS Credits. The Board also required the SFPUC to “submit an annual written report to the Board of Supervisors and the Controller: (1) specifying the number of Low Carbon Fuel Standard Credits sold during the previous fiscal year, the price received for each credit, and the total amount of the sales; and (2) describing the expenditures made from the Low Carbon Fuel Standard Credits Sales Fund during the previous fiscal year.”

This report meets the reporting requirements established by Ordinance No. 199-19 for Fiscal Year 2021.

### The City’s LCFS Credits

In Assembly Bill 32,<sup>1</sup> entitled the Global Warming Solutions Act of 2006, the Legislature required California to reduce its greenhouse gas (GHG) emissions to 1990 levels by 2020.

To achieve this goal, the California Air Resources Board (CARB) adopted measures and programs to reduce GHG emissions from all sectors of the California economy. In 2009, at the direction of then Governor Schwarzenegger, CARB adopted LCFS regulations to reduce the GHG-intensity<sup>2</sup> of transportation fuels by 20% by 2030. The regulations set benchmarks for GHG emissions for each type of transportation fuel that

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<sup>1</sup> Statutes 2006, Ch. 488.

<sup>2</sup> The LCFS regulations use the term “carbon intensity” instead of GHG-intensity.

**London N. Breed**  
Mayor

**Anson Moran**  
President

**Newsha Ajami**  
Vice President

**Sophie Maxwell**  
Commissioner

**Tim Paulson**  
Commissioner

**Ed Harrington**  
Commissioner

**Michael Carlin**  
Acting  
General Manager



are increasingly reduced over time. Transportation providers that use fuels with a carbon intensity (or GHG emissions) lower than the benchmark established by CARB generate LCFS credits that can then be sold.

The San Francisco Municipal Transportation Agency (SFMTA) uses GHG-free electric energy provided by SFPUC's Hetch Hetchy Power to operate its electric public transit fleet (electric trolley buses, cable cars, historic streetcars and light rail vehicles). Because this fleet operates with a carbon intensity significantly below the LCFS target, the SFMTA accumulates credits that can be sold.

In October 2017, the SFPUC and SFMTA entered into a Memorandum of Understanding (MOU) approved by the SFPUC in Resolution 17-0199 that would have the SFPUC execute the sale of SFMTA's LCFS credits. The MOU also specifies SFPUC and SFMTA share equally the net revenues from these sales, and their use of the revenues would support general operations that reduce San Francisco's carbon footprint and/or advance the City's sustainability goals.

### **FY21 LCFS Credit Sales**

For Fiscal Year 2021, the number of credits sold, price received for each credit, and total amount of the sales are set forth in the table below. Total revenue was \$2,361,328.

<b>Quantity, (Calendar Year)</b>	<b>Credits Sold</b>	<b>Price Received</b>	<b>Amount</b>	<b>Date</b>
Quantity 6 (2020)	707	\$198	\$139,986	7/9/2020
Quantity 7 (2020)	5,000	\$197	\$985,000	7/9/2020
Quantity 1 (2021)	6,324	\$195	\$1,236,342	3/25/2021
<b>Total</b>	<b>12,031</b>		<b>\$2,361,328</b>	

### **FY21 LCFS Expenditures**

Per the MOU between the SFPUC and SFMTA, half of the LCFS Fiscal Year 2021 credit sales proceeds, or \$1,180,664, was transferred to SFMTA. The remaining \$1,180,664 was retained by the SFPUC for the Hetch Hetchy Power program.

The table below shows how LCFS proceeds retained by SFPUC are budgeted and were spent in Fiscal Year 2021.

<b>Project Name</b>	<b>LCFS Budget</b>	<b>FY21 LCFS Expenditures</b>
Moscone West Solar	\$2,965,250	\$147,324
Retail Customer Programs	\$2,865,000	\$69,638
GoSolarSF	\$1,500,000	\$603,890
Small Renewables	\$950,000	-
Customer Programs-Electric Vehicles in New Construction	\$135,000	\$22,676
SFPD Academy Solar Carport	\$50,000	\$5,707
<b>Total</b>	<b>\$8,465,250</b>	<b>\$849,236</b>

- The Moscone West Solar Electric Project will allow for the installation of an 800kW rooftop mounted photovoltaic generation system owned and operated by the SFPUC Power Enterprise.

- Retail Customer Programs promote emission reductions and decarbonization through electrification, energy efficiency, and improved utilization of SFPUC's Hetch Hetchy electricity within customer facilities and buildings.
- GoSolarSF supports the local solar industry and environmental goals with incentive offerings for customer adoption of rooftop solar throughout San Francisco, as well as addressing social and equity goals with a workforce program and low income and non-profit incentives.
- The Small Renewable Project funds municipal distributed energy resource projects, such as solar installations.
- The Customer Programs-Electric Vehicles in New Construction Program is a new program being developed to provide incentives for installing electric vehicle charging infrastructure in new buildings for Hetch Hetchy customers.
- The San Francisco Police Academy Solar Carport Project includes a 150kW solar carport and battery storage system at the San Francisco Police Academy. Additional analysis will be performed to determine the feasibility of expanding the functionality of this renewable system into an islanding micro-grid with EV charging.

Spending for projects was low compared to budget in Fiscal Year 2021 because most projects were still in the planning/design phase in Fiscal Year 2021. The rate of SFPUC's expenditure of LCFS funds will accelerate as these projects proceed into implementation and/or construction.

The SFMTA allocated \$7,462,493 of its portion of the proceeds (including funds from prior fiscal years) to the Central Subway Project. The remaining \$638,178 of unallocated proceeds were retained in the SFMTA operating budget to support continuing SFMTA operations.

Should you have any questions, please contact Barbara Hale, SFPUC Assistant General Manager for Power, at [BHale@sfwater.org](mailto:BHale@sfwater.org) and 415-613-6341.

**From:** [Board of Supervisors, \(BOS\)](#)  
**To:** [BOS-Supervisors](#)  
**Cc:** [Calvillo, Angela \(BOS\)](#); [Mchugh, Eileen \(BOS\)](#); [Somera, Alisa \(BOS\)](#); [Ng, Wilson \(BOS\)](#); [Laxamana, Junko \(BOS\)](#); [Young, Victor \(BOS\)](#)  
**Subject:** 2 Letters regarding File #211096  
**Date:** Thursday, October 28, 2021 8:50:00 AM  
**Attachments:** [Support Tenants Rights.pdf](#)

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Hello Supervisors,

Please see attached for 2 letters regarding proposed legislation on Tenant Organizing.

File #211096 - **Ordinance amending the Administrative Code to require residential landlords to allow tenant organizing activities to occur in common areas of the building; require certain residential landlords to recognize duly-established tenant associations, confer in good faith with said associations, and attend some of their meetings upon request; and provide that a landlord's failure to allow organizing activities or comply with their obligations as to tenant associations may support a petition for a rent reduction.**

Regards,

**Board of Supervisors - Clerk's Office**

1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102  
(415) 554-5184 | (415) 554-5163  
[board.of.supervisors@sfgov.org](mailto:board.of.supervisors@sfgov.org) | [www.sfbos.org](http://www.sfbos.org)

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**From:** [Madeline McQuillan](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** Support Tenants Right to Organize Legislation  
**Date:** Wednesday, October 27, 2021 3:04:30 PM

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Dear Supervisors,

My name is Madeline McQuillan and I live in District 3. I'm emailing to ask the entire Board to support Supervisor Peskin's legislation on tenant associations and tenant organizations.  
Thank you.

Regards,  
Madeline McQuillan

Sent from my iPad

**From:** [Madelyn McMillian](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** Support Tenants Right to Organize Legislation  
**Date:** Wednesday, October 27, 2021 3:30:07 PM

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Good Afternoon Supervisors,

My name is Madelyn McMillian, and I am a tenant living in District 2 (Catherine Stefani). I am super excited to see Supervisor Peskin introduce new legislation on tenant associations and tenant organizing.

I urge the entire Board of Supervisors to support this legislation. Tenants like myself deserve the right to form a #UnionAtHome and to have a real say in our living conditions.

Thank You

Madelyn McMillian

240 St. Joseph Ave  
San Francisco, CA. 94115



**From:** [Board of Supervisors, \(BOS\)](#)  
**To:** [BOS-Supervisors](#)  
**Cc:** [Calvillo, Angela \(BOS\)](#); [Mchugh, Eileen \(BOS\)](#); [Somera, Alisa \(BOS\)](#); [Ng, Wilson \(BOS\)](#); [Laxamana, Junko \(BOS\)](#)  
**Subject:** 4 Letters regarding Kid Safe JFK  
**Date:** Thursday, October 28, 2021 8:45:00 AM  
**Attachments:** [Kid Safe JFK.pdf](#)

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Hello Supervisors,

Please see attached for 4 letters regarding Kid Safe JFK.

Regards,

**Board of Supervisors - Clerk's Office**

1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102  
(415) 554-5184 | (415) 554-5163  
[board.of.supervisors@sfgov.org](mailto:board.of.supervisors@sfgov.org) | [www.sfbos.org](http://www.sfbos.org)

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**From:** [Vance Vredenburg](#)  
**To:** [Board of Supervisors, \(BOS\)](#); [Breed, Mayor London \(MYR\)](#); [Tumlin, Jeffrey \(MTA\)](#); [Ginsburg, Phil \(REC\)](#)  
**Cc:** [Chan, Connie \(BOS\)](#); [Stefani, Catherine \(BOS\)](#); [Mar, Gordon \(BOS\)](#); [Haney, Matt \(BOS\)](#); [MandelmanStaff, \[BOS\]](#); [Ronen, Hillary](#); [Walton, Shamann \(BOS\)](#); [Safai, Ahsha \(BOS\)](#); [clerk@sfcta.org](#); [Commission, Recpark \(REC\)](#); [MTABoard@sfmta.com](#); [Major, Erica \(BOS\)](#); [CAC@sfmta.com](#); [sfbicycleadvisorycommittee@gmail.com](#); [PROSAC, RPD \(REC\)](#); [hello@kidsafesf.com](#)  
**Subject:** Support Kid Safe JFK now and work to make this beloved space permanent...  
**Date:** Wednesday, October 27, 2021 2:19:36 PM

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Dear Board of Supervisors, Mayor Breed, Director Tumlin, General Manager Ginsburg, and other city leaders,

I love Kid Safe JFK and want it to be made permanent as is without a private-car cut-through at 8th Ave or private cars on JFK east of Transverse. I support the "Existing Car-Free Route Option" in the SFMTA survey, and after over 3,000 survey responses, this option is desired by almost 80% of the public. Kid Safe JFK is one of the most-popular policy decisions in San Francisco history, and it has been visited over 7 million times since it was created 18 months ago!

I join Kid Safe SF and its thousands of supporters and countless partners calling on you to save this Kid Safe, serene, and joyous space in the heart of Golden Gate Park — we need you to lead on this issue by making a clear decision to make this space permanent without a cut-through for private cars.

The "Private Vehicle Access Option" and related efforts to allow private cars to cut through the Park via 8th Avenue are dangerous for our kids, people with disabilities, and the planet. These efforts are being pushed by museum trustees and lobbyists in backroom meetings in an effort to secure more free parking for their employees rather than pay them a fair wage with good parking benefits in the underutilized and mismanaged museum garage that museum insiders control. Don't let wealthy trustees and their lobbyists rip Kid Safe JFK in half and destroy an amazing space that has seen over 7 million visits since it was created 18 months ago and almost 80% of the public wants to be made permanent.

We also need you to work towards improving MUNI service to the park and reforming the museum garage to improve affordable and high quality access for low-income, disabled, and elderly visitors. Here are a few things:

- 1) Install Transit-Only Lanes to 8th Ave between Fulton and JFK, 9th Ave between Judah and Lincoln, and MLK between Lincoln and the Music Concourse — this will improve service and reliability of Muni for people taking the N, 43, 44, 52, and 66, including those visiting the park and especially on weekends.
- 2) Reform the underutilized museum garage: Offer free parking for ADA placard holders and low-income visitors, and double the number of ADA spots in the Garage from 32 to 64, so that visitors with disabilities have the best access available.
- 3) Restrict private-car cut-through traffic on other spaces in Golden Gate Park, like Transverse

Drive where Kid Safe JFK transitions to the Kid Safe “Car-Free West End Route” proposed in the survey (which is also wildly popular and should be made permanent with even more Kid Safe space).

Please work with Kid Safe SF, SFMTA, RPD, and your colleagues to get this wildly popular space permanently Kid Safe (and car free). Will you publicly commit to supporting the “Existing Car-Free Route Option” and take action to make this option the permanent solution for JFK?

**From:** [Colleen Nielsen](#)  
**To:** [Breed, Mayor London \(MYR\)](#); [Ginsburg, Phil \(REC\)](#); [Tumlin, Jeffrey \(MTA\)](#); [Commission, Recpark \(REC\)](#); [MTABoard@sfmta.com](#); [Board of Supervisors, \(BOS\)](#)  
**Cc:** [ChanStaff \(BOS\)](#); [Stefani, Catherine \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [Mar, Gordon \(BOS\)](#); [Preston, Dean \(BOS\)](#); [Haney, Matt \(BOS\)](#); [MelgarStaff \(BOS\)](#); [MandelmanStaff, \(BOS\)](#); [Ronen, Hillary](#); [Walton, Shamann \(BOS\)](#); [Safai, Ahsha \(BOS\)](#); [clerk@sfcta.org](#); [hello@kidsafesf.com](#)  
**Subject:** Please make Kid Safe JFK permanent now...  
**Date:** Wednesday, October 27, 2021 2:40:22 PM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Mayor Breed, General Manager Ginsburg, Director Tumlin, Recreation and Parks Commissioners, and Board of Supervisors,

I love the new, Kid Safe JFK, and want it to stay! I use the space every single day and have turned into a runner because of access to the space.

San Francisco needs safe, inclusive, joyous public spaces for everyone, now more than ever. Parks with protected public spaces are where residents and visitors of San Francisco can be active, enjoy nature, and spend time with friends and family. Thanks to you, people of all ages, backgrounds and abilities have been flocking to JFK to enjoy the most vital protected public space in the heart of San Francisco.

If it's safe for kids, it's safe for everyone.

But I have become aware that this protected space for kids in Golden Gate Park is at risk of turning back into one of the most dangerous streets in San Francisco. JFK was previously a high-injury corridor, with 5-10 people being injured or killed on the street every year.

Just last month, a woman was hospitalized with life-threatening injuries when crossing from the safe JFK promenade to the Panhandle. Director Tumlin said a "more protective crossing" is "contingent" on what the city does with JFK Drive.

I'm writing today to urge you to save Kid Safe JFK and take action immediately to approve an extension of the space beyond the health order, while supporting ongoing studies, outreach, and improvements to increase access to the safe and joyous community space.

I have heard that the museums are concerned about free public parking and ADA access, and Recreation and Parks reports there are over 3,500 free public parking spaces in Golden Gate Park, most concentrated near the museums, along with countless more free parking spots along Fulton and Lincoln. Surely there are ways to solve for ADA access — like the garage built for the museums — that don't put children and seniors at risk, and ruin the oasis that has been created in the Park. The city and the museums can find a solution that does not destroy the most important protected space in the heart of Golden Gate Park.

The kids of San Francisco love Kid Safe JFK, and I do too!

Can we count on you, and are you willing to publicly support saving Kid Safe JFK and Golden Gate Park?

Thank you,  
Colleen Nielsen  
SF Resident and Taxpayer

**From:** [Hannah Lynch](#)  
**To:** [Board of Supervisors, \(BOS\)](#); [Breed, Mayor London \(MYR\)](#); [Tumlin, Jeffrey \(MTA\)](#); [Ginsburg, Phil \(REC\)](#)  
**Cc:** [Chan, Connie \(BOS\)](#); [Stefani, Catherine \(BOS\)](#); [Mar, Gordon \(BOS\)](#); [Haney, Matt \(BOS\)](#); [MandelmanStaff, \[BOS\]](#); [Ronen, Hillary](#); [Walton, Shamann \(BOS\)](#); [Safai, Ahsha \(BOS\)](#); [clerk@sfcta.org](#); [Commission, Recpark \(REC\)](#); [MTABoard@sfmta.com](#); [Major, Erica \(BOS\)](#); [CAC@sfmta.com](#); [sfbicycleadvisorycommittee@gmail.com](#); [PROSAC, RPD \(REC\)](#); [hello@kidsafesf.com](#)  
**Subject:** Support Kid Safe JFK now and work to make this beloved space permanent...  
**Date:** Wednesday, October 27, 2021 2:52:30 PM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors, Mayor Breed, Director Tumlin, General Manager Ginsburg, and other city leaders,

I love Kid Safe JFK and want it to be made permanent as is without a private-car cut-through at 8th Ave or private cars on JFK east of Transverse. I support the "Existing Car-Free Route Option" in the SFMTA survey, and after over 3,000 survey responses, this option is desired by almost 80% of the public. Kid Safe JFK is one of the most-popular policy decisions in San Francisco history, and it has been visited over 7 million times since it was created 18 months ago! I join Kid Safe SF and its thousands of supporters and countless partners calling on you to save this Kid Safe, serene, and joyous space in the heart of Golden Gate Park — we need you to lead on this issue by making a clear decision to make this space permanent without a cut-through for private cars.

The "Private Vehicle Access Option" and related efforts to allow private cars to cut through the Park via 8th Avenue are dangerous for our kids, people with disabilities, and the planet. These efforts are being pushed by museum trustees and lobbyists in backroom meetings in an effort to secure more free parking for their employees rather than pay them a fair wage with good parking benefits in the underutilized and mismanaged museum garage that museum insiders control. Don't let wealthy trustees and their lobbyists rip Kid Safe JFK in half and destroy an amazing space that has seen over 7 million visits since it was created 18 months ago and almost 80% of the public wants to be made permanent. We also need you to work towards improving MUNI service to the park and reforming the museum garage to improve affordable and high quality access for low-income, disabled, and elderly visitors.

Here are a few things: Install Transit-Only Lanes to 8th Ave between Fulton and JFK, 9th Ave between Judah and Lincoln, and MLK between Lincoln and the Music Concourse — this will improve service and reliability of Muni for people taking the N, 43, 44, 52, and 66, including those visiting the park and especially on weekends. 2) Reform the underutilized museum garage: Offer free parking for ADA placard holders and low-income visitors, and double the number of ADA spots in the Garage from 32 to 64, so that visitors with disabilities have the best access available. 3) Restrict private-car cut-through traffic on other spaces in Golden Gate Park, like Transverse Drive where Kid Safe JFK transitions to the Kid Safe "Car-Free West End Route" proposed in the survey (which is also wildly popular and should be made permanent with even more Kid Safe space). Please work with Kid Safe SF, SFMTA, RPD, and your colleagues to get this wildly popular space permanently Kid Safe (and car free). Will you publicly commit to supporting the "Existing Car-Free Route Option" and take action to make this option the permanent solution for JFK?

Thanks,  
Hannah Lynch  
Upper Haight resident

**From:** [Tim Durning](#)  
**To:** [Board of Supervisors, \(BOS\)](#); [Tumlin, Jeffrey \(MTA\)](#); [MTABoard@sfmta.com](#); [Breed, Mayor London \(MYR\)](#); [Ginsburg, Phil \(REC\)](#); [Commission, Recpark \(REC\)](#)  
**Cc:** [Peskin, Aaron \(BOS\)](#); [Safai, Ahsha \(BOS\)](#); [Stefani, Catherine \(BOS\)](#); [ChanStaff \(BOS\)](#); [Preston, Dean \(BOS\)](#); [Mar, Gordon \(BOS\)](#); [Ronen, Hillary](#); [MandelmanStaff, \(BOS\)](#); [Haney, Matt \(BOS\)](#); [MelgarStaff \(BOS\)](#); [Walton, Shamann \(BOS\)](#); [clerk@sfcta.org](#); [hello@kidsafesf.com](#)  
**Subject:** Please make Kid Safe JFK permanent now...  
**Date:** Wednesday, October 27, 2021 3:03:51 PM

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Dear Mayor Breed, General Manager Ginsburg, Director Tumlin, Recreation and Parks Commissioners, and Board of Supervisors, I love the new, Kid Safe JFK, and want it to stay! San Francisco needs safe, inclusive, joyous public spaces for everyone, now more than ever. Parks with protected public spaces are where residents and visitors of San Francisco can be active, enjoy nature, and spend time with friends and family. Thanks to you, people of all ages, backgrounds and abilities have been flocking to JFK to enjoy the most vital protected public space in the heart of San Francisco. If it's safe for kids, it's safe for everyone. But I have become aware that this protected space for kids in Golden Gate Park is at risk of turning back into one of the most dangerous streets in San Francisco. JFK was previously a high-injury corridor, with 5-10 people being injured or killed on the street every year. Just last month, a woman was hospitalized with life-threatening injuries when crossing from the safe JFK promenade to the Panhandle. Director Tumlin said a "more protective crossing" is "contingent" on what the city does with JFK Drive. I'm writing today to urge you to save Kid Safe JFK and take action immediately to approve an extension of the space beyond the health order, while supporting ongoing studies, outreach, and improvements to increase access to the safe and joyous community space. I have heard that the museums are concerned about free public parking and ADA access, and Recreation and Parks reports there are over 3,500 free public parking spaces in Golden Gate Park, most concentrated near the museums, along with countless more free parking spots along Fulton and Lincoln. Surely there are ways to solve for ADA access — like the garage built for the museums — that don't put children and seniors at risk, and ruin the oasis that has been created in the Park. The city and the museums can find a solution that does not destroy the most important protected space in the heart of Golden Gate Park. The kids of San Francisco love Kid Safe JFK, and I do too! Can we count on you, and are you willing to publicly support saving Kid Safe JFK and Golden Gate Park?

--

**Tim Durning**  
610.368.5366  
[www.timdurning.com](http://www.timdurning.com)  
[timothydurning@gmail.com](mailto:timothydurning@gmail.com)

**From:** [Board of Supervisors, \(BOS\)](#)  
**To:** [BOS-Supervisors](#)  
**Cc:** [Calvillo, Angela \(BOS\)](#); [Mchugh, Eileen \(BOS\)](#); [Somera, Alisa \(BOS\)](#); [Ng, Wilson \(BOS\)](#); [Laxamana, Junko \(BOS\)](#)  
**Subject:** FW: Alternative Shelter Site- COMPLAINT  
**Date:** Thursday, October 28, 2021 8:39:00 AM

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

From: Jonathan <prjonathan@hotmail.com>  
Sent: Thursday, October 28, 2021 2:39 AM  
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>  
Subject: Alternative Shelter Site- COMPLAINT

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Hello,

I live at 952 Sutter St, San Francisco. I love my building, my apartment and loved my neighborhood. Unfortunately, since the transition of the Hotel Vertigo at 940 Sutter St to a "covid 19 alternative shelter site", my block has rapidly degraded.

I'm writing to express my utter frustration with how this particular site is being run. While the complaints of myself and other tax paying citizens may not be worth much in the face of the needs of our homeless counterparts, I would hope that the staff and support teams running these sites would at least be respectful and empathetic of their site's neighbors. But they simply are not. From a virtual complete absence of mask wearing while congregating in smoke-break-groups spent outside of MY building to unbelievably loud, to a weekly inability to properly secure their garbage containers so that other homeless regularly show up and empty the receptacles onto the sidewalk for the rest of us to wade through on our way out of our own buildings the following mornings, to personal telephone arguments broadcast from the sidewalk of their car's open doors to anyone unfortunate enough to be living in any of the surrounding buildings, to intimate confrontations between themselves and apparent personal guests stopping by to "visit" them, to late night (it's now 2am), extended break sessions spent in their illegally parked vehicles (consistently parked, for instance, in front of a fire hydrant located in front of my building) with their music blasting at volumes which interrupt and make impossible sleeping inside of our building- the disrespect for what USED TO BE the comparative peace of our block is perpetually disregarded by the team at Hotel Vertigo. And, of course, this is in addition to the daily damage endured by the "temporary"-tenants themselves. This blatant apathy and disregard is directly related to the rapid decline of the quality of life on my block- a block mind you where I still pay rent in excess of \$3k/month for the quality that existed pre-COVID.

I've tried to specifically locate a platform to make an official complaint but, no surprise, I've not been successful in locating. Please tell me to whom or where I might forward this complaint so that it's heard by someone who might take the time to read and consider its content. I would love to be more supportive of such social services. It just seems that there must be a more equitable road to establishing equitability in access to quality housing.

Thank you for your time.

Jonathan Ortiz

Sent from my iPhone

**From:** [Board of Supervisors, \(BOS\)](#)  
**To:** [BOS-Supervisors](#)  
**Cc:** [Calvillo, Angela \(BOS\)](#); [Mchugh, Eileen \(BOS\)](#); [Somera, Alisa \(BOS\)](#); [Ng, Wilson \(BOS\)](#); [Laxamana, Junko \(BOS\)](#)  
**Subject:** FW: Water for new high rise residential housing  
**Date:** Thursday, October 28, 2021 8:50:00 AM

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**From:** carole glosenger <carole.glosenger@gmail.com>  
**Sent:** Tuesday, October 26, 2021 11:47 AM  
**To:** Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>  
**Subject:** Water for new high rise residential housing

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Clerk of the Board of Supervisors, please forward to the members.

Dear Members of the Board of Supervisors,

Where will we get the water to service all the residential high rise apartments you are approving?  
Did you ever think of that? Will I have to take one minute showers and let my plants die so that  
people can live in lavish market rate apartments?  
I would love a reply.

Carole Glosenger  
117 Beulah Street  
San Francisco 94117  
415 221-7379



**From:** [Board of Supervisors, \(BOS\)](#)  
**To:** [BOS-Supervisors](#)  
**Cc:** [Calvillo, Angela \(BOS\)](#); [Mchugh, Eileen \(BOS\)](#); [Somera, Alisa \(BOS\)](#); [Ng, Wilson \(BOS\)](#); [Laxamana, Junko \(BOS\)](#)  
**Subject:** FW: San Francisco - Signed letter regarding Plan Bay Area  
**Date:** Thursday, October 28, 2021 11:47:00 AM  
**Attachments:** [10.05.21 ABAG Signed Letter.pdf](#)

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**From:** Kittler, Sophia (MYR) <sophia.kittler@sfgov.org>  
**Sent:** Thursday, October 7, 2021 10:52 AM  
**To:** tmcmillan@bayareametro.gov; jarreguin@cityofberkeley.info;  
alfredo.pedroza@countyofnapa.org  
**Cc:** Calvillo, Angela (BOS) <angela.calvillo@sfgov.org>; Mchugh, Eileen (BOS)  
<eileen.e.mchugh@sfgov.org>; Rodgers, AnMarie (CPC) <anmarie.rodgers@sfgov.org>;  
fcastro@bayareametro.gov  
**Subject:** San Francisco - Signed letter regarding Plan Bay Area

Dear Mayor Arreguin, Supervisor Pedroza, and Director McMillan,

Please see the attached letter from San Francisco Mayor Breed and Supervisors Ronen, Mandelman, and Mar, regarding the Plan Bay Area, dated October 5, 2021.

Please feel free to reach out to either myself or AnMarie Conroy, copied here, should you have any questions.

Thank you,

Sophia Kittler  
Office of Mayor London Breed  
415 554 6153



Supervisor Alfredo Pedroza, Chair  
Metropolitan Transportation Commission  
375 Beale Street, Suite 800  
San Francisco, CA 94105

October 5, 2021

Mayor Jesse Arreguín, President  
Association of Bay Area Governments  
375 Beale Street, Suite 800  
San Francisco, CA 94105

Therese McMillan, Executive Director  
Metropolitan Transportation Commission  
375 Beale Street, Suite 800  
San Francisco, CA 94105

Dear Honorable Supervisor Pedroza, Mayor Arreguín, and Director McMillan,

San Francisco is committed to collective action to build a more equitable, sustainable, and resilient region as called for in Plan Bay Area (PBA) 2050. We want to thank leadership and staff for the immense amount of work that has gone into PBA and the focus on equity outcomes. Your staff's efforts in collaborating with San Francisco, other jurisdictions, and advocates on a more equitable plan are appreciated. San Francisco will continue to work over the long term with the Metropolitan Transportation Commission (MTC) and Association of Bay Area Governments (ABAG) to collectively implement regional solutions to improve housing affordability, reduce displacement, and meet greenhouse gas reduction targets. We are writing to request further action that will help PBA create a more equitable region.

This letter follows a January 20<sup>th</sup>, 2021 letter that raised concerns about the PBA growth forecast and its impact on the Regional Housing Need Allocation (RHNA). **Today, San Francisco's primary concern is that the growth forecast assumed higher future density on lots with existing multifamily housing and in sensitive communities at-risk for displacement, resulting in higher likelihood of redevelopment, than similar sites with single family homes.** These assumptions result in forecasted development in San Francisco premised on redevelopment of lots with rent-controlled housing citywide, especially in lower income communities of color such as the Mission and Western Addition.

We believe that these assumptions are not consistent with the Plan's goals to address regional housing needs through a robust three-pronged, simultaneous strategy of production, protection, and preservation and will, in fact, undermine the Plan's goals to reduce displacement and acquire and preserve hundreds of thousands of rental units occupied by lower income renters. These assumptions seem to be inconsistent with state Housing Element law and are inconsistent with the state tenant protecting demolition controls, such as Section 66300(d). State law requires local jurisdictions to adopt policies to conserve sound multifamily housing and requires that sites counted in local RHNA inventories be realistic for development, which is unlikely for multifamily sites due to financial feasibility and to requirements for unit replacement and right to return such as those in 66300(d). Beyond state law, these growth assumptions may have reduced forecasted growth in historically exclusionary jurisdictions that are disproportionately jobs-rich and high opportunity. Unfortunately, the adopted RHNA methodology already incorporates these growth forecast results.

In response to these concerns, ABAG/MTC members and staff decided to study an Equity Alternative. We were gratified to see that the Alternative performed well in terms of the environmental and social outcomes. The Equity Alternative included positive changes to the land use assumptions in the plan, including correcting the above described density discrepancy between multifamily and single-family lots. The Equity Alternative encouraged more housing in disproportionately jobs-rich and high opportunity areas. Oddly, the Equity Alternative also included transportation policies and investments unrelated to household and job growth patterns that undermined the Alternative's effectiveness. San Francisco cannot support the Equity Alternative's changes to transit investment given the unclear relationship to current needs or future growth. We see no reason why improvements to the land use assumptions in the Equity Alternative could not be combined with the current transportation investment plan to produce a plan that is both more equitable and effective for the region.

San Francisco believes that there are steps that can still be taken to address inconsistencies between PBA's stated equity goals and the forecast assumptions. We ask our colleagues at ABAG/MTC to consider and enact these steps going forward:

1. Identify additional resources and strategies to rapidly implement PBA's goal to acquire thousands of rental units occupied by low and moderate people. This investment should be prioritized to stabilize communities of color at risk of displacement in the short to medium term.
2. Consider changes to PBA ahead of adoption to address disconnects between PBA's goals for preservation of multifamily housing and the Plan's land use assumptions. These changes should include substituting land use assumptions from the Equity Alternative.
3. Condition future transportation investments in exclusionary jurisdictions that are disproportionately jobs-rich, low-density, and high resource on increased housing production for all incomes.
4. Identify robust near-term funds for transit state of good repair and for additional PDA plans to identify other supporting investments, and ensure that each jurisdiction that nominated new PDAs through the PBA 2050 process has access to a meaningful level of resources to implement adopted PDA plans.
5. Ensure that future PBA growth forecasts are final and vetted through the PBA process before being incorporated into the RHNA methodology for final adoption by MTC and ABAG.
6. Ensure that future PBA forecast assumptions are consistent with multifamily preservation goals. This is particularly important in lower income communities of color, and to ensure parity of treatment of multifamily and single-family housing occupied parcels that are otherwise similar.

San Francisco will continue to do our part to produce and preserve housing to improve affordability and to create the green transportation system of the future. The city has been one of the leading regional housing producers in recent years, including unprecedented investment in affordable housing. The city has taken ambitious steps to preserve housing including the Rental Assistance Demonstration (RAD) conversion and rehabilitation of 3,500 public housing units and the ongoing rebuilding of all remaining large public housing sites (over 1,200 units) through HOPE SF. Since 2014, San Francisco has funded the nonprofit acquisition of 52 small and large site rental buildings with 543 residential units to preserve affordability for lower income tenants. San Francisco is working to encourage housing production throughout the city and has recently designated four large new Priority Development Areas (PDAs) in lower density, transit-served areas of the city.

We have taken bold steps to support transit, bicycling, and walking including the designation of Market Street, the city's main Downtown corridor, as transit and bicycle only while also expanding bus-only lanes and bicycle lanes throughout the city. San Francisco has low Vehicle Miles Traveled (VMT) because we have invested for decades in a robust transit system and sustainable policies such as low parking provision combined with transit-oriented development. San Francisco has an estimated \$20 billion backlog in transit system state of good repair needs, and many of our transit lines are already

experiencing crowding. The higher growth forecast will exacerbate both of these conditions without a commensurate commitment to increase investment in the infrastructure and services needed to support the increase in growth. We will need the region's support to maintain and expand our transit systems, to ensure safe, easy bicycling and walking trips throughout the city, and to maintain our streets and bridges in a state of good repair.

Specific near-term priorities for project development and construction investment include: the Downtown Rail Extension; Muni Core Capacity Program; Yerba Buena Island (YBI) West Side Bridges Seismic Retrofit Project; Treasure Island Mobility Management Program (inclusive of an equitable tolling, electric ferry, and affordability program); Vision Zero Quick Builds on our city's high-injury network; Geary BRT Phase 2; Better Market Street; US-101/I-280 managed lanes; and the Embarcadero Roadway, Mission Creek and Ocean Beach Master Plan resilience projects. We will be looking for your support in the various planning, policy and funding efforts on the horizon, including the Transit Oriented Development policy update, the Regional Active Transportation Plan, OBAG 3 Regional Programs, the Regional Transit Expansion Program update, RM3 and SB1 programming efforts, and others. The region will only succeed through partnership.

We ask that our colleagues take action on the steps we suggest above so that PBA can realize its full promise as a regional plan that emphasizes equity, prevents displacement, expands access, reduces emissions, and protects equity priority communities. We thank ABAG/MTC members and staff for ongoing collaboration and recommit ourselves to the collective work of creating a more just, equitable, and sustainable region.

Sincerely,



**Mayor London Breed**



**Supervisor Gordon Mar**



**Supervisor Hillary Ronen**



**Supervisor Rafael Mandelman**

**From:** [Board of Supervisors, \(BOS\)](#)  
**To:** [BOS-Supervisors](#)  
**Cc:** [Calvillo, Angela \(BOS\)](#); [Mchugh, Eileen \(BOS\)](#); [Somera, Alisa \(BOS\)](#); [Ng, Wilson \(BOS\)](#); [Laxamana, Junko \(BOS\)](#)  
**Subject:** FW: File No. 210796, BOS Resolution 418-21  
**Date:** Thursday, October 28, 2021 1:20:00 PM  
**Attachments:** [Mod 3 Vanderlande \(fully executed\).pdf](#)  
[image001.png](#)

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**From:** Sung Kim (AIR) <sung.kim@flysfo.com>  
**Sent:** Thursday, October 28, 2021 12:30 PM  
**To:** Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>  
**Cc:** Somera, Alisa (BOS) <alisa.somera@sfgov.org>; Mchugh, Eileen (BOS) <eileen.e.mchugh@sfgov.org>; Dyanna Volek (AIR) <dyanna.volek@flysfo.com>  
**Subject:** File No. 210796, BOS Resolution 418-21

Dear Clerk of the Board,

Attached is the fully executed BHS and PBB Maintenance Agreement modification to be included in the official file as required by the File No. 210796, Resolution No. 418-21.

Thank you,



**Sung Kim**

Manager, Contracts Administration  
San Francisco International Airport | P.O. Box 8097 | San Francisco, CA 94128  
Tel 650-821-2026 | Email [sung.kim@flysfo.com](mailto:sung.kim@flysfo.com)  
Personal Cell 415-939-6783  
(preferred pronouns: he/him/his)

**City and County of San Francisco  
Airport Commission  
P.O. Box 8097  
San Francisco, California 94128**

**Modification No. 3**

This Modification is made this 1st day of June 2021, in the City and County of San Francisco, State of California, by and between: Vanderlande Industries Inc. (the “Contractor”) and the City and County of San Francisco, a municipal corporation (the “City”), acting by and through its Airport Commission (the “Commission”).

**Recitals**

- A. City and Contractor have entered into the Agreement for the San Francisco International Airport (the “Airport” or “SFO”) (as defined below); and
- B. The Commission is authorized to enter into all contracts which relate to matters under its jurisdiction; and
- C. On July 19, 2016, by Resolution No. 16-0222, the Commission awarded this Agreement to Contractor for a term of three (3) years with two (2) 1-year extension options, and a not-to-exceed amount of \$5,397,000; and
- D. On August 27, 2019, by Resolution No. 19-0180, the Commission approved Modification No. 1 to exercise the first 1-year option, and to increase the contract amount by \$4,396,875, for a new not-to-exceed amount of \$9,793,875; and
- E. On June 16, 2020, by Resolution No. 20-0112 the Commission approved Modification No. 2 to exercise the second and final 1-year option, and to increase the contract amount by \$3,852,617, for a new not-to-exceed amount of \$13,646,492; and
- F. On July 21, 2020, by Resolution No. 344-20, the Board of Supervisors approved Modification No. 2 under San Francisco Charter Section 9.118, to exercise the second and final 1-year option, and to increase the compensation under the contract by the reduced amount of \$2,953,956, for a new not-to-exceed amount of \$12,747,831; and
- G. City and Contractor desire to modify the Agreement on the terms and conditions set forth herein to extend the contract duration through September 30, 2022, increase the contract amount by \$4,262,816, for a new total contract amount not-to-exceed \$17,010,647, and to update contractual clauses; and
- H. On June 1, 2021, by Resolution No. 21-0132, the Commission approved this Modification No. 3 to the Agreement to extend the term through September 30, 2022, and to increase the contract amount by \$4,262,816, for a new total contract amount not to exceed \$17,010,647; and
- I. On September 14, 2021, by Resolution No. 418-21, the Board of Supervisors approved Modification No. 3 under San Francisco Charter Section 9.118; to extend the term through September 30, 2022, and to increase the contract in a reduced amount of \$3,862,816 for a new not-to-exceed amount of \$16,610,647; and



J. Approval for this Agreement was obtained when the Civil Service Commission approved the modification of PSC No. 47087-15/16 on June 21, 2021; and

K. The Contractor represents and warrants that it is qualified to perform the services required by City under this Agreement;

Now, THEREFORE, the parties agree as follows:

**1. Article 1. Definitions, Section 1.1 Agreement** is hereby deleted in its entirety and replaced to read as follows:

1.1 “Agreement” means the contract document dated July 1, 2017, Modification No. 1 dated August 27, 2019, and Modification No. 2 dated June 16, 2020, including all appendices, and all applicable city ordinances and “Mandatory City Requirements” which are specifically incorporated by reference into this Agreement.

**2. Article 1. Definitions, Section 1.5 Confidential Information** is hereby deleted in its entirety and replaced to read as follows:

#### 1.5 Confidential Information

1.5.1 “Confidential Information” means confidential City information including, but not limited to, personally-identifiable information (“PII”), protected health information (“PHI”), or individual financial information (collectively, “Proprietary or Confidential Information”) that is subject to local, state or federal laws restricting the use and disclosure of such information, including, but not limited to, Article 1, Section 1 of the California Constitution; the California Information Practices Act (Civil Code § 1798 *et seq.*); the California Confidentiality of Medical Information Act (Civil Code § 56 *et seq.*); the federal Gramm-Leach-Bliley Act (15 U.S.C. §§ 6801(b) and 6805(b)(2)); the privacy and information security aspects of the Administrative Simplification provisions of the federal Health Insurance Portability and Accountability Act (45 CFR Part 160 and Subparts A, C, and E of Part 164); and Administrative Code Chapter 12M (“Chapter 12M”).

1.5.2 “Confidential Information” also means any and all nonpublic information, whether written, electronic, or oral, concerning or relating to Airport technology, computer, or data systems, processes, or procedures, or Critical Infrastructure Information or Protected Critical Infrastructure Information as defined under the Homeland Security Act of 2002 and 6 CFR §29.2, which information or access to such information is supplied by the Airport or on behalf of the Airport to Contractor or otherwise acquired by Contractor during the course of dealings with the Airport. Additionally, “Confidential Information” includes security or security-related information, whether or not such information constitutes sensitive security information (“SSI”) as provided under 49 CFR Part 1520. In the event Contractor acquires SSI, it shall treat such information in conformance with federal law and the provisions of this Contract.

1.5.3 “Confidential Information” is confidential regardless of whether such information is in its original form, a copy, or a derivative product. “Derivative” means written or electronic material created from or with, or based on Confidential Information (i.e., a report analyzing Confidential Information shall also be considered Confidential Information). Confidential Information shall also mean proprietary, trade secret or other protected information, identified as Confidential Information by the Airport.

3. **Article 1. Definitions, Section 1.13 Digital Signature** is hereby added to the Agreement to read as follows:

1.13 “Digital Signature” means an electronic identifier, created by computer, intended by the party using it to have the same force and effect as the use of a manual signature.

4. **Article 2. Term of Agreement, Section 2.1**, is hereby amended to extend the term of the contract for one (1) year for a new ending date of September 30, 2022.

5. **Article 3. Financial Matters, Section 3.3.1 Payment** is hereby amended to increase the total compensation payable by an amount not to exceed Three million, Eight Hundred Sixty-Two Thousand, Eight Hundred Sixteen Dollars (\$3,862,816) including \$100,000 for replacement parts and materials costs, for a new total not to exceed amount of Sixteen Million, Six Hundred Ten Thousand, Six Hundred and Forty-Seven dollars (\$16,610,647).

6. **Article 11 General Provisions, 11.1 Notice to Parties, Section 11.1.1** is hereby added to read as follows:

11.1.1 The Parties consent to the use of Digital Signatures, affixed using the City’s DocuSign platform, to execute this Agreement and all subsequent modifications.

7. **Article 11. General Provisions, Section 11.19 Notification of Legal Requests** is hereby deleted in its entirety and replaced to read as follows:

**11.19 Notification of Legal Requests.** Contractor shall immediately notify City upon receipt of any subpoenas, service of process, litigation holds, discovery requests and other legal requests (“Legal Requests”) related to City Data or which in any way might reasonably require access to City Data, and in no event later than twenty-four (24) hours after it receives the request. Contractor shall not respond to Legal Requests related to City without first notifying City other than to notify the requestor that the information sought is potentially covered under a non-disclosure agreement. Contractor shall retain and preserve City Data in accordance with the City’s instruction and requests, including, without limitation, any retention schedules and/or litigation hold orders provided by the City to Contractor, independent of where the City Data is stored.

8. **Article 13. Data and Security** is hereby deleted in its entirety and replaced to read as follows:

### **Article 13 Data and Security**

#### **13.1 Nondisclosure of City Data, Private or Confidential Information.**

13.1.1 **Protection of Private Information.** If this Agreement requires City to disclose “Private Information” to Contractor within the meaning of Administrative Code Chapter 12M (“Chapter 12M”), Contractor and subcontractor shall use such information only in accordance with the restrictions stated in Chapter 12M and in this Agreement and only as necessary in performing the Services. Contractor is subject to the enforcement and penalty provisions in Chapter 12M.

13.1.2 **Confidential Information.** In the performance of Services, Contractor may have access to City Data and /or City’s Confidential Information, the disclosure of which to third parties may damage City. If City discloses City Data or Confidential Information to Contractor, such information must be held by Contractor in confidence and used only in performing the Agreement. Contractor shall exercise the same standard of care to protect such information as a reasonably prudent contractor would use to protect its own Confidential Information.



13.2 **Payment Card Industry (“PCI”) Requirements.** – Not applicable.

13.3 **Business Associate Agreement.** – Not applicable.

13.4 **Ownership of City Data.** The Parties agree that as between them, all rights, including all intellectual property rights, in and to the City Data and any derivative works of the City Data is the exclusive property of the City.

13.5 **Management of City Data and Confidential Information**

13.5.1 **Use of City Data and Confidential Information.** Contractor agrees to hold City’s Data received from, or collected on behalf of, the City, in strictest confidence. Contractor shall not use or disclose City’s Data except as permitted or required by the Agreement or as otherwise authorized in writing by the City. Any work using, or sharing or storage of, City’s Data outside the United States is subject to prior written authorization by the City. Access to City’s Data must be strictly controlled and limited to Contractor’s staff assigned to this project on a need-to-know basis only. Contractor is provided a limited non-exclusive license to use the City Data solely for performing its obligations under the Agreement and not for Contractor’s own purposes or later use. Nothing herein shall be construed to confer any license or right to the City Data or Confidential Information, by implication, estoppel or otherwise, under copyright or other intellectual property rights, to any third-party. Unauthorized use of City Data by Contractor, subcontractors or other third-parties is prohibited. For purpose of this requirement, the phrase “unauthorized use” means the data mining or processing of data, stored or transmitted by the service, for commercial purposes, advertising or advertising-related purposes, or for any purpose other than security or service delivery analysis that is not explicitly authorized.

13.5.2 **Disposition of Confidential Information.** Upon request of City or termination or expiration of this Agreement, and pursuant to any document retention period required by this Agreement, Contractor shall promptly, but in no event later than thirty (30) calendar days, return all data given to or collected by Contractor on City’s behalf, which includes all original media. Once Contractor has received written confirmation from City that City’s Data has been successfully transferred to City, Contractor shall within ten (10) business days clear or purge all City Data from its servers, any hosted environment Contractor has used in performance of this Agreement, including its subcontractors environment(s), work stations that were used to process the data or for production of the data, and any other work files stored by Contractor in whatever medium. Contractor shall provide City with written certification that such purge occurred within five (5) business days of the purge. Secure disposal shall be accomplished by “clearing,” “purging” or “physical destruction,” in accordance with National Institute of Standards and Technology (NIST) Special Publication 800-88 or most current industry standard.

9. **Appendix A, Services to be provided by Contractor** is hereby amended as follows:

**Attachment 3.1 to Appendix A, Equipment List** is hereby updated to reflect the additional equipment being maintained as follows:

- a. **Equipment List – Summary** is deleted and replaced in its entirety with new Table 1-**Equipment List Summary** (See Table 1).

**Table 1- Equipment List Summary**

TERMINAL 2 BHS	
EQUIPMENT	TOTAL
TICKET COUNTER CONV	9
LOAD/UNLOAD CONV	13

TRANSPORT COV	116
SHORT TRANSPORT CONV	22
INCLINE/DECLINE CONV	55
QUEUE CONV	123
LONG MERGE	20
SHORT MERGE	4
INDEXING CONV	6
POWERTURNS	106
VERTASORT	6
HIGH SPEED DIVERTERS (HSDII)	30
FIRE DOORS	10
AUTOMATIC TAG READERS	4
BAGGAGE DIMENSIONER	1
MAIN CONTROL PANELS	17
CONTROL PANELS	6
CN2DN PANELS	26
MPLC PANELS	2
<b>TERMINAL 3 CLAIM 10 (as needed)</b>	<b>1</b>
<b>PBBs</b>	
<b>Terminal 1, Boarding Area B:</b> B2, B4, B5, B6, B7, B8, B9, B10, B11, B11-S, B12, B13, B14, B15, B16, B17, B18. B19, B20, B21, B22, B23, B24, B25, B26, B27	26
<b>Terminal 2, Boarding Area C:</b> C3, C4, C5, C6, C7, C8, C9, C10 and C11	9
<b>Terminal 2, Boarding Area D:</b> D11, D12, D14, D15, D16	5

- b. **PBB Equipment List – Detailed** is deleted and replaced in its entirety with new Table 2 -**PBB Equipment List Detailed** (See Table 2).

**Table 2 -PBB Equipment List Detailed**

TERMINAL / BOARDING AREA	GATES	MFG	SERIAL #	MODEL #	INSTALLED	PC AIR	REELS	HOSES	400Hz CABLES	# of Cables	COMMON USE	ON CALL
1/BAB	B10	JBT	New	A3 64/131-125R	5/19	Yes	1	2	Yes	1	X	
1/BAB	B2	JBT	New	A3 64/131-125R	5/19	Yes	1	2	Yes	1	X	
1/BAB	B4	JBT	New	A3 64/131-125R	5/19	Yes	1	2	Yes	1	X	
1/BAB	B5	JBT	New	A3 64/131-125R	5/19	Yes	1	2	Yes	1	X	
1/BAB	B6	JBT	New	A3 64/131-125R	5/19	Yes	1	2	Yes	1	X	
1/BAB	B7	JBT	New	A3 64/131-125R	5/19	Yes	1	2	Yes	1	X	
1/BAB	B8	JBT	New	A3 64/131-125R	5/19	Yes	1	2	Yes	1	X	
1/BAB	B9	JBT	New	A3 64/131-125R	5/19	Yes	1	2	Yes	1	X	
1/BAB	B11	JBT	New	A3 64/131-125R	5/19	Yes	1	2	Yes	1	X	
1/BAB	B11S	JBT	New	A3 64/131-125R	5/19	Yes	1	2	Yes	1	X	
1/BAB	B12	JBT	New	A3 64/131-125R	5/19	Yes	1	2	Yes	1	X	
1/BAB	B13	JBT	New	A3 64/131-125R	5/19	Yes	1	2	Yes	1	X	

1/BAB	B14	JBT	New	A3 64/131-125R	5/19	Yes	1	2	Yes	1	X	
1/BAB	B15	JBT	New	A3 64/131-125R	5/19	Yes	1	2	Yes	1	X	
1/BAB	B16	JBT	New	A3 64/131-125R	5/19	Yes	1	2	Yes	1	X	
1/BAB	B17	JBT	New	A3 64/131-125R	5/19	Yes	1	2	Yes	1	X	
1/BAB	B18	JBT	New	A3 60/119-125R	5/19	Yes	1	2	Yes	1	X	
1/BAB	B19	JBT	New	A3 64/131-125R	5/19	Yes	1	2	Yes	1	X	
1/BAB	B20	JBT	New	A3 64/131-125R	5/19	Yes	1	2	Yes	1	X	
1/BAB	B21	JBT	New	A3 64/131-125R	5/19	Yes	1	2	Yes	1	X	
1/BAB	B22	JBT	New	A3 64/131-125R	5/19	Yes	1	2	Yes	1	X	
1/BAB	B23	JBT	New	A3 64/131-125R	5/19	Yes	1	2	Yes	1	X	
1/BAB	B24	JBT	New	A3 64/131-125R	5/19	Yes	1	2	Yes	1	X	
1/BAB	B25	JBT	New	A3 64/131-125R	5/19	Yes	1	2	Yes	1	X	
1/BAB	B26	JBT	New	A3 64/131-125R	5/19	Yes	1	2	Yes	1	X	
1/BAB	B27	JBT	New	A3 64/131-125R	5/19	Yes	1	2	Yes	1	X	
1/BAC	C3	Jetway	36077	A3-58/110	1988	Yes			Yes		X	X
1/BAC	C4	Jetway										
1/BAC	C5	Jetway	35306	A3-58/110	1988	Yes			Yes		X	X
1/BAC	C6	Jetway									X	X
1/BAC	C7	Jetway	35308	AD 50/59	Unkno wn	Yes			Yes		X	X
1/BAC	C8	Jetway									X	X
1/BAC	C9	Jetway	35308	SF3 50/95	Unkno wn	Yes			Yes		X	X
1/BAC	C10	Jetway									X	X
1/BAC	C11	Jetway	35309	AD3 50/95	Unkno wn	Yes	Basket	1	Yes	1	X	
2/BAD	D15	Jetway	31400	A3/60119-125R	2013	Yes	1	1	Yes	1	X	
2/BAD	D16	Jetway	31403	A364/131 125R	2010	Yes	1	1	Yes	1	X	
2/BAD	D11	Jetway			2010	Yes	1	1	Yes	1	X	
2/BAD	D12	Jetway									X	
2/BAD	D14	Jetway									X	
2/BAD	D1-D14	Jetway	Various	A364/131 125R	2010	Yes			Yes			X
3/BAE	E1-E13	Jetway	Various	A358/116; A361/127	2013	Yes			Yes			X

NOTE: COMMON USE AND ON CALL PBBS ARE SUBJECT TO CHANGE FROM TIME TO TIME

c. New Table 3 -**PBB Accessories** is hereby added to Attachment 3.1 (See Table 3).

**Table 3 - PBB Accessories**

NO.	DESCRIPTION	QUANTITY
1	Baggage Lift	3
2	Potable Water Cabinet (PWC) – existing	12
3	PWC – March 2020	9
4	PWC – May 2021	9
5	Aircraft Docking System	4

**10. Appendix B, Calculation of Charges**, is hereby amended to add Calculation of Charges for the extension period from October 1, 2021 through September 30, 2022 shown in Year 6 table below for a total of \$4,262,816 including \$100,000 for replacement parts and material costs, to read as follows:

**Year 6 – Detailed Labor Pricing Breakdown for extension period October 1, 2021 through September 30, 2022.**

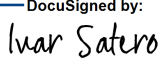
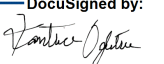


Detailed Pricing Breakdown								
7.1 Labor Costs (First twelve (12) months of Fully Staffed Service) Year Period #								
Position Title	No. Full-Time Positions	Hourly Wage	Burden % *	Hourly Wage with Burden	Annual Full Time Labor Hours 1FT yr = 2,080 hrs X No. Positions	Annual Total Hours (Excluding PTO)	Annual Labor Cost with Burden	
1 Site Manager	1	\$ 53.55	107.82%	\$ 111.30	693	618.67	\$68,855.68	
2 Maintenance Technicians	9.325	\$ 72.51	79.62%	\$ 130.25	6465	5769.07	\$751,392.89	
3 Control Room Operator	2.8	\$ 26.52	123.37%	\$ 59.24	1941	1732.27	\$102,626.09	
4 Laborer/Unjammer/Manual Enc	4	\$ 60.88	106.69%	\$ 125.83	2773	2474.67	\$311,392.08	
5	0	\$ -	0.00%	\$ -	0	0.00	\$0.00	
6	0	\$ -	0.00%	\$ -	0	0.00	\$0.00	
7 Site Manager	1	\$ 53.55	107.82%	\$ 111.30	520	464.00	\$51,641.76	
8 Maintenance Technicians	9.325	\$ 73.43	79.62%	\$ 131.89	4849	4326.80	\$570,648.81	
9 Control Room Operator	2.8	\$ 26.52	123.37%	\$ 59.24	1456	1299.20	\$76,969.56	
10 Laborer/Unjammer/Manual Enc	4	\$ 60.88	106.69%	\$ 125.83	2080	1856.00	\$233,544.06	
11	0	\$ -	0.00%	\$ -	0	0.00	\$0.00	
12	0	\$ -	0.00%	\$ -	0	0.00	\$0.00	
13 Site Manager	1	\$ 53.55	107.82%	\$ 111.30	867	773.33	\$86,069.60	
14 Maintenance Technicians	9.325	\$ 75.25	79.62%	\$ 135.17	8082	7211.33	\$974,761.96	
15 Control Room Operator	2.8	\$ 26.52	123.37%	\$ 59.24	2427	2165.33	\$128,282.61	
16 Laborer/Unjammer/Manual Enc	4	\$ 60.88	106.69%	\$ 125.83	3467	3093.33	\$389,240.10	
17	0	\$ -	0.00%	\$ -	0	0.00	\$0.00	
* Burden % shall include all costs associated with Proposer's Labor costs including, but not limited to: paid time off, payroll taxes, pension costs health insurance, dental insurance, unemployment insurance, workers comp insurance, and any other benefits and indirect labor costs.								\$3,745,425.20
7.2 All Other Costs for Service (Monthly)								
Identify all other costs of performing the work identified in Exhibit G - Draft Appendix A, Services to be Provided by the Contractor, expressed in a monthly fee. The monthly fee should include all administrative and overhead costs not already addressed in other sections of the proposal, such as: use of tools and equipment; uniforms; parking and badging; data, cell phones, landlines, fax; corporate insurance; office supplies, fuel and consumables; arranging for purchase and delivery of spare parts; training; licenses and permits associated with work; travel								
All Other Monthly Costs for Service						\$ 10,437.30	\$125,247.65	
7.3 Profit Margin. Expressed as a percentage of the Total Labor Cost								
Expressed as a percentage of the Total Labor Cost						7.80%	\$292,143.17	
10 SUBTOTAL COST WITH PROFIT								\$4,162,816.01
Mobilization cost								\$0.00
TOTAL ANNUAL CONTRACT COST								\$4,162,816.01
Time Period								Monthly Invoice Value Not to Exceed
Oct. 01, 2021 - Jan. 31, 2022 (4 months)								\$343,349.25
Feb. 01, 2022 - Apr. 30, 2022 (3 months)								\$345,717.30
May 01, 2022 - Sep. 30, 2022 (5 months)								\$350,453.42
NOTE: Exceptions, modifications and omissions from the requested information will not be accepted. Deviations from the required calculations and format will result in rejection of proposal as non-responsive.								

- Work for passenger boarding bridges will be modified as required based on the pricing schedule above as they come off warranty and require full maintenance.

**11. Effective Date.** Each of the changes set forth in this Modification shall be effective on and after the date of this Modification.

**12. Legal Effect.** Except as expressly changed by this Modification, all of the terms and conditions of the Agreement shall remain unchanged and in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day first mentioned above.

<p><b>CITY</b>  <b>AIRPORT COMMISSION</b>  <b>CITY AND COUNTY OF</b>  <b>SAN FRANCISCO</b></p> <p>DocuSigned by:    <small>8CFDC3E9126544B...</small>  By: <u>Ivar C. Satero, Airport Director</u></p> <p>Attest:</p> <p>DocuSigned by:    <small>85B9720881A341D...</small>  By: <u>Kantrice Ogletree, Secretary  Airport Commission</u></p> <p>Resolution No: <u>21-0132</u></p> <p>Adopted on: <u>June 1, 2021</u></p> <p>Approved as to Form:</p> <p>Dennis J. Herrera  City Attorney</p> <p>DocuSigned by:    <small>DE0F4C2305AE4DA...</small>  By: <u>Sallie Gibson  Deputy City Attorney</u></p>	<p><b>CONTRACTOR</b></p> <p>DocuSigned by:    <small>AA540A993D90464...</small>  <u>Authorized Signature</u></p> <p><u>Rene Peerboom</u>  Printed Name</p> <p><u>MD Airports West Coast USA</u>  Title</p> <p><u>Vanderlande Industries Inc.</u>  Company Name</p> <p><u>0000008757</u>  City Vendor Number</p> <p><u>1974 West Oak Cir</u>  Address</p> <p><u>Marietta, GA, 30062</u>  City, State, ZIP</p> <p><u>(770) 250-2800</u>  Telephone Number</p> <p><u>980182968</u>  Federal Employer ID Number</p>
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**From:** [Board of Supervisors, \(BOS\)](#)  
**To:** [BOS-Supervisors](#); [BOS-Legislative Aides](#)  
**Cc:** [Calvillo, Angela \(BOS\)](#); [Somera, Alisa \(BOS\)](#); [Ng, Wilson \(BOS\)](#); [Laxamana, Junko \(BOS\)](#)  
**Subject:** FW: Memo from City Attorney Dennis Herrera  
**Date:** Thursday, October 28, 2021 2:08:57 PM  
**Attachments:** [image001.png](#)  
[10.28.21 Acting City Attorney Memo.pdf](#)

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**From:** Feitelberg, Brittany (CAT) <Brittany.Feitelberg@sfcityatty.org>  
**Sent:** Thursday, October 28, 2021 1:57 PM  
**To:** Calvillo, Angela (BOS) <angela.calvillo@sfgov.org>; Breed, London (MYR) <london.breed@sfgov.org>  
**Cc:** Elsbernd, Sean (MYR) <sean.elsbernd@sfgov.org>; SMITH, JESSE (CAT) <Jesse.Smith@sfcityatty.org>; PORTER, KATHARINE (CAT) <Katharine.Porter@sfcityatty.org>  
**Subject:** Memo from City Attorney Dennis Herrera

Dear Mayor Breed and Madam Clerk Calvillo,  
Please find attached a Memo from City Attorney Dennis Herrera regarding the temporary discharge of duties of the City Attorney during transition.  
If you have any questions, please do not hesitate to contact our Office.

Thank you,  
Brittany Feitelberg

**Brittany Kneebone Feitelberg**  
Director of Executive Affairs  
Office of City Attorney Dennis Herrera  
(415) 554-4748 Direct  
[www.sfcityattorney.org](http://www.sfcityattorney.org)

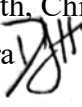


DENNIS J. HERRERA  
City Attorney

## MEMORANDUM

TO: Hon. Mayor London N. Breed  
Angela Calvillo, Clerk of the Board of Supervisors

CC: Jesse Capin Smith, Chief Assistant City Attorney

FROM: Dennis J. Herrera   
City Attorney

DATE: October 28, 2021

RE: Temporary Discharge of Duties of the City Attorney During Transition

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As you know, at 11:59 p.m. on October 31, 2021, I will vacate the office of City Attorney, and assume office as the General Manager of the San Francisco Public Utilities Commission effective November 1, 2021. The Mayor has announced the appointment of David Chiu as my successor in the Office of City Attorney, and she plans to administer the oath of office to him on November 1, 2021.

During the short period after my resignation becomes effective but before my successor takes the oath and assumes office on November 1, I designate Chief Assistant City Attorney Jesse Smith to exercise the powers and duties of the City Attorney, consistent with California Government Code section 24105. Mr. Smith has served as the Chief Assistant throughout my 20-year tenure as City Attorney, and I have placed him in charge to exercise the powers of the City Attorney in the limited prior instances when I have not been available to do so.

**From:** [Mchugh, Eileen \(BOS\)](#)  
**To:** [BOS-Supervisors](#); [BOS-Legislative Aides](#)  
**Cc:** [Calvillo, Angela \(BOS\)](#); [Somera, Alisa \(BOS\)](#); [Laxamana, Junko \(BOS\)](#); [Ng, Wilson \(BOS\)](#)  
**Subject:** FW: 39th Supplement - Ensuring employee continuity of service  
**Date:** Thursday, October 28, 2021 4:28:00 PM  
**Attachments:** [39th supplement 102821.pdf](#)

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Hello,

Please see the attached Thirty-Ninth Supplement to the Mayoral Proclamation Declaring the Existence of a Local Emergency.

Thank you,

Eileen McHugh  
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  
[eileen.e.mchugh@sfgov.org](mailto:eileen.e.mchugh@sfgov.org) | [www.sfbos.org](http://www.sfbos.org)

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**From:** Paulino, Tom (MYR) <[tom.paulino@sfgov.org](mailto:tom.paulino@sfgov.org)>  
**Sent:** Thursday, October 28, 2021 4:25 PM  
**To:** Somera, Alisa (BOS) <[alisa.somera@sfgov.org](mailto:alisa.somera@sfgov.org)>; BOS-Operations <[bos-operations@sfgov.org](mailto:bos-operations@sfgov.org)>  
**Cc:** PEARSON, ANNE (CAT) <[Anne.Pearson@sfcityatty.org](mailto:Anne.Pearson@sfcityatty.org)>  
**Subject:** FW: 39th Supplement - Ensuring employee continuity of service

Hi all,

FYI – supplemental attached here. If you need anything else from my end, feel free to let me know.

Cheers,

**Tom Paulino**

He/Him

Liaison to the Board of Supervisors

Office of the Mayor

City and County of San Francisco

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**From:** Power, Andres (MYR) <[andres.power@sfgov.org](mailto:andres.power@sfgov.org)>  
**Sent:** Thursday, October 28, 2021 2:12 PM



**To:** Tumlin, Jeffrey (MTA) <[Jeffrey.Tumlin@sfmta.com](mailto:Jeffrey.Tumlin@sfmta.com)>; Isen, Carol (HRD) <[carol.isen@sfgov.org](mailto:carol.isen@sfgov.org)>  
**Cc:** RUSSI, BRAD (CAT) <[Brad.Russi@sfcityatty.org](mailto:Brad.Russi@sfcityatty.org)>; Kirschbaum, Julie (MTA) <[Julie.Kirschbaum@sfmta.com](mailto:Julie.Kirschbaum@sfmta.com)>; Howard, Kate (HRD) <[kate.howard@sfgov.org](mailto:kate.howard@sfgov.org)>; Geithman, Kyra (MYR) <[kyra.geithman@sfgov.org](mailto:kyra.geithman@sfgov.org)>; Paulino, Tom (MYR) <[tom.paulino@sfgov.org](mailto:tom.paulino@sfgov.org)>; Kittler, Sophia (MYR) <[sophia.kittler@sfgov.org](mailto:sophia.kittler@sfgov.org)>; Elsbernd, Sean (MYR) <[sean.elsbernd@sfgov.org](mailto:sean.elsbernd@sfgov.org)>; PORTER, KATHARINE (CAT) <[Katharine.Porter@sfcityatty.org](mailto:Katharine.Porter@sfcityatty.org)>

**Subject:** 39th Supplement - Ensuring employee continuity of service

In this supplement to the emergency order are provisions to facilitate and incentivize employees to work additional time to fill essential shift vacancies resulting from the employee vaccination requirement.

Andres Power  
Policy Director  
Office of Mayor London N. Breed



## **THIRTY-NINTH SUPPLEMENT TO MAYORAL PROCLAMATION DECLARING THE EXISTENCE OF A LOCAL EMERGENCY DATED FEBRUARY 25, 2020**

**WHEREAS**, California Government Code Sections 8550 et seq., San Francisco Charter Section 3.100(14) and Chapter 7 of the San Francisco Administrative Code empower the Mayor to proclaim the existence of a local emergency, subject to concurrence by the Board of Supervisors as provided in the Charter, in the case of an emergency threatening the lives, property or welfare of the City and County or its citizens; and

**WHEREAS**, On February 25, 2020, the Mayor issued a Proclamation (the “Proclamation”) declaring a local emergency to exist in connection with the imminent spread within the City of a novel (new) coronavirus (“COVID-19”); and

**WHEREAS**, On March 3, 2020, the Board of Supervisors concurred in the Proclamation and in the actions taken by the Mayor to meet the emergency; and

**WHEREAS**, On March 4, 2020, Governor Gavin Newsom proclaimed a state of emergency to exist within the State due to the threat posed by COVID-19; and

**WHEREAS**, On March 6, 2020, the Health Officer declared a local health emergency under Section 101080 of the California Health and Safety Code, and the Board of Supervisors concurred in that declaration on March 10, 2020; and

**WHEREAS**, To protect the health and safety of City employees and the public, and to comply with legal mandates, the City required all employees to report their vaccination status by July 29, 2021. For employees who reported their status as unvaccinated, City policy required them to update that status as they received vaccination for COVID-19. Employees who failed to comply with this reporting requirement are subject to progressive discipline, up to and including termination of employment; and

**WHEREAS**, To protect the health and safety of City employees and the public, City policy requires all City employees to be fully vaccinated against COVID-19 no later than November 1, 2021, subject to limited exemptions for medical disability and sincerely held religious beliefs, and depending on their work duties some City employees must be fully vaccinated prior to November 1 under State and City health orders. To be approved for an exemption, an employee must establish a medical or sincerely held religious belief precluding vaccination, and the employee’s department must be able to reasonably



accommodate the employee in their position. City policy also provides that employees who are not vaccinated consistent with these requirements and who do not have an approved exemption will be subject to non-disciplinary separation from City employment for failure to meet a condition of City employment; and

**WHEREAS**, Presently, a significant but decreasing number of City employees across a number of departments have not been vaccinated, and except for employees with an approved exemption to the vaccination requirement that the department is able to reasonably accommodate, such employees will be separated from City employment if they refuse to comply with the City's vaccination policy, creating staffing shortages; and

**WHEREAS**, Some departments have experienced unusually high resignation and retirement rates over 2020 and 2021, likely due to the pandemic or for 2021 employee departures, the vaccination-related employment requirements. These resignations and retirements have increased staffing vacancies already created by release of employees who fail to comply with the vaccination policies; and

**WHEREAS**, The pandemic and diversion of resources and personnel to the pandemic response limited the City's ability to safely conduct examinations and at public safety departments to run training Academies, limiting departments ability to replace departing employees with properly trained new hires; and

**WHEREAS**, The Fire Department, the Municipal Transportation Agency, Police Department, Sheriff's Department and Department of Public Health are experiencing staffing shortages due to resignations, retirements related to the COVID-19 pandemic and the City's COVID-19 vaccination policy. The City anticipates further staffing issues due to suspensions and terminations related to the COVID-19 vaccination policy. To ensure the continuity of City services, it is in the public interest to provide certain compensation incentives to existing employees of these departments to encourage them to work in lieu of taking paid time off and to work overtime shifts until the City is able to fill vacant positions;

**NOW, THEREFORE,**

I, London N. Breed, Mayor of the City and County of San Francisco, proclaim that there continues to exist an emergency within the City and County threatening the lives, property or welfare of the City and County and its citizens;



**In addition to the measures outlined in the Proclamation and in the Supplements to the Proclamation issued on various dates, it is further ordered that:**

(1) The Human Resources Director is delegated authority to waive or modify provisions of the Memoranda of Understanding with labor organizations representing sworn employees of the Fire Department, Police Department and Sheriff's Department and Registered Nurses at the Department of Public Health related to compensation, including overtime and premium pay, and to waive Charter or Administrative Code provisions limiting the cash out of accrued vacation balances, upon a written determination that such waivers are necessary or appropriate to ensure appropriate staffing at these departments to carry out essential government services and respond to the pandemic. This Order shall remain in effect until December 31, 2021, unless terminated earlier by the Mayor or the Board of Supervisors.

(2) The Director of Transportation is delegated authority to waive or modify provisions of the Memorandum of Understanding with the union representing Transit Operators related to compensation, including overtime and premium pay, and to waive Charter or Administrative Code provisions limiting the cash out of accrued vacation balances, upon a written determination that such waivers are necessary or appropriate ensure appropriate Transit Operator staffing to carry out essential government services and respond to the pandemic. This Order shall remain in effect until December 31, 2021, unless terminated earlier by the Mayor or the Board of Supervisors.

DATED: October 28, 2021

A handwritten signature in blue ink, reading "London N. Breed".

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London N. Breed  
Mayor of San Francisco