

FILE NO: 171002

Petitions and Communications received from September 1, 2017, through September 11, 2017, for reference by the President to Committee considering related matters, or to be ordered filed by the Clerk on September 19, 2017.

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

From the Office of the Mayor, pursuant to Charter, Section 3.100, designating Supervisor London Breed as Acting-Mayor from Wednesday, September 6, 2017, at 2:50 p.m., until Friday, September 8, 2017, at 11:59 p.m., and Supervisor Malia Cohen from Saturday September 9, 2017, 12:00 a.m., until Sunday, September 10, 2017, at 12:00 p.m. Copy: Each Supervisor. (1)

From Congressman Eric Swalwell of the United States House of Representatives, regarding proposed legislation on the Alameda Creek Recapture Project. File: 170893. Copy: Each Supervisor. (2)

From California State Senator Nancy Skinner, regarding the proposed legislation on the Alameda Creek Recapture Project. File No. 170893. Copy: Each Supervisor. (3)

From the Office of the Assessor-Recorder, pursuant to Administrative Code, 906.1-3, submitting annual reports regarding Biotechnology Exclusion, Clean Energy Technology Exclusion and Central Market and Tenderloin Area Exclusion. Copy: Each Supervisor. (4)

From the Office of the Treasurer and Tax Collector, pursuant to the Business and Tax Regulations Code, submitting annual reports regarding Central Market Street & Tenderloin Area Exclusion, Enterprise Zone Tax Credit, Stock-Based Compensation Exclusion, Biotechnology Exclusion, and Clean Technology Business Exclusion from the Payroll Expense Tax for the 2016 calendar year. Copy: Each Supervisor. (5)

From Adrienne Pon, Executive Director of the Office of Civic Engagement and Immigrant Affairs, submitting a statement regarding the Deferred Action for Childhood Arrivals (DACA.) Copy Each Supervisor. (6)

From the Planning Department, submitting a letter of response regarding the Mitigated Negative Declaration Appeal for 3516-3526 Folsom Street. Copy: Each Supervisor. (7)

From the Planning Department, submitting documents regarding the Categorical Exemption Appeal for 302 Greenwich Street /1531 Montgomery Street. Copy: Each Supervisor. (8)

From the California Fish and Game Commission, 2 letters pursuant to multiple sections of the Fish and Game Code, submitting a notice of proposed regulatory action regarding freshwater sport fishing, commercial take of the the sea urchin. Copy: Each Supervisor. (9)

From City Administrator Naomi Kelly, Public Works Director Mohammed Nuru, and Recreation and Parks General Manager Phil Ginsburg, regarding the proposed ordinance revising Administrative Code, Chapter 6, to require Project Labor Agreement. File No. 170205. Copy: Each Supervisor. (10)

From Burton Kendall, regarding the proposed legislation to use the Julius' Castle as a restaurant. File No. 170907. Copy: Each Supervisor. (11)

From George Wooding, President of the Coalition for San Francisco Neighborhoods, submitting a Resolution on Rental Car Identification/Auto Burglaries. Copy: Each Supervisor. (12)

From the Office of the Mayor, pursuant to Charter, Section 4.117, making the following reappointment: Copy: Each Supervisor. (13)

Al Perez - Entertainment Commission - term ending July 01, 2021.

From Samantha Harnett, VP General Counsel of Eventbrite, submitting a WARN Act Notice of Planned Action. Copy: Each Supervisor. (14)

From Lori Ajax, Chief of the Bureau of Cannabis Control, submitting notice of Intent to Adopt an Initial Study and Proposed Negative Declaration regarding the Proposed Statewide regulations for the Bureau of Cannabis Control's Commercial Cannabis Business Licensing Program. Copy: Each Supervisor. (15)

From Erin Zuccaro, regarding Ford Bikes. Copy: Each Supervisor. (16)

From concerned citizen, expressing various thoughts. Copy: Each Supervisor. (17)

From West Area CPUC, pursuant to CPUC General Order No. 159A, regarding small cells in San Francisco. Copy: Each Supervisor. (18)

From Matt Middlebrook, regarding AirBnb online registration system. (19)

From concerned citizens, regarding the Appeal of CEQA Mitigated Negative Declaration at 3516-3526 Folsom. 2 letters. Copy: Each Supervisor. (20)

From Stephen Sayad, regarding the illegal seizure of Newfoundland Dog. Copy: Each Supervisor. (21)

From Frank Noto, regarding proposed legislation on car rental burglary legislation. File No. 170421 and 161065. Copy: Each Supervisor. (22)

From Sandy Weil, regarding the Medical Cannabis Dispensary at 2505 Noriega. File Nos. 170916, 170917, 170918, 170919, and 170920. (23)

From concerned citizens, regarding the proposed legislation at One Oak Street. File Nos. 170812, 170813, 170814, and 170815. Copy: Each Supervisor. (24)

OFFICE OF THE MAYOR
SAN FRANCISCO



BOS. II, Aides, COB, Reporting,
Dep. City Atty, Bus Admin, Bus Ops
Mayor's Office
EDWIN M. LEE
MAYOR

2:24 pm Sept 6, 2017
Angela Calvillo

September 5, 2017

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 London Breed as Acting-Mayor from the time I leave the State of California on Wednesday, September 6, 2017, at 2:50 p.m., until Friday, September 8, 2017, at 11:59 p.m., and Supervisor Malia Cohen from Saturday, September 9, 2017, 12:00 a.m., until I return on Sunday, September 10, 2017, at 12:00 p.m.

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

Sincerely,

A handwritten signature in cursive script, appearing to read "Edwin M. Lee".

Edwin M. Lee
Mayor

cc: Mr. Dennis Herrera, City Attorney

ERIC SWALWELL
15TH DISTRICT, CALIFORNIA
CO-CHAIR, DEMOCRATIC STEERING
AND POLICY COMMITTEE
CHAIR, FUTURE FORUM
3615 CASTRO VALLEY BLVD.
CASTRO VALLEY, CA 94546
(510) 370-3322
129 CANNON HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-5065
swalwell.house.gov

Congress of the United States
House of Representatives
Washington, DC 20515

PERMANENT SELECT
COMMITTEE ON INTELLIGENCE
RANKING MEMBER,
SUBCOMMITTEE ON CIA
SUBCOMMITTEE ON EMERGING THREATS

COMMITTEE ON JUDICIARY
SUBCOMMITTEE ON COURTS, INTELLECTUAL
PROPERTY, AND THE INTERNET
SUBCOMMITTEE ON REGULATORY REFORM,
COMMERCIAL AND ANTITRUST LAW

September 5, 2017

Clerk of the Board of Supervisors
City and County of San Francisco
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, California 94102

Re: Alameda Creek Recapture Project (ACRP)

Dear San Francisco Board of Supervisors.

I am writing regarding the recent approval by the San Francisco Planning Department of the Alameda Creek Recapture Project (ACRP) Environmental Impact Report (EIR). As the ACRP project is located in my congressional district, I am interested to see that the San Francisco Public Utilities Commission's ACRP project is being planned with consideration to the impact on the recovery of threatened Central California Coast Steelhead in Alameda Creek.

California and the nation have made great strides in protecting the environment, and a substantial amount of time and money is being invested in environmentally beneficial projects in the Alameda Creek Watershed to enhance fish migration. I have heard concerns being raised by my constituents that the environmental documentation for the project indicates that the currently proposed operation may undermine these efforts to enhance the migration opportunities for this federally protected species.

I ask that San Francisco continue to work collaboratively with agencies and special districts to develop a solution that meets the needs of all stakeholders while promoting the recovery of an endangered species that inhabits my District.

Sincerely,



Eric Swalwell
Member of Congress

865-11
File 170893

RECEIVED
SAN FRANCISCO
2017 SEP -5 AM 10:26

CAPITOL OFFICE
STATE CAPITOL
ROOM 2059
SACRAMENTO, CA 95814
TEL (916) 651-4009
FAX (916) 651-4909

DISTRICT OFFICE
1515 CLAY STREET
SUITE 2202
OAKLAND, CA 94612
TEL (510) 286-1333
FAX (510) 286-3885

SENATOR SKINNER@SENATE.CA.GOV

California State Senate

SENATOR
NANCY SKINNER
MAJORITY WHIP
NINTH SENATE DISTRICT



CHAIR
PUBLIC SAFETY
BUDGET & FISCAL REVIEW
SUBCOMMITTEE 5
PUBLIC SAFETY & LABOR

COMMITTEES
ENERGY, UTILITIES &
COMMUNICATIONS
ENVIRONMENTAL QUALITY
TRANSPORTATION & HOUSING

BOS-11
File 1708913

September 1, 2017

Clerk of the Board of Supervisors
City and County of San Francisco
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, California 94102

Dear San Francisco Board of Supervisors:

I am writing to request that the San Francisco Board of Supervisors refer the Environmental Impact Report (EIR) recently completed for the Alameda Creek Recapture Project (ACRP) back to the Planning Department for revision of the water flow methodology, consistent with the recommendations from the Federal Department of Commerce. As the Alameda Creek flows through my district, and as the Alameda County Water District has invested \$40 million in fish ladders to rehabilitate populations of federally-protected Central California Coast Steelhead that use this creek to migrate to their spawning grounds, I want to ensure that the San Francisco Public Utilities Commission's ACRP project does not have an adverse impact on the recovery of these fish.

The current EIR averages water flows in Alameda Creek over 30 days. However, as raised in a letter from the Federal Department of Commerce, this does not take into account that water flows may be lower than this average on any given day, potentially stranding and killing Steelhead moving upriver to spawn. I am concerned that relying on this water flow methodology to analyze the potential environmental impacts of the project and its operation may result in the approval of a project that has higher impacts to Steelhead than predicted, undermining Alameda County Water District's efforts to enhance the migration opportunities for this threatened species.

I respectfully ask that the San Francisco Board of Supervisors reverse the approval of the Final EIR and direct the San Francisco Planning Department and Public Utilities staff to work collaboratively with the agencies and special districts operating in the Alameda Creek Watershed to re-analyze the environmental impacts of the construction alternatives, and develop a recapture project that can meet the needs of all stakeholders while promoting the recovery of endangered Steelhead.

Sincerely,

A handwritten signature in cursive script that reads "Nancy Skinner".

Nancy Skinner
State Senator, District 9

2017 SEP -5 AM 10:25
AK
BOARD OF SUPERVISORS
SAN FRANCISCO

CARMEN CHU
ASSESSOR-RECORDER



SAN FRANCISCO
OFFICE OF THE ASSESSOR-RECORDER

September 8, 2017

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

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2017 SEP 11 AM 8:46
CH

Dear Angela,

Please find enclosed with this letter and listed below the three reports that our office is required to submit annually. I will also be dropping off the original version and two copies of each for your records.

- (1) **Central Market & Tenderloin Area Exclusion:** Please find attached our annual Central Market & Tenderloin Area Exclusion report. Per the SF Admin Code, section 906.3, the Office of the Assessor-Recorder is required to submit this report annually.
- (2) **Clean Energy Technology Exclusion:** Please find attached our annual Clean Energy Technology Exclusion report. Per the SF Admin Code, section 906.2, the Office of the Assessor-Recorder is required to submit this report annually.
- (3) **Biotechnology Exclusion:** Please find attached our annual Biotechnology Exclusion report, signed by both the Assessor's Office and the Treasurer & Tax Collector's Office. Per the SF Admin Code, section 906.1, our offices are required to submit a joint report annually.

Best,

A handwritten signature in cursive script, reading "Edward J. McCaffrey".

Edward J. McCaffrey
Director, Legislative and External Affairs

CARMEN CHU
ASSESSOR-RECORDER



SAN FRANCISCO
OFFICE OF THE ASSESSOR-RECORDER

BOS-11
Matrix
c-pages

September 8, 2017

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

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2017 SEP 11 AM 8:46
BY *CH*

Subject: 2016 Assessor-Recorder's Annual Report to the Board of Supervisors Regarding Clean Energy Technology Exclusion

Dear Ms. Calvillo,

The Assessor-Recorder pursuant to Section 906.2 of the San Francisco Business and Tax Regulations Code, herewith submits the annual report of increases in property taxes resulting from clean energy technology businesses location, relocation or expansion to or within the City and County of San Francisco.

The Office of the Assessor-Recorder has no record of secured property ownership for the businesses approved for this exclusion; they are all tenants on property owned by other entities. Under Proposition 13, tenancy changes are not reassessable events. However, depending on the lease terms of the excluded tenant, they may pay a pro-rata share of the additional property taxes due to a reassessment of the landlord. The Assessor has no knowledge of the lease terms of each tenant.

Schedule A of this report summarizes the business personal property that was subject to taxation under Section 201 of California's Revenue and Taxation Code for the businesses that received the clean energy technology payroll expense tax exclusion in 2016. The businesses that received the clean energy technology payroll expense tax exclusion in 2016 owed a total of \$52,648 in business personal property taxes.

If you have any questions regarding this report, please contact Tom Swierk with the Office of the Assessor-Recorder at (415) 554-5540.

Sincerely,

Douglas Legg
Douglas Legg
Deputy Assessor-Recorder

Attachment

**Assessor-Recorder's Annual Report on
Clean Energy Technology Exclusion
For Calendar Year 2016**

Schedule A

Year	Number of Businesses Claiming Clean Energy Technology Payroll Expense Tax Exclusion	Total Business Personal Property Reported	Resulting Personal Property Taxes Owed
2016	13	\$4,438,804	\$52,648

CARMEN CHU
ASSESSOR-RECORDER



SAN FRANCISCO
OFFICE OF THE ASSESSOR-RECORDER

September 8, 2017

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

Subject: 2016 Assessor-Recorder's Annual Report to the Board of Supervisors Regarding Clean Energy Technology Exclusion

Dear Ms. Calvillo,

The Assessor-Recorder pursuant to Section 906.2 of the San Francisco Business and Tax Regulations Code, herewith submits the annual report of increases in property taxes resulting from clean energy technology businesses location, relocation or expansion to or within the City and County of San Francisco.

The Office of the Assessor-Recorder has no record of secured property ownership for the businesses approved for this exclusion; they are all tenants on property owned by other entities. Under Proposition 13, tenancy changes are not reassessable events. However, depending on the lease terms of the excluded tenant, they may pay a pro-rata share of the additional property taxes due to a reassessment of the landlord. The Assessor has no knowledge of the lease terms of each tenant.

Schedule A of this report summarizes the business personal property that was subject to taxation under Section 201 of California's Revenue and Taxation Code for the businesses that received the clean energy technology payroll expense tax exclusion in 2016. The businesses that received the clean energy technology payroll expense tax exclusion in 2016 owed a total of \$52,648 in business personal property taxes.

If you have any questions regarding this report, please contact Tom Swierk with the Office of the Assessor-Recorder at (415) 554-5540.

Sincerely,

A handwritten signature in black ink, appearing to read "Douglas Legg".

Douglas Legg
Deputy Assessor-Recorder

Attachment

**Assessor-Recorder's Annual Report on
Clean Energy Technology Exclusion
For Calendar Year 2016**

Schedule A

Year	Number of Businesses Claiming Clean Energy Technology Payroll Expense Tax Exclusion	Total Business Personal Property Reported	Resulting Personal Property Taxes Owed
2016	13	\$4,438,804	\$52,648

CARMEN CHU
ASSESSOR-RECORDER



SAN FRANCISCO
OFFICE OF THE ASSESSOR-RECORDER

September 8, 2017

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

Subject: 2016 Assessor-Recorder's Annual Report to the Board of Supervisors Regarding Clean Energy Technology Exclusion

Dear Ms. Calvillo,

The Assessor-Recorder pursuant to Section 906.2 of the San Francisco Business and Tax Regulations Code, herewith submits the annual report of increases in property taxes resulting from clean energy technology businesses location, relocation or expansion to or within the City and County of San Francisco.

The Office of the Assessor-Recorder has no record of secured property ownership for the businesses approved for this exclusion; they are all tenants on property owned by other entities. Under Proposition 13, tenancy changes are not reassessable events. However, depending on the lease terms of the excluded tenant, they may pay a pro-rata share of the additional property taxes due to a reassessment of the landlord. The Assessor has no knowledge of the lease terms of each tenant.

Schedule A of this report summarizes the business personal property that was subject to taxation under Section 201 of California's Revenue and Taxation Code for the businesses that received the clean energy technology payroll expense tax exclusion in 2016. The businesses that received the clean energy technology payroll expense tax exclusion in 2016 owed a total of \$52,648 in business personal property taxes.

If you have any questions regarding this report, please contact Tom Swierk with the Office of the Assessor-Recorder at (415) 554-5540.

Sincerely,

A handwritten signature in black ink, appearing to read "Douglas Legg".

Douglas Legg
Deputy Assessor-Recorder

Attachment

**Assessor-Recorder's Annual Report on
Clean Energy Technology Exclusion
For Calendar Year 2016**

Schedule A

Year	Number of Businesses Claiming Clean Energy Technology Payroll Expense Tax Exclusion	Total Business Personal Property Reported	Resulting Personal Property Taxes Owed
2016	13	\$4,438,804	\$52,648

CARMEN CHU
ASSESSOR-RECORDER



SAN FRANCISCO
OFFICE OF THE ASSESSOR-RECORDER

803-11
matrix
pages

September 8, 2017

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

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2017 SEP 11 AM 8:46
eu

Subject: 2016 Assessor-Recorder's Annual Report to the Board of Supervisors Regarding the Central Market Street and Tenderloin Area Exclusion

Dear Ms. Calvillo,

The Assessor-Recorder, pursuant to Section 906.3 (k) of Article 12-A of the San Francisco Business and Tax Regulations Code, herewith submits the annual report of increases in property taxes resulting from businesses' location, relocation or expansion to or within the Central Market Street and Tenderloin area.

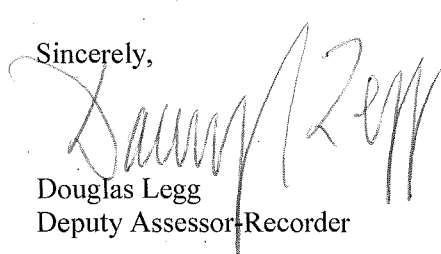
This report summarizes the number of Central Market Street and Tenderloin Area businesses receiving the payroll expense tax exclusion, and the property taxes paid by these businesses for 2016.

The Office of the Assessor-Recorder has no record of secured property ownership for the businesses approved for this exclusion; they are all tenants on property owned by other entities. Under Proposition 13, tenancy changes are not reassessable events. However, depending on the lease terms of the excluded tenant, they may pay a pro-rata share of the additional property taxes due to a reassessment of the landlord. The Assessor has no knowledge of the lease terms of each tenant.

Schedule A of this report summarizes the business personal property that was subject to taxation under Section 201 of California's Revenue and Taxation Code for the businesses that received the Central Market Street and Tenderloin Area payroll expense tax exclusion in 2016. The businesses that received the Central Market Street and Tenderloin payroll expense tax exclusion in 2016 owed a total of \$2,141,623 in business personal property taxes.

If you have any questions regarding this report, please contact Tom Swierk with the Office of the Assessor-Recorder at (415) 554-5540.

Sincerely,


Douglas Legg
Deputy Assessor-Recorder

Attachment

**Assessor-Recorder's Annual Report on
Central Market Street and Tenderloin Area Exclusion
For Calendar Year 2016**

Schedule A

Year	Number of Businesses Receiving Central Market Street & Tenderloin Area Payroll Expense Tax Exclusion	Total Business Personal Property Reported	Resulting Personal Property Taxes Owed
2016	10	\$181,551,715	\$2,141,623

CARMEN CHU
ASSESSOR-RECORDER



SAN FRANCISCO
OFFICE OF THE ASSESSOR-RECORDER

September 8, 2017

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

Subject: 2016 Assessor-Recorder's Annual Report to the Board of Supervisors Regarding the Central Market Street and Tenderloin Area Exclusion

Dear Ms. Calvillo,

The Assessor-Recorder, pursuant to Section 906.3 (k) of Article 12-A of the San Francisco Business and Tax Regulations Code, herewith submits the annual report of increases in property taxes resulting from businesses' location, relocation or expansion to or within the Central Market Street and Tenderloin area.

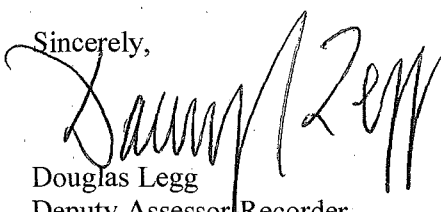
This report summarizes the number of Central Market Street and Tenderloin Area businesses receiving the payroll expense tax exclusion, and the property taxes paid by these businesses for 2016.

The Office of the Assessor-Recorder has no record of secured property ownership for the businesses approved for this exclusion; they are all tenants on property owned by other entities. Under Proposition 13, tenancy changes are not reassessable events. However, depending on the lease terms of the excluded tenant, they may pay a pro-rata share of the additional property taxes due to a reassessment of the landlord. The Assessor has no knowledge of the lease terms of each tenant.

Schedule A of this report summarizes the business personal property that was subject to taxation under Section 201 of California's Revenue and Taxation Code for the businesses that received the Central Market Street and Tenderloin Area payroll expense tax exclusion in 2016. The businesses that received the Central Market Street and Tenderloin payroll expense tax exclusion in 2016 owed a total of \$2,141,623 in business personal property taxes.

If you have any questions regarding this report, please contact Tom Swierk with the Office of the Assessor-Recorder at (415) 554-5540.

Sincerely,


Douglas Legg
Deputy Assessor-Recorder

Attachment

**Assessor-Recorder's Annual Report on
Central Market Street and Tenderloin Area Exclusion
For Calendar Year 2016**

Schedule A

Year	Number of Businesses Receiving Central Market Street & Tenderloin Area Payroll Expense Tax Exclusion	Total Business Personal Property Reported	Resulting Personal Property Taxes Owed
2016	10	\$181,551,715	\$2,141,623

CARMEN CHU
ASSESSOR-RECORDER



SAN FRANCISCO
OFFICE OF THE ASSESSOR-RECORDER

September 8, 2017

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

Subject: 2016 Assessor-Recorder's Annual Report to the Board of Supervisors Regarding the Central Market Street and Tenderloin Area Exclusion

Dear Ms. Calvillo,

The Assessor-Recorder, pursuant to Section 906.3 (k) of Article 12-A of the San Francisco Business and Tax Regulations Code, herewith submits the annual report of increases in property taxes resulting from businesses' location, relocation or expansion to or within the Central Market Street and Tenderloin area.

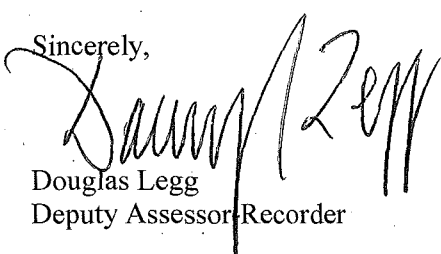
This report summarizes the number of Central Market Street and Tenderloin Area businesses receiving the payroll expense tax exclusion, and the property taxes paid by these businesses for 2016.

The Office of the Assessor-Recorder has no record of secured property ownership for the businesses approved for this exclusion; they are all tenants on property owned by other entities. Under Proposition 13, tenancy changes are not reassessable events. However, depending on the lease terms of the excluded tenant, they may pay a pro-rata share of the additional property taxes due to a reassessment of the landlord. The Assessor has no knowledge of the lease terms of each tenant.

Schedule A of this report summarizes the business personal property that was subject to taxation under Section 201 of California's Revenue and Taxation Code for the businesses that received the Central Market Street and Tenderloin Area payroll expense tax exclusion in 2016. The businesses that received the Central Market Street and Tenderloin payroll expense tax exclusion in 2016 owed a total of \$2,141,623 in business personal property taxes.

If you have any questions regarding this report, please contact Tom Swierk with the Office of the Assessor-Recorder at (415) 554-5540.

Sincerely,


Douglas Legg
Deputy Assessor/Recorder

Attachment

**Assessor-Recorder's Annual Report on
Central Market Street and Tenderloin Area Exclusion
For Calendar Year 2016**

Schedule A

Year	Number of Businesses Receiving Central Market Street & Tenderloin Area Payroll Expense Tax Exclusion	Total Business Personal Property Reported	Resulting Personal Property Taxes Owed
2016	10	\$181,551,715	\$2,141,623

OFFICE OF THE
ASSESSOR-RECORDER



OFFICE OF THE
TREASURER & TAX COLLECTOR

BOS-11
Matrix
Cpages

September 8, 2017

Angela Calvillo
Clerk of the Board of Supervisors
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, CA 941022014

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2017 SEP 11 AM 8:46
ON

Subject: 2016 Assessor-Recorder and Tax Collector Joint Report on Biotechnology Exclusion

Dear Ms. Calvillo,

The Assessor-Recorder and the Tax Collector, pursuant to Section 906.1(g) of the San Francisco Business and Tax Regulations Code, herewith submit the joint annual report of increases in property taxes resulting from biotechnology businesses location, relocation or expansion to or within the City and County of San Francisco.

This report summarizes the number of biotechnology businesses receiving the payroll expense tax exclusion, the amounts of payroll expense tax excluded, and the property taxes paid by these businesses for 2016.

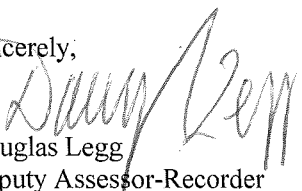
The Office of the Assessor-Recorder has no record of secured property ownership for the businesses approved for this exclusion; they are all tenants on property owned by other entities. Under Proposition 13, tenancy changes are not reassessable events. However, depending on the lease terms of the excluded tenant, they may pay a pro-rata share of the additional property taxes due to a reassessment of the landlord. The Assessor has no knowledge of the lease terms of each tenant.

Schedule A of this report summarizes the business personal property that was subject to taxation under Section 201 of California's Revenue and Taxation Code for the businesses that received the biotechnology payroll expense tax exclusion in 2016. The businesses that received the biotechnology payroll expense tax exclusion in 2016 have a total of \$870,188 in business personal property taxes owed.

Schedule B of this report summarizes the business personal property that was subject to taxation for tax years 2011 through 2015 for all businesses receiving the biotechnology payroll expense tax exclusion. The businesses that received the biotechnology payroll expense tax exclusion for tax years 2011 through 2015 owed a total of \$4,908,132 in business personal property taxes.

If you have any questions regarding this report, please contact Tom Swierk with the Office of the Assessor-Recorder at (415) 554-5540 or David Augustine of the Office of the Treasurer & Tax Collector at (415) 554-7601.

Sincerely,


Douglas Legg
Deputy Assessor-Recorder


David Augustine
Tax Collector

cc: Carmen Chu
Jose Cisneros
San Francisco Public Library

Attachments

**Assessor-Recorder and Tax Collector
Joint Report on Biotechnology Exclusion
For Calendar Year 2016**

Schedule A

Year	Number of Businesses Receiving Biotechnology Payroll Expense Tax Exclusion	Payroll Expense Tax Excluded	Total Business Personal Property Value	Resulting Personal Property Taxes Owed
2016	10	\$1,171,049	\$73,777,232	\$870,188

**Assessor-Recorder and Tax Collector
Joint Report on Biotechnology Exclusion
For Calendar Years 2011 Through 2015**

Schedule B

Year	Number of Businesses Receiving Biotechnology Payroll Expense Tax Exclusion	Payroll Expense Tax Excluded	Total Business Personal Property Value	Resulting Personal Property Taxes Owed
2011	27	\$1,363,728	\$99,623,171	\$1,167,384
2012	26	\$1,626,374	\$96,722,805	\$1,130,786
2013	20	\$1,595,688	\$89,223,313	\$1,059,973
2014	11*	\$2,134,810	\$61,550,683#	\$722,790
2015	12*	\$2,618,732	\$72,028,232#	\$827,199
Total	96	\$9,339,332	\$419,148,204	\$4,908,132

*Amended

Changes in prior year values are the result of decisions made by the Assessment Appeals Board.

OFFICE OF THE
ASSESSOR-RECORDER



OFFICE OF THE
TREASURER & TAX COLLECTOR

September 8, 2017

Angela Calvillo
Clerk of the Board of Supervisors
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, CA 941022014

Subject: 2016 Assessor-Recorder and Tax Collector Joint Report on Biotechnology Exclusion

Dear Ms. Calvillo,

The Assessor-Recorder and the Tax Collector, pursuant to Section 906.1(g) of the San Francisco Business and Tax Regulations Code, herewith submit the joint annual report of increases in property taxes resulting from biotechnology businesses location, relocation or expansion to or within the City and County of San Francisco.

This report summarizes the number of biotechnology businesses receiving the payroll expense tax exclusion, the amounts of payroll expense tax excluded, and the property taxes paid by these businesses for 2016.

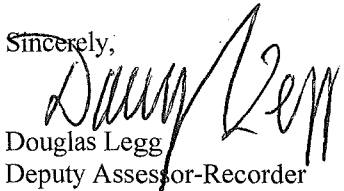
The Office of the Assessor-Recorder has no record of secured property ownership for the businesses approved for this exclusion; they are all tenants on property owned by other entities. Under Proposition 13, tenancy changes are not reassessable events. However, depending on the lease terms of the excluded tenant, they may pay a pro-rata share of the additional property taxes due to a reassessment of the landlord. The Assessor has no knowledge of the lease terms of each tenant.

Schedule A of this report summarizes the business personal property that was subject to taxation under Section 201 of California's Revenue and Taxation Code for the businesses that received the biotechnology payroll expense tax exclusion in 2016. The businesses that received the biotechnology payroll expense tax exclusion in 2016 have a total of \$870,188 in business personal property taxes owed.

Schedule B of this report summarizes the business personal property that was subject to taxation for tax years 2011 through 2015 for all businesses receiving the biotechnology payroll expense tax exclusion. The businesses that received the biotechnology payroll expense tax exclusion for tax years 2011 through 2015 owed a total of \$4,908,132 in business personal property taxes.

If you have any questions regarding this report, please contact Tom Swierk with the Office of the Assessor-Recorder at (415) 554-5540 or David Augustine of the Office of the Treasurer & Tax Collector at (415) 554-7601.

Sincerely,


Douglas Legg
Deputy Assessor-Recorder


David Augustine
Tax Collector

cc: Carmen Chu
Jose Cisneros
San Francisco Public Library

Attachments

**Assessor-Recorder and Tax Collector
Joint Report on Biotechnology Exclusion
For Calendar Year 2016**

Schedule A

Year	Number of Businesses Receiving Biotechnology Payroll Expense Tax Exclusion	Payroll Expense Tax Excluded	Total Business Personal Property Value	Resulting Personal Property Taxes Owed
2016	10	\$1,171,049	\$73,777,232	\$870,188

**Assessor-Recorder and Tax Collector
Joint Report on Biotechnology Exclusion
For Calendar Years 2011 Through 2015**

Schedule B

Year	Number of Businesses Receiving Biotechnology Payroll Expense Tax Exclusion	Payroll Expense Tax Excluded	Total Business Personal Property Value	Resulting Personal Property Taxes Owed
2011	27	\$1,363,728	\$99,623,171	\$1,167,384
2012	26	\$1,626,374	\$96,722,805	\$1,130,786
2013	20	\$1,595,688	\$89,223,313	\$1,059,973
2014	11*	\$2,134,810	\$61,550,683 [#]	\$722,790
2015	12*	\$2,618,732	\$72,028,232 [#]	\$827,199
Total	96	\$9,339,332	\$419,148,204	\$4,908,132

*Amended

[#] Changes in prior year values are the result of decisions made by the Assessment Appeals Board.

OFFICE OF THE
ASSESSOR-RECORDER



OFFICE OF THE
TREASURER & TAX COLLECTOR

September 8, 2017

Angela Calvillo
Clerk of the Board of Supervisors
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, CA 941022014

Subject: 2016 Assessor-Recorder and Tax Collector Joint Report on Biotechnology Exclusion

Dear Ms. Calvillo,

The Assessor-Recorder and the Tax Collector, pursuant to Section 906.1(g) of the San Francisco Business and Tax Regulations Code, herewith submit the joint annual report of increases in property taxes resulting from biotechnology businesses location, relocation or expansion to or within the City and County of San Francisco.

This report summarizes the number of biotechnology businesses receiving the payroll expense tax exclusion, the amounts of payroll expense tax excluded, and the property taxes paid by these businesses for 2016.

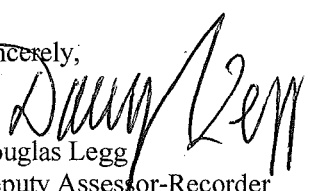
The Office of the Assessor-Recorder has no record of secured property ownership for the businesses approved for this exclusion; they are all tenants on property owned by other entities. Under Proposition 13, tenancy changes are not reassessable events. However, depending on the lease terms of the excluded tenant, they may pay a pro-rata share of the additional property taxes due to a reassessment of the landlord. The Assessor has no knowledge of the lease terms of each tenant.

Schedule A of this report summarizes the business personal property that was subject to taxation under Section 201 of California's Revenue and Taxation Code for the businesses that received the biotechnology payroll expense tax exclusion in 2016. The businesses that received the biotechnology payroll expense tax exclusion in 2016 have a total of \$870,188 in business personal property taxes owed.

Schedule B of this report summarizes the business personal property that was subject to taxation for tax years 2011 through 2015 for all businesses receiving the biotechnology payroll expense tax exclusion. The businesses that received the biotechnology payroll expense tax exclusion for tax years 2011 through 2015 owed a total of \$4,908,132 in business personal property taxes.

If you have any questions regarding this report, please contact Tom Swierk with the Office of the Assessor-Recorder at (415) 554-5540 or David Augustine of the Office of the Treasurer & Tax Collector at (415) 554-7601.

Sincerely,


Douglas Legg
Deputy Assessor-Recorder


David Augustine
Tax Collector

cc: Carmen Chu
Jose Cisneros
San Francisco Public Library

Attachments

**Assessor-Recorder and Tax Collector
Joint Report on Biotechnology Exclusion
For Calendar Year 2016**

Schedule A

Year	Number of Businesses Receiving Biotechnology Payroll Expense Tax Exclusion	Payroll Expense Tax Excluded	Total Business Personal Property Value	Resulting Personal Property Taxes Owed
2016	10	\$1,171,049	\$73,777,232	\$870,188

**Assessor-Recorder and Tax Collector
Joint Report on Biotechnology Exclusion
For Calendar Years 2011 Through 2015**

Schedule B

Year	Number of Businesses Receiving Biotechnology Payroll Expense Tax Exclusion	Payroll Expense Tax Excluded	Total Business Personal Property Value	Resulting Personal Property Taxes Owed
2011	27	\$1,363,728	\$99,623,171	\$1,167,384
2012	26	\$1,626,374	\$96,722,805	\$1,130,786
2013	20	\$1,595,688	\$89,223,313	\$1,059,973
2014	11*	\$2,134,810	\$61,550,683#	\$722,790
2015	12*	\$2,618,732	\$72,028,232#	\$827,199
Total	96	\$9,339,332	\$419,148,204	\$4,908,132

*Amended

Changes in prior year values are the result of decisions made by the Assessment Appeals Board.

Office of the Treasurer & Tax Collector
City and County of San Francisco



José Cisneros, Treasurer

September 8, 2017

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

Re: Annual Report to the Board of Supervisors
2016 Payroll Expense Tax Exclusion – Central Market Street & Tenderloin Area

Dear Ms. Calvillo:

The Tax Collector, pursuant to the provisions of the San Francisco Business and Tax Regulations Code, herewith submits the annual report of businesses that were approved for the Central Market Street & Tenderloin Area Exclusion from the Payroll Expense Tax for the 2016 calendar year.

Schedule A of the report summarizes the number of businesses approved for the exclusion, the number of eligible employees, the total amount of exclusion claimed, and the total Payroll Expense Tax forgone due to the exclusion for the calendar year 2016. Ten (10) businesses were approved for the Central Market Street & Tenderloin Area Exclusion, and they excluded a total of \$873,923,572 in payroll expense, which represents \$7,244,826 in forgone Payroll Expense Tax. These businesses reported a total of 3,830 employees that qualified for the exclusion.

Schedule B of the report summarizes the Central Market Street & Tenderloin Area Exclusion for calendar years 2014 through 2016. Compared to the calendar year 2015, results for the calendar year 2016 indicate an increase of two businesses approved for the exclusion, a decrease of 48 eligible employees, and a decrease of \$8,552,059 in Payroll Expense Tax forgone.

If you have any questions regarding this report, please contact me at (415) 554-7601.

Sincerely,

David Augustine
Tax Collector

cc: José Cisneros, Treasurer
San Francisco Public Library

Attachment

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2017 SEP - 8 PM 4:16
AK

BOS/11

**TAX COLLECTOR'S ANNUAL REPORT
CENTRAL MARKET & TENDERLOIN AREA (CMTE) PAYROLL EXPENSE TAX EXCLUSION
CALENDAR YEAR 2016**

Schedule A

Year	Number of Businesses Approved	Number of Eligible Employees	CMTE Claimed	Payroll Expense Tax Forgone due to CMTE
2016	10	3,830	\$ 873,923,572	\$ 7,244,826

**TAX COLLECTOR'S ANNUAL REPORT
CENTRAL MARKET & TENDERLOIN AREA PAYROLL EXPENSE TAX EXCLUSION
FOR CALENDAR YEARS 2014 THROUGH 2016**

Schedule B

Year	Number of Businesses Approved	Number of Eligible Employees	CMTE Claimed	Payroll Expense Tax Forgone due to CMTE
2014	8	3,553	\$ 2,569,597,777	\$ 34,689,570
2015*	8	3,878	\$ 1,359,456,580	\$ 15,796,885
2016	10	3,830	\$ 873,923,572	\$ 7,244,826
Change from 2015 to 2016	2	(48)	\$ (485,533,008)	\$ (8,552,059)

***Amended**

Office of the Treasurer & Tax Collector
City and County of San Francisco



José Cisneros, Treasurer

September 8, 2017

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

Re: Annual Report to the Board of Supervisors
2016 Payroll Expense Tax Credit – Enterprise Zone

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2017 SEP - 8 PM 4:16
AK

Dear Ms. Calvillo:

The Tax Collector, pursuant to the provisions of the San Francisco Business and Tax Regulations Code, herewith submits the annual report of businesses that received the Enterprise Zone Tax Credit for the 2016 calendar year.

Schedule A of the report summarizes the number of businesses approved for the credit, the total number of San Francisco employees, the number of eligible employees, the total amount of the credit claimed, and the total Payroll Expense Tax forgone due to the credit for the calendar year 2016. One hundred forty five (145) businesses were approved for the Enterprise Zone Tax Credit, representing \$303,989 in forgone Payroll Expense Tax. These businesses reported 595 employees who qualified for this tax credit.

Schedule B of the report summarizes the Enterprise Zone Tax Credits for calendar years 2014 through 2016. Compared to the calendar year 2015, the results for the calendar year 2016 indicate a decrease of 26 businesses approved for the credit, a decrease of 46 total San Francisco employees, a decrease of 292 eligible employees, and a decrease of \$217,152 in Payroll Expense Tax forgone.

If you have any questions regarding this report, please contact me at (415) 554-7601.

Sincerely,

David Augustine
Tax Collector

cc: José Cisneros, Treasurer
San Francisco Public Library

Attachment

**TAX COLLECTOR'S ANNUAL REPORT
ENTERPRISE ZONE TAX CREDIT PAYROLL EXPENSE TAX CREDIT
CALENDAR YEAR 2016**

Schedule A

Year	Number of Businesses Approved	Total SF Employees	Number of Eligible Employees	Total Enterprise Zone Tax Credit Claimed	Payroll Expense Tax Forgone due to Enterprise Zone Tax Credit
2016	145	17,134	595	\$ 339,229	\$ 303,989

**TAX COLLECTOR'S ANNUAL REPORT
ENTERPRISE ZONE TAX CREDIT PAYROLL EXPENSE TAX CREDIT
CALENDAR YEARS 2014 THROUGH 2016**

Schedule B

Year	Number of Businesses Approved	Total SF Employees	Number of Eligible Employees	Total Enterprise Zone Tax Credit Claimed	Payroll Expense Tax Forgone due to Enterprise Zone Tax Credit
2014*	206	17,908	1,366	\$ 949,877	\$ 945,012
2015*	171	17,180	887	\$ 578,830	\$ 521,141
2016	145	17,134	595	\$ 339,229	\$ 303,989
Change from 2015 to 2016	(26)	(46)	(292)	\$ (239,601)	\$ (217,152)

*Amended

Office of the Treasurer & Tax Collector
City and County of San Francisco



José Cisneros, Treasurer

September 8, 2017

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

Re: Annual Report to the Board of Supervisors
2016 Payroll Expense Tax Exclusion – Stock-Based Compensation

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2017 SEP -8 PM 4:16
AK

Dear Ms. Calvillo:

The Tax Collector, pursuant to the provisions of the San Francisco Business and Tax Regulations Code, herewith submits the annual report of businesses that were approved for the Stock-Based Compensation Exclusion from the Payroll Expense Tax for the 2016 calendar year.

Schedule A of the report summarizes the number of businesses approved for the exclusion, the number of eligible employees, the total amount of Stock-Based Compensation Exclusion claimed, and the total Payroll Expense Tax forgone due to the exclusion for the calendar year 2016. One (1) business was approved for the Stock-Based Compensation Exclusion, and excluded a total of \$74,658,911 in payroll expense, which represents \$618,922 in forgone Payroll Expense Tax. This business reported a total of 1,348 employees that qualified for the exclusion.

Schedule B of the report summarizes the Stock-Based Compensation Exclusion for calendar years 2014 through 2016. Compared to the preceding calendar year 2015, results for the calendar year 2016 indicate no change in the number of businesses approved for the Stock-Based Compensation Exclusion, an increase of 499 eligible employees, and an increase of \$516,912 in Payroll Expense Tax forgone.

If you have any questions regarding this report, please contact me at (415) 554-7601.

Sincerely,

David Augustine
Tax Collector

cc: José Cisneros, Treasurer
San Francisco Public Library

Attachment

**TAX COLLECTOR'S ANNUAL REPORT
STOCK BASED COMPENSATION PAYROLL EXPENSE TAX EXCLUSION
CALENDAR YEAR 2016**

Schedule A

Year	Number of Businesses Approved	Number of Eligible Employees	Stock Based Comp Exclusion	Payroll Expense Tax Forgone due to Stock Based Compensation
2016	1	1,348	\$ 74,658,911	\$ 618,922

**TAX COLLECTOR'S ANNUAL REPORT
STOCK BASED COMPENSATION PAYROLL EXPENSE TAX EXCLUSION
FOR CALENDAR YEARS 2014 THROUGH 2016**

Schedule B

Year	Number of Businesses Approved	Number of Eligible Employees	Stock Based Comp Exclusion	Payroll Expense Tax Forgone due to Stock Based Compensation
2014	0	0	\$0	\$0
2015	1	849	\$ 8,778,889	\$ 102,011
2016	1	1,348	\$ 74,658,911	\$ 618,922
Change from 2015 to 2016	0	499	\$ 65,880,022	\$ 516,912

Office of the Treasurer & Tax Collector
City and County of San Francisco



José Cisneros, Treasurer

September 8, 2017

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

Re: Annual Report to the Board of Supervisors
2016 Payroll Expense Tax Exclusion – Biotechnology

Dear Ms. Calvillo:

The Tax Collector, pursuant to the provisions of the San Francisco Business and Tax Regulations Code, herewith submits the annual report of businesses that were approved for the Biotechnology Exclusion from the Payroll Expense Tax for the 2016 calendar year.

Schedule A of the report summarizes the number of businesses approved for the exclusion, the number of eligible employees, the total amount of Biotechnology Exclusion claimed, and the total Payroll Expense Tax forgone due to the exclusion for the calendar year 2016. Ten (10) businesses were approved for the Biotechnology Exclusion, and they excluded a total of \$141,260,392 in payroll expense, which represents \$1,171,049 in forgone Payroll Expense Tax. These businesses reported a total of 866 employees that qualified for the exclusion.

Schedule B of the report summarizes the Biotechnology Exclusion for calendar years 2014 through 2016. Compared to the preceding calendar year 2015, results for the calendar year 2016 indicate a decrease of two businesses approved for the Biotechnology Exclusion, a decrease of 77 eligible employees, and a decrease of \$1,447,683 in Payroll Expense Tax forgone.

If you have any questions regarding this report, please contact me at (415) 554-7601.

Sincerely,

David Augustine
Tax Collector

cc: José Cisneros, Treasurer
San Francisco Public Library

Attachment

205-4
RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2017 SEP -8 PM 4:16
BY AK

**TAX COLLECTOR'S ANNUAL REPORT
BIOTECHNOLOGY PAYROLL EXPENSE TAX EXCLUSION
CALENDAR YEAR 2016**

Schedule A

Year	Number of Businesses Approved	Number of Eligible Employees	Biotechnology Exclusion	Payroll Expense Tax Forgone due to Biotechnology Exclusion
2016	10	866	\$ 141,260,392	\$ 1,171,049

**TAX COLLECTOR'S ANNUAL REPORT
BIOTECHNOLOGY PAYROLL EXPENSE TAX EXCLUSION
FOR CALENDAR YEARS 2014 THROUGH 2016**

Schedule B

Year	Number of Businesses Approved	Number of Eligible Employees	Biotechnology Exclusion	Payroll Expense Tax Forgone due to Biotechnology Exclusion
2014	11	739	\$ 158,134,071	\$ 2,134,810
2015*	12	943	\$ 225,364,162	\$ 2,618,732
2016	10	866	\$ 141,260,392	\$ 1,171,049
Change from 2015 to 2016	(2)	(77)	\$ (84,103,770)	\$ (1,447,683)

*Amended

Office of the Treasurer & Tax Collector
City and County of San Francisco



José Cisneros, Treasurer

September 8, 2017

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

Re: Annual Report to the Board of Supervisors
2016 Payroll Expense Tax Exclusion – Clean Technology Business

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2017 SEP - 8 PM 4:16
BY AK

Dear Ms. Calvillo:

The Tax Collector, pursuant to the provisions of the San Francisco Business and Tax Regulations Code, herewith submits the annual report of businesses that were approved for the Clean Technology Business Exclusion from the Payroll Expense Tax for the 2016 calendar year.

Schedule A of the report summarizes the number of businesses approved for the exclusion, the number of eligible employees, the total amount of Clean Technology Business Exclusion claimed, and the total Payroll Expense Tax forgone due to the exclusion for the calendar year 2016. Thirteen (13) businesses were approved for the Clean Technology Business Exclusion, and they excluded a total of \$28,097,569 in payroll expense, which represents \$232,929 in forgone Payroll Expense Tax. These businesses reported a total of 218 employees that qualified for the exclusion.

Schedule B of the report summarizes the Clean Technology Business Exclusion for calendar years 2014 through 2016. Compared to the preceding calendar year 2015, results for the calendar year 2016 indicate an increase of two businesses approved for the Clean Technology Business Exclusion, a decrease of 16 eligible employees, and a decrease of \$107,700 in Payroll Expense Tax forgone.

If you have any questions regarding this report, please contact me at (415) 554-7601.

Sincerely,

David Augustine
Tax Collector

cc: José Cisneros, Treasurer
San Francisco Public Library

Attachment

**TAX COLLECTOR'S ANNUAL REPORT
CLEAN TECHNOLOGY PAYROLL EXPENSE TAX EXCLUSION
CALENDAR YEAR 2016**

Schedule A

Year	Number of Businesses Approved	Number of Eligible Employees	Clean Technology Exclusion	Payroll Expense Tax Forgone due to Clean Technology Exclusion
2016	13	218	\$ 28,097,569	\$ 232,929

**TAX COLLECTOR'S ANNUAL REPORT
CLEAN TECHNOLOGY PAYROLL EXPENSE TAX EXCLUSION
FOR CALENDAR YEARS 2014 THROUGH 2016**

Schedule B

Year	Number of Businesses Approved	Number of Eligible Employees	Clean Technology Exclusion	Payroll Expense Tax Forgone due to Clean Technology Exclusion
2014	12	295	\$ 27,167,766	\$ 366,765
2015	11	234	\$ 29,314,050	\$ 340,629
2016	13	218	\$ 28,097,569	\$ 232,929
Change from 2015 to 2016	2	(16)	\$ (1,216,481)	\$ (107,700)

Mchugh, Eileen (BOS)

From: Board of Supervisors, (BOS)
Sent: Tuesday, September 05, 2017 11:49 AM
To: BOS-Supervisors
Subject: FW: SAN FRANCISCO IMMIGRANT RIGHTS COMMISSION SUPPORTS DACA HOLDERS
Attachments: SFIRC_DACA_9.1.2017Fr.pdf; DHS Press Release_DACA_Sept 5 17.pdf

From: Pon, Adrienne (ADM)
Sent: Tuesday, September 05, 2017 9:33 AM
To: Engagement, Civic (ADM) <civic.engagement@sfgov.org>
Subject: SAN FRANCISCO IMMIGRANT RIGHTS COMMISSION SUPPORTS DACA HOLDERS

Dear Colleagues,

Please see the attached statement released late last night by the San Francisco Immigrant Rights Commission in anticipation of today's DACA Announcement from the Department of Homeland Security. The DHS announcement is also attached for your reference.

Please support our DACA holders.

Adrienne

A D R I E N N E P O N
Executive Director | **OFFICE OF CIVIC ENGAGEMENT & IMMIGRANT AFFAIRS**
City & County of San Francisco
50 Van Ness Avenue | San Francisco, CA 94102
Telephone: 415.581.2358 (ask for Melissa Chan, Executive Coordinator/Office Manager)
| 415.581.2317 (direct) | Website: [OCEIA](#) | [Immigrant Rights Commission](#)

Connect with OCEIA:   





CITY AND COUNTY OF SAN FRANCISCO IMMIGRANT RIGHTS COMMISSION

Edwin M. Lee, Mayor
Naomi Kelly, City Administrator

Commissioners:

Celine Kennelly, Chair
Mario Paz, Vice Chair
Elahe Enssani
Donna Fujii
Haregu Gaime
Ruslan Gurvits
Ryan Khojasteh
Florence Kong
Amro Radwan
Nima Rahimi
Franklin Ricarte
Angeles Roy
Alicia Wang
Michelle Wong

Executive Director:

Adrienne Pon
Office of Civic Engagement
& Immigrant Affairs

STATEMENT OF THE SAN FRANCISCO IMMIGRANT RIGHTS COMMISSION ON DEFERRED ACTION FOR CHILDHOOD ARRIVALS (DACA)

Monday, September 4, 2017

There is little disagreement that young immigrants brought to the United States when they were children are innocent participants in a broken immigration system that Congress has been unable to fix. Just a few months ago, the new president told our young immigrants and DACA holders that they “shouldn’t be very worried” because he has a big heart. But actions prove otherwise as come tomorrow, the White House is expected to announce the ending of the Deferred Action for Childhood Arrivals (DACA) program, a temporary shelter in the storm for nearly 800,000 young immigrants who entered the country as children and were granted a temporary reprieve from deportation so they could do what many American youth take for granted— exercising the right to learn, work and be safe.




Delay or not, going back on your word as leader of this great nation is reprehensible and a direct attack on children and youth that violates our core values. DACA holders have proven time after time that they bring value and contribute to America’s strength in so many ways. They have the right to expect basic freedoms and human rights.

Life, liberty and the pursuit of happiness are the inalienable rights that America’s founders envisioned when they declared the country’s independence. We value and appreciate the young immigrants who have gone through so much just to earn the right to remain in this country and work hard. Are these not aligned with the basic ideals upon which our country was established?

We need common sense, comprehensive immigration reform now. As the country takes one giant leap backwards, on immigrant rights, civil liberties, equality and inclusion, racial justice, religious freedom, common decency and respect for the rule of law, the Immigrant Rights Commission calls on our Senators, Mayor, the San Francisco Board of Supervisors, City leaders and departments, businesses and all the people of San Francisco, California and the United States to come together, continue to stand up for our young DACA holders and do the right thing for all America’s people. They, and a united, fair, humane and inclusive America, are worth fighting for.

Visit the IRC at <http://sfgov.org/oceia/immigrant-rights-commission>.

Please contact the Office of Civic Engagement & Immigrant Affairs at civic.engagement@sfgov.org, telephone: 415.581.2360. Visit OCEIA at www.sfgov.org/oceia.

Connect with OCEIA on   

**EMBARGOED UNTIL AFTER AG REMARKS ARE
DELIVERED ON SEPT. 5**



Press Office
U.S. Department of Homeland Security

Press Release

September 5, 2017
Contact: DHS Press Office, (202) 282-8010

RESCISSION OF DEFERRED ACTION FOR CHILDHOOD ARRIVALS ("DACA")

WASHINGTON – Today, the Department of Homeland Security (DHS) initiated the orderly wind down of the program known as Deferred Action for Childhood Arrivals (DACA).

"This Administration's decision to terminate DACA was not taken lightly. The Department of Justice has carefully evaluated the program's Constitutionality and determined it conflicts with our existing immigration laws," said Acting Secretary Elaine Duke. "As a result of recent litigation, we were faced with two options: wind the program down in an orderly fashion that protects beneficiaries in the near-term while working with Congress to pass legislation; or allow the judiciary to potentially shut the program down completely and immediately. We chose the least disruptive option.

"With the measures the Department is putting in place today, no current beneficiaries will be impacted before March 5, 2018, nearly six months from now, so Congress can have time to deliver on appropriate legislative solutions. However, I want to be clear that no new initial requests or associated applications filed after today will be acted on."

On June 29, the attorneys general of Texas and several other states sent a letter to U.S. Attorney General Jeff Sessions asserting that the DACA program is unlawful for the same reasons stated in the Fifth Circuit and district court opinions regarding an expansion of the DACA program and the now-rescinded program known as Deferred Action for Parents of Americans and Lawful Permanent Residents (DAPA). The letter noted that if DHS did not rescind the June 2012 DACA memo by September 5, 2017, the states would seek to amend the DAPA lawsuit to include a challenge to DACA.

Yesterday, Attorney General Sessions sent a letter to Acting Secretary Duke articulating his legal determination that DACA "was effectuated by the previous administration through executive action, without proper statutory authority and with no established end-date, after Congress'

**EMBARGOED UNTIL AFTER AG REMARKS ARE
DELIVERED ON SEPT. 5**

repeated rejection of proposed legislation that would have accomplished a similar result. Such an open-ended circumvention of immigration laws was an unconstitutional exercise of authority by the Executive Branch.” The letter further stated that because DACA “has the same legal and constitutional defects that the courts recognized as to DAPA, it is likely that potentially imminent litigation would yield similar results with respect to DACA.” Nevertheless, in light of the administrative complexities associated with ending the program, he recommended that the Department wind down the program in an efficient and orderly fashion, and his office has reviewed the terms on which the Department will do so.

Based on guidance from Attorney General Sessions, and the likely result of potentially imminent litigation, Acting Secretary Elaine Duke today issued a memo formally rescinding the June 15, 2012 memorandum that created DACA, and initiating an orderly wind down of the program. This process will limit disruption to current DACA beneficiaries while providing time for Congress to seek a legislative solution. The details are contained in Acting Secretary Duke’s September 5 memorandum, and in our Frequently Asked Questions.

###

Mchugh, Eileen (BOS)

From: Board of Supervisors, (BOS)
Sent: Tuesday, September 05, 2017 1:30 PM
To: BOS-Supervisors
Subject: FW: Concerns about One Oak EIR: TNCs, VMT, wind, and parking

From: Jeremy Pollock [mailto:pollock.jeremy@gmail.com]
Sent: Tuesday, September 05, 2017 12:31 PM
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Cc: Jalipa, Brent (BOS) <brent.jalipa@sfgov.org>; Lew, Lisa (BOS) <lisa.lew@sfgov.org>
Subject: Concerns about One Oak EIR: TNCs, VMT, wind, and parking

Supervisors,

I support the construction of the One Oak tower and the broader vision of "the Hub" to make it a dense, residential neighborhood. The Hub represents an exciting opportunity for the City to add housing supply in a central location with excellent access to transit.

But we need to take extra precautions to successfully integrate 9,000 new households into this area without crippling our transportation network. **I am concerned that the Planning department's EIR does a disservice to the One Oak proposal.**

As a long-time member of the San Francisco Bicycle Coalition, and current member of the coalition's board of directors, I am very concerned about the safety of bike riders on Market Street. Please note that the coalition does not have a position on One Oak, and my comments reflect only my opinion. But the most common concern we've heard from members about our new Strategic Plan is that TNCs are having a negative impact on urban cycling.

I have four main concerns about the One Oak EIR:

- **TNCs:** Planning's failure to measure the impact of TNCs is simply unacceptable. The SFCTA's recent study show they have significantly changed the way our streets are used. The cumulative impacts of TNCs on all of the planned developments in the Hub must be studied.
- **VMT methodology:** Planning's adoption of a regional threshold of significance for Vehicle Miles Traveled (VMT) has made this important new tool essentially meaningless for analysis of developments in transit-rich areas. Using the same VMT threshold as Walnut Creek and San Jose may meet the legal requirements of SB 743, but it doesn't serve the goals of our transit first city.
- **Wind:** Similarly, Planning may have complied with the City's methodology for analyzing wind impacts, but that methodology needs to be updated to consider impacts on bicyclists. Market Street is the backbone of our bike network, and the wind is already daunting—if not dangerous—on summer afternoon commutes. If we are going to simultaneously grow our city and our bicycle mode share, we need to better understand how wind will impact bicyclists.
- **Parking:** While it is admirable that One Oak proposes a 0.45 parking ratio, we need to do better. The cumulative impact of allowing all of the proposed projects in the Hub to exceed 0.25 parking ratios would contribute to gridlock in this area.

I am concerned that the deficiencies in the EIR—particularly the failure to measure TNCs—put One Oak at legal risk. **I urge you to work with the appellant, project sponsor, and Planning department to negotiate a resolution to this appeal that avoids the potential for legal action while minimizing the impacts of future projects in the Hub to our transportation network.**

Sincerely,

Jeremy Pollock



**SAN FRANCISCO
PLANNING DEPARTMENT**

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2017 SEP -5 AM 11:45

AK

MEMO

Mitigated Negative Declaration Appeal

3516-3526 Folsom Street

DATE: September 5, 2017
TO: Angela Calvillo, Clerk of the Board of Supervisors
FROM: Lisa Gibson, Acting Environmental Review Officer – (415) 558-9032
Joy Navarrete, Senior Environmental Planner – (415) 575-9040
Justin Horner, Environmental Coordinator – (415) 575-9023
RE: Planning Case No. 2013-1383ENV
Appeal of Mitigated Negative Declaration for 3516-26 Folsom Street
HEARING DATE: September 12, 2017

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

PROJECT SPONSOR: Fabian Lannoye, Bluorange Designs, 415- 533-0415
APPELLANT: Zacks, Freeman and Patterson, on behalf of Bernal Heights South
Slope Organization, Bernal Safe & Livable, Neighbors Against the
Upper Folsom Street Extension, Gail Newman and Ann Lockett

INTRODUCTION

This memorandum is a response to the letter of appeal to the Board of Supervisors (the "Board") regarding the Planning Department's (the "Department") issuance of a Mitigated Negative Declaration under the California Environmental Quality Act ("CEQA Determination") for the proposed project at 3516-3526 Folsom Street (the "proposed project").

The Department, pursuant to Title 14 of the CEQA Guidelines, issued a Preliminary Mitigated Negative Declaration for the Project on April 26, 2017 finding that the proposed project would not have a significant impact on the environment with the incorporation of mitigation measures.

The decision before the Board is whether to uphold the Department's decision to issue a Mitigated Negative Declaration and deny the appeal, or to overturn the Department's decision to issue a Mitigated Negative Declaration and return the project to the Department for additional environmental review.

BOS-1)
Leg Clerks

SITE DESCRIPTION & EXISTING USE

The project site consists of two vacant lots located on the west side of the unimproved ("paper street") segment of Folsom Street between Chapman Street and Bernal Heights Boulevard in the Bernal Heights neighborhood. The project site does not have vehicular or pedestrian access as the portion of Folsom Street providing access to the project site is unimproved. The project lots are both 25-feet-wide and 70-feet-deep and total 1,750 square feet in size. The project site has an approximately 32 percent slope to the north. To the south of the project site is a vacant lot and a two-story, single-family residence at 3574 Folsom Street (constructed in 1925). To the east of the project site are four vacant lots and a two-story, single-family residence at 3577 Folsom Street that also fronts on Chapman Street (constructed in 1925). There is a concrete driveway that leads from Chapman Street to the 3574 Folsom Street and 3577 Folsom Street residences. To the north of the project site is the Bernal Heights Community Garden, and Bernal Heights Park is located farther to the north across Bernal Heights Boulevard. Residential structures in the project vicinity are primarily two to three stories and are either single-family or two-family dwellings. The surrounding parcels are zoned either RH-1 (to the south of the project site) or Public (to the north of the project site). There is a PG&E gas transmission pipeline beneath Folsom Street that extends from Bernal Heights Boulevard to Alemany Boulevard.

PROJECT DESCRIPTION

An Environmental Evaluation Application (2013.1383E) for the proposed project at 3516 and 3526 Folsom Street (Assessor's Block 5626, Lots 013 and 014) was filed by Fabien Lannoye on September 25, 2013 for a proposal to construct two single-family residences and the construction of the connecting segment of Folsom Street to provide vehicle and pedestrian access to the project site in the Bernal Heights neighborhood in the City and County of San Francisco. The project site is on a block bounded by Bernal Heights Boulevard to the north, Gates Street to the west, Powhattan Avenue to the south and Folsom Street to the east.

The project site is approximately 6,500 square feet in size (two contiguous lots of 2,230 sf each and a street improvement of approximately 2,000 sf). The project site is currently vacant and undeveloped.

The proposed project involves the construction of two single-family residences on two of the vacant lots along the west side of the unimproved portion of Folsom Street, the construction of the connecting segment of Folsom Street to provide vehicle and pedestrian access to the project site, and the construction of a stairway between Folsom Street and Bernal Heights Boulevard. Each single-family home would be 27 feet tall, two stories over-garage with two off-street vehicle parking spaces accessed from a twelve-foot-wide garage door.

The 3516 Folsom Street building would be approximately 2,230 square feet in size with a side yard along its north property line. The 3526 Folsom Street building would be approximately 2,210 square feet in size with a side yard along its south property line. The proposed buildings would include roof decks and full fire protection sprinkler systems. The proposed buildings would be supported by a shallow building foundation using mat slabs with spread footings.

The proposed Folsom Street extension improvements would include an approximately 20-foot-wide road with an approximately 10-foot-wide sidewalk on the west side of the street, adjacent to the proposed residences with a stairway leading up to Bernal Heights Boulevard, subject to Public Works approval.

BACKGROUND

The Planning Department published a Preliminary Mitigated Negative Declaration ("PMND") for the proposed project on April 26, 2017. On May 16, 2017, Kathy Angus, for the Bernal Heights South Slope Organization, filed a letter appealing the PMND. The PMND appeal was heard before a publically-noticed hearing of the City Planning Commission on June 15, 2017. The commission denied the appeal, and finalized the PMND ("MND"). On July 17, 2017, Zacks, Freeman and Patterson, on behalf of Bernal Heights South Slope Organization, Bernal Safe & Livable, Neighbors Against the Upper Folsom Street Extension, Gail Newman and Ann Lockett ("Appellants") filed a letter appealing the MND ("Appeal Letter").

CEQA GUIDELINES

In determining the significance of environmental effects caused by a project, CEQA Guidelines Section 15064(f) states that the decision as to whether a project may have one or more significant effects shall be based on substantial evidence in the record of the lead agency. If the lead agency determines there is no substantial evidence that the project may have a significant effect on the environment, the lead agency shall prepare a negative declaration. CEQA Guidelines Section 15604(f) offers the following guidance: "(4) The existence of public controversy over the environmental effects of a project will not require preparation of an EIR if there is no substantial evidence before the agency that the project may have a significant effect on the environment, and (5) Argument, speculation, unsubstantiated opinion or narrative, or evidence that is clearly inaccurate or erroneous, or evidence that is not credible, shall not constitute substantial evidence. Substantial evidence shall include facts, reasonable assumption predicated upon facts, and expert opinion supported by facts."

APPELLANT ISSUES AND PLANNING DEPARTMENT RESPONSES

The concerns of the Appeal Letter focused on the adequacy of the MND's vibration-related mitigation measure, cumulative impacts, the adequacy of the geotechnical report and a variety of other issues related to traffic, views, shadows and public safety. The concerns from the Appeal Letter are summarized and listed below, and are followed by the Department's responses.

CONCERN 1: The Appellant asserts that the MND violates CEQA because it does not reduce the risk of a catastrophic PG&E gas transmission pipeline accident to a level that is "clearly insignificant;" that there is substantial evidence that a risk of catastrophic impacts still exists; that vibration level threshold used in the MND to determine environmental effects is not supported by data, sufficient analysis, or justification; and that the mitigation measure is inadequate because it

does not provide independent oversight of the vibration plan and it does not include a safety or evacuation plan.

RESPONSE 1: The MND vibration mitigation measure complies with CEQA requirements by ensuring that project construction would not have a significant effect on PG&E Pipeline 109. The required Vibration Management Plan includes oversight from both PG&E and the Planning Department, independent of the project sponsor. The MND uses a 2 inches/second peak particle velocity (PPV) threshold, consistent with PG&E. The 2 in/s PPV level is significantly lower than thresholds used for other projects adjacent to pipelines and was selected as a highly conservative performance standard in the assessment of environmental effects for this project. The San Francisco Department of Emergency Management (DEM) is responsible for leading disaster response efforts within the City and County of San Francisco.

CEQA Guidelines Section 15370 states that "mitigation" includes:

- (a) Avoiding the impact altogether by not taking a certain action or parts of an action.
- (b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation.
- (c) Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment.
- (d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.
- (e) Compensating for the impact by replacing or providing substitute resources or environments.

CEQA Guidelines Section 15126.4 also provides the following guidance:

- "Mitigation measures must be fully enforceable through permit conditions, agreements, or other legally binding instruments;"
- "Mitigation measures are not required for effects which are not found to be significant;"
- "There must be an essential nexus (i.e. connection) between the mitigation measure and a legitimate government interest. *Nolan v. California Coastal Commission*, 483 US 825 (1987);"
- "The mitigation measure must be 'roughly proportional' to the impacts of the project *Dolan v. City of Tigard*, 512 US 374 (1994);"
- "Formulation of mitigation measures should not be deferred until some future time."

The MND (pages 60-62) includes a mitigation measure (Mitigation Measure M-NO-3: Vibration Management Plan) to ensure that project construction would not have a significant vibration effect on PG&E Pipeline 109 during construction. The mitigation measure requires monitoring of vibration levels, and includes limitations on materials storage and construction activity on or near Pipeline 109, as well as the development of a Vibration Monitoring Plan, and its approval by PG&E and the Planning Department prior to the issuance of any building permits. The mitigation measure applies to "any construction equipment operations performed within 20 feet of PG&E Pipeline 109," be it related to the two homes or the improvements to the road.

Enforcement of the mitigation measure is the responsibility of the Planning Department and the Department of Building Inspection. Both are public agencies required to share information related to implementation and enforcement of mitigation measures. The appellants have not provided any evidence that either Department is unqualified or otherwise unable to enforce the mitigation measure as written, or how the oversight of the two Departments, both independent of the project sponsor, is insufficient to address potential vibration impacts.

The Appeal Letter states that “[the Planning Department and the Department of Building Inspection] are not in a position to adequately analyze additional fatigue to be exerted on the pipeline, and a speculative after-the-fact plan which might be developed by PG&E is clearly inadequate.” While the Appellants do not provide any evidence to support the assertion that such a plan would be inadequate, the Department concurs with Rune Storesund, the Appellant’s own expert on pipeline safety, that PG&E is the foremost authority regarding the integrity of the pipeline. In his letter of June 5, 2017 (included with the Appeal letter), Storesund states:

“PG&E is the only organization in a position to analyze the additional fatigue expected to be exerted on the pipeline from the bedrock excavation activity and certify that no appreciable degradation will occur.” [Emphasis added]

In the case of *Ocean View Estates Homeowners Assoc. v. Montecito Water District* (2004)¹ the court held that mitigation measures stated in an MND need not specify precise details of design. Having recognized a significant environmental impact and having determined that mitigation measures reduce the impact to insignificance, the MND may leave the details to engineers.

In the case of the proposed project, the Department consulted with, and followed the guidance and recommendations of, PG&E pipeline engineers in the design of the MND’s mitigation measure and the threshold used to determine the potential for a significant impact. In addition to the mitigation measure included in the MND, the proposed project, which includes two homes, a street improvement and the creation of stairs to Bernal Heights Boulevard, would be reviewed and approved by PG&E engineers, and be subject to its regulations concerning work in proximity to a pipeline, after it has received its land use entitlements and the street improvement permit is approved by Public Works.

The Appeal Letter asserts that statements made in a June 14, 2017 letter from Rune Storesund of Storesund Consulting (included in Appeal packet) constitute substantial evidence of a significant effect on the environment. The Planning Department respectfully disagrees.

The MND analyzed potential vibration effects of the proposed project (p. 56-62). Given the proposed project’s proximity to PG&E Pipeline 109, a construction vibration analysis was

¹ Court of Appeal, Second District, Division 6, California. *Ocean View Estates Homeowners Association Inc v. Montecito Water District*, Decided: March 2, 2004,

performed for the proposed project to assess any potential adverse impact on the Pipeline from vibration due to construction-related equipment and work.² The report evaluated vibratory impacts related to excavation of the site for the purposes of developing a proper foundation for the buildings, digging trenches for utilities to the residences, and the extension of Folsom Street for access to the residences.

To determine the potential for an adverse impact to the PG&E Pipeline 109, the analysis compared the highest estimated Peak Particle Velocity (PPV) for each piece of equipment at its nearest proximity to the pipe during project work. The criteria for damage to a pipeline due to vibration cover a wide-range of PPV, as documented by Caltrans.³ For example, a PPV value of 25 inches/sec associated with an “explosive near [a] buried pipe” resulted in no damage, as did PPV values for “explosive[s] near [a] buried pipe” of 50-150 PPV. The analysis prepared for the proposed project utilized a conservative 12 inches/second, a value based on the West Roxbury Lateral Project in Massachusetts, as the criteria for potential damage to the pipe.⁴

Although the vibration assessment for the proposed project is based on a damage criterion of 12 in/sec, PG&E has evaluated the proposed project and, through its regulatory authority for work in proximity to its pipeline, set a PPV standard of 2 in/sec for this section of Pipeline 109.⁵ While the Storesund letter suggests that the vibration analysis simply infers a PPV standard of 2 in/sec is an acceptable threshold, this is incorrect. The MND clearly establishes that the PPV standard is highly conservative in that it is a factor of 10 lower (more stringent) than the already conservative damage criteria used in the vibration assessment. The Storesund letter does not present substantial evidence that the use of the very conservative 2 in/sec PPV standard results in a new or more severe environmental effect than disclosed in the MND.

The Storesund letter also questions whether the vibration analysis included in the MND takes into account all possible factors affecting pipeline integrity. However, the letter does not explain how these factors warrant a more conservative PPV threshold than that included in the MND’s vibration analysis. The Storesund letter does not provide substantial evidence that the MND has not adequately described the nature of that significant effect; it merely asserts that the vibration analysis is inadequate and, therefore, that “a reasonable possibility of a significant effect still exists.” The MND already concludes that the proposed project may result in a significant vibration impact; this is not a disputed fact.

² Illingworth and Rodkin, Inc., *Construction Vibration Evaluation for 3516 and 3526 Folsom Street*, March 24, 2017.

³ California Department of Transportation, *Transportation and Construction Vibration Guidance Manual*, September 2013, page 76.

⁴ The analysis notes that buried pipes can withstand higher PPV because they are constrained and do not amplify ground motion, like freestanding structures, like historic buildings, do. According to the Caltrans report cited in the analysis, PPV values as high as 150 have been shown to not harm underground pipes.

⁵ PG&E Gas Transmission Pipeline Services—Integrity Management, 3516/26 Folsom Street, March 30, 2017.

The MND includes a very conservative threshold for determining a possibility for a significant vibration effect, discloses that potential effect, and includes a feasible mitigation measure crafted in consultation with PG&E, acknowledged by Storesund himself in a June 5, 2017 letter as "the only organization in a position to analyze the additional fatigue expected to be exerted on the pipeline," to reduce that environmental effect to a less-than-significant level.

The Appellant questions the reliability of PG&E and its ability to comply with regulatory requirements. PG&E's prior mishandling of pipeline safety is well documented and is not disputed by the Planning Department. Nonetheless, the contention that PG&E therefore would be negligent in their regulation of the proposed project is unsupported speculation. Similarly, it is speculative of the Appellant to assert that indirect environmental effects would occur as a result of such hypothetical negligence. As such indirect effects are not reasonably foreseeable effects of the proposed project, they are not required to be analyzed under CEQA.⁶

Individual project sponsors are not responsible, nor qualified, to develop emergency response plans. Emergency preparedness and response are the responsibility of the San Francisco Department of Emergency Management, the San Francisco Police Department, the San Francisco Fire Department, and other local, state, and federal agencies.

Per CEQA Guidelines Section 15063(b), an Environmental Impact Report (EIR) must be prepared if there is substantial evidence that a project either individually or cumulatively may cause a significant adverse effect on the physical environment. The appellants do not provide substantial evidence that the proposed project would have a significant impact on the environment, necessitating the preparation of an EIR. The MND provides an accurate characterization of the proposed project as required by CEQA, and provides substantial evidence that the proposed project would not result in significant impacts to the environment. Therefore, preparation of an EIR is not required.

⁶ CEQA Guidelines Section 15064(d)(3): Determining the Significant of the Environmental Effects Caused By a Project: ... (d) In evaluating the significance of the environmental effect of a project, the Lead Agency shall consider direct physical changes in the environment which may be caused by the project and reasonably foreseeable indirect physical changes in the environment which may be caused by the project.... (3) An indirect physical change is to be considered only if that change is a reasonably foreseeable impact which may be caused by the project. A change which is speculative or unlikely to occur is not reasonably foreseeable.

CONCERN 2: The MND did not adequately analyze the cumulative impacts of the proposed project. The MND did not analyze the environmental impacts of development on the four other undeveloped lots near the project site.

The Appeal Letter states:

“The MND errs in not individually listing ‘part, present and probable future projects that might result in related impacts’ despite acknowledging that ‘improvements proposed by the development would facilitate future development’ of four lots.” - p. 7

RESPONSE 2: The MND did properly consider cumulative impacts with respect to the four undeveloped parcels. The project as proposed is two homes and a street improvement, and does not include development of the adjacent lots. Nevertheless, the MND considered the entirety of the project, including installation of utilities for the four adjacent lots, and concluded that the project would not result in significant cumulative environmental impacts.

Pursuant to CEQA, the Department analyzed the project as proposed in the Environmental Evaluation Application which was for the construction of two single-family residences on two vacant lots located on the “paper street” segment of Folsom Street. The adjacent lots are all under different ownership than the project lots. Any future development proposals on the adjacent lots would require further environmental review, including consideration of cumulative impacts, and City approval.

As required by CEQA, the MND analyzed cumulative impacts for all resource areas. Since the 3516 and 3526 Folsom Street project is the first proposed development on the “paper street” segment of Folsom Street, the project sponsor would be required by Public Works’ Subdivision Regulations to construct pedestrian, vehicular, and utility access to this segment of Folsom Street as part of any street improvement. At this time, it is unknown whether utilities would come from Bernal Heights Boulevard to the north or from Chapman Street to the south. This would be determined by PG&E and SFPUC once the project is entitled. It is anticipated that utility lines would run under the entire length of the street extension, which would reduce or avoid the need for future utility-related construction activities should development occur on the adjacent lots. SFPUC has indicated that if the proposed street improvement is not accepted by Public Works, it would object extending utilities up the hill.⁷

CEQA prohibits piecemeal environmental review of large projects into many little projects, which each have minimal potential to impact the environment, but cumulatively could have significant impacts. The project application does not constitute piecemeal development under CEQA for the following reasons: the proposed project does not involve subdivision or creation of new lots as the six vacant lots along the “paper street” segment of Folsom Street have existed since at least 1935; the project sponsor is not the owner of the adjacent lots; and as previously stated, the Department has not received any applications from the other property owners to

⁷ Project sponsor notes from meeting with SFPUC, December 4, 2015.

construct projects on their properties, thus there is no larger project from which this one is being separated. It is Department practice to consider a project "reasonably foreseeable" when the Department has received a completed Environmental Evaluation Application for the proposed project. Testimony from property owners that they are planning on developing their property is not sufficient to be considered "reasonably foreseeable" for the purposes of cumulative environmental impact analysis under CEQA. Analysis of the impacts of theoretical projects would be speculative.

Any subsequent development would be required to comply with the same regulations as the proposed project including, but not limited to, compliance with the San Francisco Building Code and PG&E regulations for work in proximity to their pipeline. The appellants do not provide any evidence to support the claim that implementation of the proposed project would result in significant cumulative impacts.

Finally, the project as described in the MND includes installation of utilities for the four vacant lots located on the "paper street" segment of Folsom Street. Thus, any potential impacts from the installation of these utilities, and the reasonably foreseeable consequence that these other lots may be developed in the future, is both acknowledged and analyzed in the MND. Because no development is currently proposed for these other vacant lots, any further analysis of such future projects would be speculative at this point.

The appellants do not provide substantial evidence that would indicate that the proposed project would result in a significant and unavoidable cumulative impact; therefore the preparation of an EIR is neither warranted nor required under CEQA.

CONCERN 3: The geotechnical report prepared for the project is incomplete; the soils report does not include the street in its survey; the MND inadequately analyzed landslide risk; and the MND does not adequately analyze stormwater.

The Appeal Letter states:

"The geotechnical report dated August 3, 2013 focuses solely on the footprint sites of the two proposed houses, with no acknowledgment of the 'revised' Project scope." - p. 8

"The current 'incomplete' geotechnical report raises the following concerns: uncertainties regarding slope stability...no mention of backfill soil over pipeline...significant risk...discrepancies...earthquakes and landslides...site drainage." - p. 8-9

"Given that a steep hillside will be graded and a new street introduced—and that retaining walls will not be allowed over a gas transmission pipeline which runs under

the project site—the City must evaluate the landslide risks involved and how they will be mitigated.” – p. 9

“There is a question as to the validity of the Seismic Hazards Map indication that the site is not located in an area subject to landslide.” –p. 13

“The stormwater is currently absorbed into the hillside. Once the street is in, it will be flowing down the street, causing significant change in drainage.” - p. 13

RESPONSE 3: The geotechnical report for the project was completed by a California Registered Engineer, consistent with state requirements for a geotechnical report. Subsequent to the publication of the MND, a separate soils report was prepared for the proposed street and utility improvements. The proposed project is not in an area subject to the Slope Protection Act and is not in a Landslide Hazard Area. The project site is subject to SFPUC's 2016 Stormwater Management Requirements and Design Guidelines. Stormwater flows on the project site are currently uncontrolled; the proposed project and street improvements would be required to direct stormwater into the City's combined stormwater/sewer system, avoiding significant drainage impacts.

The soils and geotechnical studies for the proposed project were prepared by H. Allen Gruen, a California Registered Professional Engineer. The appellants do not provide any evidence to challenge or contradict the findings of the soils and geotechnical studies. Geotechnical, soils and vibration studies were prepared for the CEQA analysis of the proposed project. In addition, more detailed geotechnical analyses will be required for the issuance of building permits and the construction of the two single family homes, and the design and construction of the improvements to the “paper street” section of Folsom Street.

Subsequent to the publication of the PMND, a geotechnical investigation has been prepared for the proposed street and utility improvements.⁸ The investigation included site reconnaissance, review of existing geotechnical studies and one test boring to practical refusal at a depth of 6-1/2 feet below ground surface. The investigation found that the primary geotechnical concerns were situating the roadway and utility improvements in competent earth materials and seismic shaking and related effects during earthquakes. The investigation concluded that the project site “is suitable for support of the proposed improvements.” The investigation recommended a conventional spread footing foundation for the improvements and adherence with existing building codes to minimize the effects of earthquake shaking.

The MND (pages 94-100) analyzes potential geological and geotechnical impacts of the proposed project. For purposes of CEQA, the Department utilizes the Seismic Hazard Zones

⁸ H. Allen Gruen, *Report Geotechnical Investigation, Planner Street and Utility Improvements at 3516 and 3526 Folsom Street San Francisco, California*, July 6, 2017.

Map included in the Community Safety Element of the General Plan, which is the official State of California Seismic Hazards Zone Map for San Francisco prepared under the Seismic Hazards Mapping Act of 1990,⁹ to determine geotechnical impacts. As shown below in Figure 1, neither the project site nor the “paper street” section of Folsom Street are considered Landslide Hazard Zones. Areas not designated as Landslide Hazard Zones are not subject to the Slope Protection Act.¹⁰

Figure 1, Project Site, Right-of-Way and Landslide Hazard Areas



While the appellants assert that there is “a question as to the validity” of the Seismic Hazards Map because there was a landslide in the vicinity of the project site, it should be noted that the presence of a landslide in the vicinity of the project site does not equate to the presence of a Landslide Hazard at the project site. This does not mean that there will be no measures taken to avoid potential geotechnical impacts; only that the site is not located in a Landslide Hazard Area, which is a factor used in assessing whether there are certain geotechnical impacts under CEQA. The geotechnical report prepared for the proposed project indicates that the

⁹ The Seismic Hazards Mapping Act was developed to protect the public from the effects of strong ground shaking, liquefaction, landslides, or other ground failure, and from other hazards caused by earthquakes. This Act requires the State Geologist to delineate various seismic hazard zones and requires cities, counties, and other local permitting agencies to regulate certain development projects within these zones.

¹⁰ San Francisco Department of Building Inspection, *Information Sheet Errata in 2016 SFBC and SFBC Structural Provisions*, January 1, 2017. “Properties are subject to these requirements where any portion of the property lies within the areas of “Earthquake Induced Landslide” in the Seismic Hazard Zone Map, released by the California Department of Conservation, Divisions of Mines and Geology, dated November 17, 2000 or amendments thereto.

geotechnical engineer did not find any evidence of active slope instability at the project site. In addition, as stated in the MND (page 98), "[a]dherence to San Francisco Building Code requirements would ensure that the project applicant include analysis and avoidance of any potential impacts related to unstable soils as part of the design-level geotechnical investigation prepared for the proposed project."

The appellants do not provide any substantial evidence that the proposed project is in a Landslide Hazard Area or in an area subject to the Slope Protection Act or that a significant impact would occur with respect to geology. Therefore the preparation of an EIR is neither warranted nor required under CEQA.

The MND (p. 100-104) discusses stormwater and drainage impacts from the proposed project. The analysis indicates that, while the project site is currently an unimproved hillside where stormwater flows are currently uncontrolled, the proposed project would include drainage elements that would control stormwater runoff and direct it into the City's combined stormwater/sewer system. While the proposed project would increase impervious surfaces on the project site, the proposed project would also improve drainage by installing drainage controls to direct run-off into the combined sewer system. Public Works' Subdivision Regulations require proposed streets to "remove sewage and storm water from each lot or parcel of land, and to remove storm water from all roads, streets, and sidewalks."¹¹ The proposed project would also be required to comply with SFPUC's Stormwater Management Requirements and Design Guidelines, which include meeting specific performance measures for impervious surfaces and stormwater run-off rate, the approval of a Preliminary Stormwater Control Plan before receiving a Site or Building Permit, and the approval of a Final Stormwater Control Plan before receiving the Certificate of Final Completion.¹² Therefore, the proposed project would not be expected to result in substantial erosion or flooding associated with changes in drainage patterns.

Per CEQA Guidelines Section 15063(b), an EIR is prepared if there is substantial evidence that a project either individually or cumulatively may cause a significant effect on the environment. The analysis in the MND indicates that the proposed project would not cause a significant impact with respect to stormwater. The appellants do not provide substantial evidence that would indicate that the proposed project would have a significant stormwater or drainage impact. Therefore, preparation of an EIR is not required.

¹¹ *Ibid.* Page 68.

¹² San Francisco Public Utilities Commission, *How Do I Comply with the Stormwater Management Requirements*, <http://sfwater.org/index.aspx?page=1006>. Accessed: May 25, 2017

CONCERN 4: The Appellant maintains that the project would result in potential hazards and nuisances related to project construction, including pedestrian access along Bernal Heights Boulevard, emergency access, traffic and parking. The Appellant also questions the opportunities for public input into, and monitoring of, the construction management plan.

RESPONSE 4: The MND analyzes the physical environmental impacts of the proposed project, and includes a mitigation measure for vibration-related impacts. To address street and sidewalk-related issues during construction, the project sponsor will be required to adhere to all regulations on building construction from the Department of Building Inspection, the San Francisco Municipal Transportation Agency, Public Works, and other agencies. The extent of public input into the Construction Plan is not a CEQA issue.

The MND is a document prepared pursuant to CEQA to analyze the physical environmental effects of a proposed project, disclose any significant environmental effects, and identify mitigation measures to reduce those effects to a less-than-significant level. The MND for the proposed project found a potential environmental impact related to vibration and provided a mitigation measure to reduce that impact.

The MND does not regulate the construction of the proposed project. As indicated in the MND, construction of the proposed project must comply with the San Francisco Noise Ordinance, the Construction and Demolition Debris Recovery Ordinance, and the Construction Site Runoff Ordinance, among other regulations. Construction work that requires the use and/or closure of city streets and sidewalks is subject to the San Francisco Municipal Transportation Agency's "Regulations for Working in San Francisco Streets," also known as the Blue Book, which "establishes rules and guidance so that work can be done both safely and with the least possible interference with pedestrians, bicycle, transit and vehicular traffic."¹³ Construction work in San Francisco is routinely coordinated among a number of City agencies.

The extent of public input and oversight of any construction management plan is outside the scope of CEQA. Any perceived lack of public participation in the construction management plan process does not in itself constitute an environmental impact under CEQA, and the appellants have provided no evidence that a lack of public input would lead, directly or indirectly, to an adverse environmental effect. Public participation in the construction management plan is a matter addressed by DBI, Public Works, the project sponsors and the parties concerned. Therefore, the preparation of an EIR is neither warranted nor required under CEQA.

¹³ SFMTA, *Regulations for Working in San Francisco Streets*, <https://www.sfmta.com/services/streets-sidewalks/construction-regulations>. Accessed: May 30, 2017.

CONCERN 5: The MND does not include analysis of the shadow impacts of the fence/railing on the community garden.

The Appeal Letter states:

“How does the addition of the fence/railing on the roof deck affect the shadow on the Community Garden or other property?” - p. 12

RESPONSE 5: The MND adequately assesses the shadow impacts of the proposed project on the community garden and correctly concludes that the impact would be less than significant. The appellants have not provided substantial evidence that the railings would have significant shadow effects.

The MND (on page 77) discusses shadow impacts of the proposed project. The MND states that the proposed project “would cast new shadow on the community garden,” but that the new shadow is “not expected to substantially affect the use or enjoyment of the Bernal Heights Community Garden such that a significant environmental effect would occur.” The railing on for the roof deck is indicated to be three-and-a-half feet tall and would be effectively transparent for purposes of shadow analysis. The appellants have not provided substantial evidence that this railing could substantially affect the use or enjoyment of Bernal Heights Community Garden beyond what is discussed in the MND. Therefore the preparation of an EIR is neither warranted nor required under CEQA.

CONCERN 6: The MND does not analyze how garbage, compost and recycling would be handled.

The Appeal Letter states:

“No plan has been put forth to accommodate garbage, compost, and recycling needs.” – p. 12

RESPONSE 6: Recycling, garbage and compost would be handled in the same manner as for neighboring residential properties.

In San Francisco, residents, employees and waste management personnel routinely transport waste receptacles along public streets and sidewalks, and waste management vehicles are routinely stopped or parked in front of existing residences and buildings as part of regular service. The appellants have not provided substantial evidence of any particular significant adverse impacts that these same activities would have if performed at this particular location, nor how the proposed project would create circumstances dissimilar to waste collection practices elsewhere in San Francisco. Therefore the preparation of an EIR is not warranted.

CONCERN 7: If the subdivision of the area around the project site were to happen today, the subdivision would be subject to CEQA. The Bernal Heights Slope Guidelines have not been followed.

The Appeal Letter states:

"If the Folsom Street extension and the six remaining lots along the 'paper street' were subdivided today, they would automatically be subject to an environmental impact analysis." – p. 7

"The Bernal Heights East Slope Guidelines were not followed for this project." – p. 11

RESPONSE 7: Neither concern is germane to the MND for the proposed project. The project site consists of current lots of record. The Planning Department has determined that the proposed project is consistent with the Bernal Heights Slope Guidelines.

While it is true that subdivisions are subject to CEQA, the proposed project does not include a subdivision. The proposed project includes the construction of two single-family homes, one on each of two legal lots of record, and the improvement of a public right-of-way. The PMND correctly analyzes the physical environmental effects of the proposed project, and not of the subdivision that occurred prior to 1935.

The Bernal Heights East Slope Guidelines establish design standards for development on the eastern slope of Bernal Heights, which includes the project site. As part of its building permit application review, the proposed project has been found by the Planning Department to be consistent with the Bernal Heights Slope Guidelines. The appellants have not provided any evidence in support of the contention that the proposed project is inconsistent with the Guidelines or how any such inconsistency would constitute a significant environmental effect under CEQA. Therefore the preparation of an EIR is neither warranted nor required under CEQA.

CONCERN 8: The proposed improvement to the paper street section of Folsom Street would result in a hazardously steep street.

The Appeal Letter states:

"The proposed steep street presents a significant threat to residents and drivers. It will be among the steepest streets in SF...The proposed street plans contain dangerous break-over angles and unclear plans for garage access to current residents." – p. 7

RESPONSE 8: The MND analyzed the proposed street improvement and found that it did not constitute a hazard. The proposed street improvements are subject to Public Works review and approval.

The MND (p. 41-42) analyzes the proposed road and determines that it would not substantially increase hazards due to particular design features. The proposed project would not result in roadway design changes that would include sharp curves or other roadway design elements that would create dangerous conditions, and the improved street section would not be a through street; that is, the improved section would not be used by the general public but would typically be limited to the residents of the proposed project. The improved section would not include any on-street parking facilities.

The MND analyzes the road, as proposed, and does not make a determination as to whether PW would, or should, approve the road. Approval of the road is subject to PW's review of the sponsor's Street Improvement Permit application, which will be reviewed after the proposed project receives its entitlements.

The appellants have not provided any evidence in support of the contention that the proposed street improvements would constitute a significant environmental effect under CEQA. Therefore the preparation of an EIR is neither warranted nor required under CEQA.

CONCERN 9: The additional traffic to and from two additional residences would increase traffic volumes significantly.

The Appeal Letter states:

"...[T]he additional traffic to and from two additional residences potentially increases existing traffic volumes significantly." – p. 10

RESPONSE 9: The Planning Commission has determined that automobile delay shall no longer be considered a significant impact under CEQA. The additional traffic volume would not result in a significant impact under CEQA.

The MND (p. 36-38) discusses recent changes to the Planning Department's analysis of transportation impacts; namely, that the Planning Commission has found that automobile delay, as described solely by level of service or similar measures of vehicular capacity or traffic congestion, shall no longer be considered a significant impact on the environment pursuant to CEQA, because it does not measure environmental impacts and therefore it does not protect environmental quality. The MND provides trip generation data for informational purposes only. That said, the appellants do not provide substantial evidence as to how the addition of 20 person trips per day, which includes two PM peak hour trips, constitutes a significant environmental effect under CEQA. Therefore the preparation of an EIR is neither warranted nor required under CEQA.

CONCERN 10: The MND dismisses the significant impacts of the project on the public vista from Bernal heights Park and Bernal Heights Boulevard.

The Appeal Letter states:

"The Planning Department uses inaccurate and misleading data to dismiss the significant impacts on the public vista from Bernal Heights Park and Bernal Heights Blvd." – p. 10

RESPONSE 10: Views from Bernal Heights Boulevard are not considered significant views under CEQA; views from Bernal Heights Park would not be impacted.

The appellants assert that the proposed project would block significant public vistas from Bernal Heights Boulevard that would constitute a significant environmental impact. Neither Bernal Heights Boulevard nor any other nearby street is a designated state scenic highway.

The project site is located downhill from Bernal Heights Park and Bernal Heights Boulevard. The Urban Design Element of the General Plan includes three maps relevant to the proposed project: 1) *Street Areas Important to Urban Design and Views*, 2) *Quality of Street Views*, and 3) *Plan to Strengthen City Pattern through Visually Prominent Landscaping*. Neither Bernal Heights Boulevard nor Folsom Street is included on the map *Street Areas Important to Urban Design and Views*. Bernal Heights Boulevard, Folsom Street and Chapman Street in the area of the proposed project are designated as having Average views on the *Quality of Street Views* map. Bernal Hill is identified as an Important Vista Point to be protected on the *Plan to Strengthen City Pattern Through Visually Prominent Landscaping* map.

The proposed project (two buildings reaching a height of approximately 30 feet) would not obstruct views from Bernal Heights Park. The Bernal Heights East Slope Design Guidelines include roof treatment guidelines to minimize or avoid obscuring views, and the north elevation of the proposed project would comply with the Bernal Heights East Slope Design Guidelines. Furthermore, the proposed roofs of the two buildings would sit below the elevation of Bernal Heights Boulevard.¹⁴ Therefore, the two proposed buildings would not result in a substantial demonstrable adverse effect to any scenic views or resources.

The Appellants have not provided any evidence in support of the contention that the proposed project would constitute a significant view impact under CEQA. Therefore the preparation of an EIR is neither warranted nor required under CEQA.

¹⁴ According to the project sponsor, the sidewalk elevation at Bernal Heights Boulevard is +325". The roof elevation of the proposed project is +324.5" and the proposed top of parapet is +328".

CONCLUSION

Staff recommends that the Board of Supervisors adopt the motion to uphold the MND. No substantial evidence supporting a fair argument that a significant environmental effect may occur as a result of the project has been presented that would warrant preparation of an EIR.



**SAN FRANCISCO
PLANNING DEPARTMENT**

MEMO

2017 SEP -5 AM 11:45

AK

Categorical Exemption Appeal
302 Greenwich Street/ 1531 Montgomery Street

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

DATE: September 5, 2017
TO: Angela Calvillo, Clerk of the Board of Supervisors
FROM: Lisa Gibson, Environmental Review Officer – (415) 575-9032
Laura Lynch – (415) 575-9045
RE: Planning Case No. **2016-001273CUA**
Appeal of Categorical Exemption for 302 Greenwich St/ 1531 Montgomery St
HEARING DATE: 9/12/2017

PROJECT SPONSOR: Paul Scott, Julius' Castle, 415-981-1212
APPELLANT: Francis Gordon, La Colline HOA; Norman Laboe; Dan Lorimer

INTRODUCTION

This memorandum and the attached documents are a response to the letter of appeal to the Board of Supervisors (the "Board") regarding the Planning Department's (the "Department") issuance of a categorical exemption under the California Environmental Quality Act ("CEQA") for the proposed 302 Greenwich Street/ 1531 Montgomery Street (the "project").

The Department, pursuant to Title 14 of the CEQA Guidelines, issued a categorical exemption for the project on June 28, 2017 finding that the proposed project is exempt from CEQA, as a Class 3 categorical exemption.

The decision before the Board is whether to uphold the Department's decision to issue a categorical exemption and deny the appeal, or to overturn the Department's decision to issue a categorical exemption and return the project to Department staff for additional environmental review.

SITE DESCRIPTION & EXISTING USE

The project is located on the north side of Greenwich Street at the end of Montgomery Street, Block 0079, Lots 004 and 005 in the Telegraph Hill/North Beach neighborhood. The property, Julius' Castle, occupies two lots that combined are approximately 3,906 square feet in area. The project site is located within RH-3 (Residential, House – Three Family) District, Telegraph Hill – North Beach Residential SUD, and 40-X Height and Bulk District. The project site is a corner lot, with approximately 63 feet of frontage along Greenwich Street. Approximately 87% of the site is covered by the irregularly shaped on-site building, which is Julius' Castle, City Landmark No. 121. Julius' Castle was built in 1923 and per Ordinance 414-80, was designated as a landmark status building, and the significance of the building lies in its architectural

design and its role as a restaurant that serves as "a living slice from the history of the local Italian and restaurant communities." The property operated as a restaurant from 1923 until 2007, and has been vacant since 2007.

PROJECT DESCRIPTION

The project would involve the change of use of the vacant, approximately 4,892 square foot building, into a restaurant use. This change of use would reinstate the last authorized and only previous use of the project site. The proposed restaurant would have a maximum occupancy of 152 people, 115 guests and approximately 30-35 employees. The proposed restaurant intends to primarily operate from 5:00pm to 10:00pm, daily, and may provide brunch service from 11:00a.m to 2:00p.m.

Pursuant to Planning Code Section 186.3, any use permitted as a principal or conditional use on the ground floor of the NC-1 Zoning District is allowed in a structure on a landmark site with a Conditional Use Authorization provided that the use 1) conforms to the provisions of Section 303 (Conditional Uses) and 2) is essential to the feasibility of retaining and preserving the landmark. Restaurant uses are permitted on the ground floor of the NC-1 Zoning District. Therefore, although the property is located within the RH-3 zoning district, the Landmark status of the building allows for a restaurant use to be conditionally permitted at the property. The project was approved, with Conditions of Approval, pursuant to Planning Commission Motion 19958, on July 06, 2017, allowing for a restaurant use to be established at the subject site.

The project sponsor would be required to apply for appropriate building permits to complete the interior tenant improvements and obtain appropriate approval from the Department of Building Inspection, San Francisco Fire Department and Department of Public Health, in order to change the occupancy of building and for a restaurant to operate.

There is no onsite parking and none is proposed; additionally, there are no changes to the public right of way proposed as part of the project. Pursuant to Condition of Approval 11, the property owner is required to submit an operations plan to the Planning Department, prior to the approval of the first site or building permit, which includes details of the restaurant operations including customer access to the restaurant and any proposed valet parking or employee parking.

ENVIRONMENTAL REVIEW PROCESS

On February 23, 2017, Paul Scott (hereinafter "Project Sponsor") filed an application with the Planning Department for Conditional Use Authorization under Planning Code Sections 186.3, 303, and 710.44 to allow a restaurant (d.b.a. Julius' Castle) use within the RH-3 (Residential, House - Three Family) Zoning District, Telegraph Hill - North Beach Residential Special Use District (SUD), and a 40-X Height and Bulk District.

On June 28, 2017, the Department determined that the project was categorically exempt under CEQA Class 3 - New Construction/ Conversion of Small Structures. This was issued in consultation with Environmental Planning staff. No further environmental review was required.

On July 06, 2017, the San Francisco Planning Commission conducted a duly noticed public hearing and authorized the Conditional Use Application No. 2016-001273CUA. The Planning Commission authorized the Conditional Use Authorization, with Conditions of Approval. This approval is considered the approval action for the project under Chapter 31 of the Administrative Code.

On August 04, 2017, an appeal of the categorical exemption determination was filed by Francis Gordon-La Colline HOA, Norman Laboe and Dan Lorimer.

On August 14, 2017, in a letter to the Clerk of the Board, the Environmental Review Officer determined that the appeal of the categorical exemption determination was timely.

CEQA GUIDELINES

Categorical Exemptions

Section 21084 of the California Public Resources Code requires that the CEQA Guidelines identify a list of classes of projects that have been determined not to have a significant effect on the environment and are exempt from further environmental review.

In response to that mandate, the State Secretary of Resources found that certain classes of projects, which are listed in CEQA Guidelines Sections 15301 through 15333, do not have a significant impact on the environment, and therefore are categorically exempt from the requirement of preparation of further environmental review.

CEQA State Guidelines Section 15303 (c), New Construction or Conversion of Small Structures, or Class 3, provides an exemption from further environmental review for projects that consist of the conversion of existing small structures from one use to another where only minor exterior changes are made. Specifically, Section 15303(c) exempts from further environmental review a change in use in an urbanized area involving up to four commercial buildings not exceeding 10,000 square feet in floor area on sites zoned for such use if not involving the use of significant amounts of hazardous substances where all necessary public services and facilities are available and the surrounding area is not environmentally sensitive. The project includes the change of use of an approximately 4,892 square foot building from a vacant building to a restaurant. The Planning Department determined that the proposed project satisfied the criteria of this class of exemption and found that there were no unusual circumstances located at the subject property, or with the proposed project, and the project was determined to be exempt from environmental review.

In determining the significance of environmental effects caused by a project, CEQA State Guidelines Section 15064(f) states that the decision as to whether a project may have one or more significant effects shall be based on substantial evidence in the record of the lead agency. CEQA State Guidelines 15064(f)(5) offers the following guidance: "Argument, speculation, unsubstantiated opinion or narrative, or evidence that is clearly inaccurate or erroneous, or evidence that is not credible, shall not constitute substantial

evidence. Substantial evidence shall include facts, reasonable assumption predicated upon facts, and expert opinion supported by facts.”

APPELLANT ISSUES AND PLANNING DEPARTMENT RESPONSES

The concerns raised in the August 4, 2017 Appeal Letter are cited below and are followed by the Department’s responses.

Concern 1: An Environmental Impact Report (EIR) should have been prepared for the project.

Response 1: The proposed project qualified for a categorical exemption under Class 3, New Construction and Conversion of Small Structures. An EIR is not required. The Appellant has not provided any substantial evidence to refute the conclusions of the Department.

The determination of whether a project is eligible for a categorical exemption is based on a two-step analysis:

- 1) Determining whether the project meets the requirements of the categorical exemption; and
- 2) Determining whether any of the exceptions listed under CEQA Guidelines section 15300.2, such as unusual circumstances, apply to the project.

As described in the proposed project’s exemption determination, the project meets the requirements of a categorical exemption under Class 3, new construction and conversion of small structures. The Appellant has not provided any substantial evidence supported by facts that the exemption determination does not qualify for a categorical exemption under Class 3. Class 3 categorical exemptions allow for changes of use of 10,000 square feet within urban areas. The proposed project in this case involves the change the use of an existing on-site 4,892 square-foot vacant building to a restaurant use, within the dense urban context of San Francisco.

Additionally CEQA Guidelines Section 15300.2(c) states that a “categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.” In CEQA, a two-part test is established to determine whether there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances, as follows:

- 1) The lead agency needs to determine whether unusual circumstances are present. If a lead agency determines that a project does not present unusual circumstances, that determination will be upheld if it is supported by substantial evidence. CEQA Guidelines define substantial evidence as “enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached.”

- 2) If the lead agency determines that a project does present unusual circumstances, then the lead agency must determine whether a fair argument has been made supported by substantial evidence in the record that the project may result in significant effects. CEQA Guidelines states that whether "a fair argument can be made that the project may have a significant effect on the environment is to be determined by examining the whole record before the lead agency. Argument, speculation, unsubstantiated opinion or narrative, evidence which is clearly erroneous or inaccurate, or evidence of social or economic impacts which do not contribute to or are not caused by physical impacts on the environment does not constitute substantial evidence."

Procedurally, the CEQA Guidelines do not require a written determination to be provided to confirm that a project is exempt from CEQA review. However, Chapter 31 of the San Francisco Administrative Code establishes local procedures and requirements necessary to implement CEQA analysis for its projects; this includes procedures and requirements for the preparation of categorical exemptions. Per Section 31.08(1)(a) of the Administrative Code, the categorical exemption determination document for a project that is found to be exempt from CEQA must include the following information:

- (1) Project description in sufficient detail to convey the location, size, nature and other pertinent aspects of the scope of the proposed project as necessary to explain the applicability of the exemption;
- (2) Type or class of exemption determination applicable to the project;
- (3) Other information, if any, supporting the exemption determination;
- (4) Approval Action for the project, as defined in Section 31.04(h); and
- (5) Date of the exemption.

In compliance with Section 31.08(1)(a) of the Administrative Code, the proposed project's categorical exemption determination document provides the required information confirming that the project is exempt from CEQA review and eligible for a categorical exemption under Class 3, new construction and conversion of small structures. Specifically, the exemption determination document contains the:

- 1) Project description for determining that the project is exempt from CEQA;
- 2) Class of categorical exemption applicable ("Class 3: New Construction and Conversion of Small Structures");
- 3) Applicable information to support the categorical exemption determination;
- 4) Approval action for the project (i.e., approval of a Conditional Use Authorization by the Planning Commission); and
- 5) Date of the categorical exemption (June 28, 2017).

Overall, The Department found that the proposed project is consistent with a Categorical Exemption under Class 3, new construction and conversion of small structures. Additionally, the proposed project and its location do not involve any unusual circumstances that would require further environmental review, as described further in other responses; thus, the project qualifies for a Class 3 categorical exemption. The Appellant has not provided any substantial evidence to refute the Department's

determination and demonstrate that the project would result in a significant impact on the environment due to unusual circumstances necessitating the preparation of an EIR.

Concern 2: The Appellant is concerned that the project site is not accessible via public transportation.

Response 2: The project site does not present unusual circumstances as it relates to transit. In any case, the Appellant appears to be questioning information provided within the project's Conditional Use Application Case Report and not the categorical exemption determination document.

The Appellant appears to be questioning specific information provided within the project's Conditional Use Application Case Report and not the categorical exemption determination document. Although that specific information does not relate to CEQA, as documented below, it should also be noted that the project site does not present unusual circumstances as it relates to transit for the purposes of CEQA.

Transit accessibility and service in San Francisco, in general, exceeds that of the region. Almost the entire city is within a "transit priority area," including the project site. A transit priority area is an area within one-half mile of a major transit stop that is existing or planned, if the planned stop is scheduled to be completed within the planning horizon included in a Transportation Improvement Program adopted pursuant to Section 450.216 or 450.322 of Title 23 of the Code of Federal Regulations.

A major transit stop is defined in CEQA Section 21064.3 as a rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods. The morning commute period (a.m. peak period) is from 7 a.m. to 9 a.m., and the afternoon peak period (p.m. peak period) is from 4 p.m. to 6 p.m. The project site is located within ½ mile walking distance of eight Muni lines with service that meets that definition: historic F Market & Wharves, 8/8AX/8BX Bayshore, 10 Townsend, 12 Folsom-Pacific, 30 Stockton, and 45 Union-Stockton, and 82X Levi Express. Except for the 82X, these transit lines all operate on weekends and after 10 PM, although with less frequent service than during the weekday peak hours. Additionally, the 39 Coit, which stops approximately 250 feet from the project site, operates at 20-minute frequencies between approximately 9 AM a.m. and 7 PM p.m. on weekdays and weekends.

The topography in the project area is noteworthy. To access the project site from transit stops within the project vicinity or vice versa, a person would have to walk up or down stairs or hills from any direction. However, this circumstance is not unusual in the context of San Francisco. San Francisco is a city with several hills. Furthermore, it is not unusual for persons to walk up and down hills to access retail/restaurants and transit stops in San Francisco (e.g., Bush Street restaurants in Nob Hill, restaurants in the Presidio). Overall, the project site is located within a transit priority area, it is accessible by transit, and there are no unusual circumstances related to transit accessibility.

Concern 3: The appellant is concerned about the vehicle trips that would be generated by the proposed restaurant use, particularly if a valet service is provided, and indicates this should have been studied in the project's environmental analysis.

Response 3: The project is appropriately categorically exempt and there would be no unusual circumstances related to the project's vehicle trips. Valet service is not proposed as part of the project.

As explained in Response 1, the project is appropriately categorically exempt under Class 3, new construction and conversion of small structures. According to California Supreme Court's March 2015 Berkeley Hillside Preservation v. City of Berkeley decision (and quoting the previous 1972 Friends of Mammoth v. Board of Supervisors court decision), "[C]ommon sense tells us that the majority of private projects [requiring government approval]... are minor in scope – e.g., relating only to the construction, improvement, or operation of an individual dwelling or small business – and hence, in the absence of unusual circumstances, have little or no effect on the public environment." Accordingly, projects of limited scale, such as the proposed project, that fit within a class of a categorical exemption have little or no environmental effects, including for the topic of transportation. As explained in Response No. 2, transit also adequately serves the project site. The following discussion substantiates that the project's vehicle trips does not result in unusual circumstances.

In response to Senate Bill 743, in January 2016, the California Office of Planning and Research (OPR) published for public review and comment a Revised Proposal on Updates to the CEQA Guidelines on Evaluating Transportation Impacts in CEQA recommending that transportation impacts for projects be measured using a vehicle miles traveled (VMT) metric. On March 3, 2016, in anticipation of the future certification of the revised CEQA Guidelines, the San Francisco Planning Commission adopted Resolution 19579. The resolution removed automobile delay as a threshold of significance in CEQA and implemented OPR's recommendation to use the VMT metric. As a result, impacts related to traffic congestion are outside the scope of CEQA, and are not evaluated for the proposed project.

The Planning Department has identified screening criteria to identify types, characteristics, or locations of projects and a list of transportation project types that would not result in significant transportation impacts under the VMT metric. These screening criteria are consistent with CEQA Section 21099 and the screening criteria recommended by OPR. If a project would generate VMT, but meets the screening criteria, then a detailed VMT analysis is not required for a project. Based on the Eligibility Checklist: CEQA 21099 – Modernization of Transportation Analysis prepared for 302 Greenwich Street/1531 Montgomery Street, the project qualifies as an infill development project under Senate Bill 743 (SB 743) and a detailed VMT analysis is not required for this project.

The Appellants have also expressed concern about the proposed restaurant use's valet operations, including vehicle trips resulting from the valet operations and cars entering and exiting the neighborhood. The project's proposed restaurant use does not include valet service; accordingly, any impact analysis of the project's future valet operations would be speculative.

The proposed project that was approved by the Planning Commission, which is the same as the project analyzed in the categorical exemption determination, is for a change of use from a vacant property to a restaurant use. If valet service for the project's restaurant use were proposed in the future, it would require review and approval by the San Francisco Municipal Transportation Agency (SFMTA) to acquire a white curb at the property and the San Francisco Police Department (SFPD) to operate a valet service.

Specifically, the project sponsor and future on-site restaurant operator would be required to adhere to the standards outlined by the SFMTA and SFPD, and obtain the appropriate permits and approval from them. The relevant SFMTA and SFPD staff were contacted recently regarding this project and they concur with this information.

Furthermore, the project sponsor and future on-site restaurant operator would also be required to adhere to the Conditions of Approval #11 - Traffic and Parking imposed by the Planning Commission through the Conditional Use Authorization. Conditions of Approval #11 state: "the owner and owner's lessee shall be required to submit an operations plan to the Planning Department prior to the Department's approval of the first Site Permit or Building Permit. Said plan shall include details on the following operational aspects of the Restaurant: 1) valet parking; 2) employee parking; and 3) customer access to the restaurant (vehicular, public transit, etc.)." This would include providing details regarding employee and customer access to the restaurant and any future proposed valet or employee parking. The operations plan would indicate things such as where project-related off-site parking would occur, and how employees and customers would access the site. If the Project Sponsor proposes to apply for valet parking in the future as part of an operations plan, valet parking would be subject to subsequent review and approval from both the SFMTA and SFPD. A potential approval process for zones associated with valet parking is described further below.

Passenger Loading Zone. If future approval of a white zone for passenger loading along the project site's frontage or elsewhere is sought, this approval would be subject to the SFMTA's Color Curb program. The process is initiated by submitting an application to the SFMTA. White zones are for passenger loading/unloading only, not exceeding 5 minutes. Effective times for white zones vary and are indicated by signs and/or stencils on the curb. In a white zone, the driver must remain with the vehicle at all times. Typical establishments that may qualify for a white zone include restaurants with 100 or more seats or valet parking.

Once the application is received, SFMTA staff review the description of the project's operations and conduct a field survey to determine the appropriate length of the colored curb. The length of the colored curb is calculated based on knowledge of the project's operations, in this case, the number of seats in the restaurant, and the hours of operation. A site survey is completed by SFMTA staff within 30 days of receipt of the application. Once the site survey has been completed, staff will issue a recommendation for approval of the request specifying the length of the colored curb, or will recommend denial. The application goes to a public hearing before the Color Curb Program Manager and a public hearing officer. Persons in support of and opposed to the recommendation should be present at the hearing. The purpose of the public hearing is to collect information, and make any adjustments to the recommendation, if necessary. Following the public hearing, the application and recommendation are forwarded to the City Traffic Engineer. The City Traffic Engineer may approve the application, deny the application, or request changes. If approved, the owner will be invoiced for the installation fee. White zones are required to be renewed every two years.

Concern 4: The Appellant asserts that the proposed project would result in inadequate emergency access to the project site and result in significant impacts related to this.

Response 4: The proposed project would not substantially increase demand for emergency services, result in a physical change to the public right-of-way, or result in unusual circumstances.

As explained in Response 1, the project is appropriately categorically exempt under Class 3, new construction and conversion of small structures. According to California Supreme Court's March 2015 Berkeley Hillside Preservation v. City of Berkeley decision (and quoting the previous 1972 Friends of Mammoth v. Board of Supervisors court decision), "[C]ommon sense tells us that the majority of private projects [requiring government approval]... are minor in scope – e.g., relating only to the construction, improvement, or operation of an individual dwelling or small business – and hence, in the absence of unusual circumstances, have little or no effect on the public environment." Accordingly, projects of limited scale, such as the proposed project, that fit within a class of a categorical exemption have little or no environmental effects, including for the topic of transportation.

As the Appellant accurately describes, Montgomery Street between Union and Greenwich, is divided into "upper" (southbound) Montgomery, and "lower" (northbound) Montgomery, due to a grade separation of several feet and the presence of a vegetated area in between. Each segment of Montgomery Street is one-way, with one mixed-flow travel lane, and one lane of on-street parallel parking interspersed with curb cuts for private driveways. The parking lane is the outside lane, furthest from the median. Each segment of Montgomery Street is about 18 feet wide from curb to curb. In San Francisco, on-street parking is prevalent, a parking lane (for parallel parking) is typically 8 feet wide, and a standard driving lane is around 10 to 12 feet wide, so these segments of Montgomery Street are not unusual in their configuration or widths.

The Appellant claims that the project site is unique because of the width and configurations of Montgomery and Greenwich streets, and the fact that each segment of upper and lower Montgomery Street is one-way, and that the two segments join in a "dead-end" at Greenwich Street. The Appellant asserts, that "there is already significant issues with ingress and egress in the neighborhood because Montgomery Street between Union and Greenwich is a one-lane street in each direction," and therefore the project could result in emergency vehicles being unable to access the project site. The Appellant further states that an EIR is necessary for the project, because the SFFD was not consulted and emergency vehicles would not have access to or from the site.

This is incorrect as explained below:

Restaurants without on-site parking along streets that have on-street parking are ubiquitous in San Francisco. One-way streets and streets that "dead-end," coupled with steep slopes, are also not unusual in San Francisco, which is a city with several hills. Accordingly, the necessity for emergency vehicles to travel on steep slopes with winding one travel-lane streets (such as in the project area) is not an unusual circumstance in the context of the project area (i.e., Telegraph Hill) or in San Francisco. This is an existing condition of the project area, and it is not a result of the proposed project. Therefore, no further analysis is necessary. However, the following discussion is provided for informational purposes.

The project involves the reopening of Julius' Castle restaurant, which has been in operation as a restaurant continuously since 1923, with the exception of the last 10 years (2007-2017). The proposed 4,892 square-foot restaurant use is of limited scale and would not substantially increase demand for emergency services. The project does not propose any changes to the adjacent public right-of-way that would affect emergency access. The street and on-site building configuration at the project site are baseline (i.e., existing) conditions for the purposes of environmental review. CEQA only requires analysis of the environmental impacts resulting from the project's *change* to baseline conditions. Prior to 2006, a restaurant operated for 84 years on the project site and adequate emergency access to this site under similar site conditions in those years was not an issue. Therefore, it is reasonable to conclude that the proposed restaurant use of a very similar size under future conditions would also receive adequate emergency services.

Regarding the Appellant's claim that the SFFD was not consulted regarding emergency access and thus an EIR is required. A determination of whether an EIR is required is based upon the exceptions for categorical exemptions listed above. Although consultation with City agencies can be a helpful step in making that determination, the lack of consultation does not automatically result in the need for an EIR.

For this appeal response, Planning contacted the SFFD staff regarding the proposed project and SFFD concurred that similar to existing conditions (and similar to conditions in the past in 2006 when there was a restaurant on the project site), SFFD expects to be able to adequately access the project site with its proposed restaurant use in the future, in the event of an emergency. For new development, in locations with access from only one right-of-way, the SFFD requires an unobstructed radius of (ideally) 96 feet, at minimum 80 feet, to turn the rig around. The area in front of Julius' Castle where Montgomery Street dead-ends into Greenwich Street currently measures slightly less than 80 feet, which means that it was likely designed at a time when the Fire Department's rigs were smaller. This is common in San Francisco, particularly in areas that were developed in the earlier part of the last century where streets tend to be narrower than streets that were developed more recently, even Telegraph Hill Boulevard, which provides access to Coit Tower. This does not mean that the SFFD could not access the site, it just means that a 3-, 4-, or 5-point-turn may be required to turn the rig around.⁵

Depending upon the circumstances of a project, the Planning Department or the project sponsor may require consultation with the SFFD during a project's approval process. The SFFD may be consulted at various stages of the planning and permitting process, including:

- Interdepartmental project review meetings,
- Transportation Advisory Staff Committee (TASC) meetings,
- Pre-occupancy building inspections, and
- Building permit review

SFFD approval, review and in some instances, building inspections would be required for the proposed project during the future building permit process for interior tenant improvements and to change the occupancy of the building. Additionally, the onsite building on the project site has previously operated as

⁵ Personal communication with San Francisco Fire Department staff, August 30, 2017.

a restaurant, and the SFFD has reviewed previous building permits and conducted inspections for this type of use on the project site in the past.

As stated above, the Department concludes that no unusual circumstances exist related to emergency access for the project site.

Concern 6: The Appellant states that the Condition of Approval from the Conditional Use Authorization should be clarified to stipulate that the restaurant is to close no later than 10 p.m.

Response 6: The Appellant is requesting a change to the Conditions of Approval that were issued as part of Conditional Use Authorization. This request and concern are outside the scope of CEQA.

The Appellant asserts that the Conditions of Approval from the Conditional Use Authorization (CUA) for the proposed project should be clarified to state that the restaurant is to close no later than 10 p.m. The Conditional Use Authorization for the project is not before the Board, and thus the conditions imposed on the project as part of that process cannot be altered through this environmental review appeal. The decision before the Board is whether to uphold or overturn the Department's decision to issue a Class 3 categorical exemption. The Appellant has provided no evidence that clarifying the hours of operation would make the Department's determination that the project qualifies for a categorical exemption invalid.

Environmental analysis under CEQA is required to focus on the direct and indirect physical changes to the environment that could reasonably result from a proposed project. Economic or social effects of a project, such as hours of operation of a restaurant, are not considered significant environmental impacts, unless they lead to physical changes in the environment (CEQA Guidelines 15131). Therefore, these comments do not raise any specific environmental issues. However, to the extent that these comments may be based on concerns about impacts related to an increase in ambient noise levels associated with operations of the restaurant, the Appellant has raised no concerns that would warrant preparation of further environmental review. The project site is located within a dense urban environment with a diverse number and type of uses within the area. An adverse effect to ambient noise levels would occur if a new use were placed next to an incompatible existing use, such that the basic function of either the existing use or the new use would be impaired. The operational noises associated with a restaurant use are typical of this dense urban environment. Therefore, the proposed project would not result in a substantial increase in ambient noise levels, and the project would not impair either another use such that their basic function could not continue.

The principally permitted hours of operation in the NC-1 District, which is the zoning district regulations that the project site is subject to, are 6 a.m. - 11 p.m. However, the Conditions of Approval for the project further limit the roof terrace to close at 9:00 p.m. Additionally, no amplified live entertainment would be permitted at the project site. Noise is regulated by the San Francisco Noise Ordinance (Noise Ordinance), which is codified in Article 29 of the San Francisco Police Code. Article 29 prohibits "any machine or device, music or entertainment or any combination of same" located on commercial (including restaurant) property from emitting noise eight dBA above the local ambient noise at any point outside the

property plane. Any violations to the San Francisco Noise Ordinance are subject to enforcement by the San Francisco Department of Public Health or the San Francisco Police Department. Any violations to the Conditions of Approval with regards to use of the roof terrace and amplified live entertainment would be subject to enforcement from the Department pursuant to Planning Code Section 174, potentially subjecting the property to daily fines and penalties.

CONCLUSION

Furthermore, there are no unusual circumstances for the proposed project and no substantial evidence supporting a fair argument that a significant environmental effect may occur as a result of the project has been presented that would warrant preparation of further environmental review. The Department has found that the proposed project is consistent with Class 3 Categorical Exemption. The Appellant has not provided any substantial evidence to refute the conclusions of the Department.

For the reasons stated above and in the June 28, 2017 CEQA Categorical Exemption Determination, the project's exemption determination complies with the requirements of CEQA and the project is appropriately exempt from environmental review pursuant to the cited exemption. The Department therefore recommends that the Board uphold the CEQA Categorical Exemption Determination and deny the appeal of the project's exemption determination.

BOS-11

Commissioners
Eric Sklar, President
Saint Helena
Jacque Hostler-Carmesin, Vice President
McKinleyville
Anthony C. Williams, Member
Huntington Beach
Russell E. Burns, Member
Napa
Peter S. Silva, Member
El Cajon

STATE OF CALIFORNIA
Edmund G. Brown Jr., Governor

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

Fish and Game Commission



Wildlife Heritage and Conservation
Since 1870

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2017 SEP 11 PM 3:15

September 6, 2017

TO ALL INTERESTED AND AFFECTED PARTIES:

This is to provide you with a copy of the notice of proposed regulatory action relative to amending Section 120.7, Title 14, California Code of Regulations, regarding commercial take of sea urchin which will be published in the California Regulatory Notice Register on September 8, 2017.

Please note the date of the public hearing related to this matter and associated deadlines for receipt of written comments.

Additional information and all associated documents may be found on the Fish and Game Commission website at <http://www.fgc.ca.gov/regulations/2017/index.aspx>.

Anthony Shiao, Environmental Specialist, Marine Region, has been designated to respond to questions on the substance of the proposed regulations. Mr. Shiao can be reached at (805) 560-6056 or Anthony.Shiao@wildlife.ca.gov.

Sincerely,

Sheri Tiemann
Associate Governmental Program Analyst

Attachment

TITLE 14. Fish and Game Commission Notice of Proposed Changes in Regulations

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by Sections 713, 1050, 9054 and 9055, of the Fish and Game Code and to implement, interpret or make specific Sections 713, 1050, 7850, 7852.2, 7857, 9054, and 9055, of said Code, Taking of Sea Urchin for Commercial Purposes, and Commercial Fishing Applications, Permits, Tags and Fees

Informative Digest/Policy Statement Overview

Currently, subsection 120.7(d), Title 14 of the California Code of Regulations (CCR) sets the total number of sea urchin diving permits at 300. Subsection 120.7(e) further prescribes a random drawing system for distributing new permits as they become available. Under the current system, applicants who have held a sea urchin crewmember permit for more than two years would have his/her name entered into the draw one additional time for each additional year he/she has held such permit. However, this advantage is very small in practice due to a maximum cap of five times that a name may be entered into a draw.

Currently Section 750(c)(4) requires no fee for the random drawing application.

SUMMARY OF THE PROPOSED AMENDMENTS

The proposed amendments to subsection (d) would decrease the sea urchin fishery's capacity goal to 150 permittees. This capacity goal will be achieved by issuing one new permit only once 11 permits have been retired. This ratio was chosen to simplify the calculation in which new permits would be issued, taking in account the new permit that is added to the fishery.

The lottery system proposed in subsection (e) and (f) will ensure that the most qualified applicants would enjoy a realistic advantage over less-qualified applicants. Under the new system, most of the new permits would be given to applicants with the most experience in the fishery as crewmembers. The remaining percentage of the new permits would be distributed under a drawing system where every remaining applicant stands the same chance.

The proposed amendment to Section 750(c)(4) would remove reference to the current drawing application form and add a minor administrative fee of \$4.38 for future applications to enter the drawing.

Other amendments to Section 120.7 include:

- Add one extra fishing day per week in the months of June to October in Southern California.

- Clarify the requirements for authorization of an assistant for a sea urchin diver permittee.
- Remove language that no longer has any effect and clarify other regulatory text.

BENEFITS OF THE PROPOSED REGULATIONS

The proposed amendments would significantly decrease the latent fishing capacity within the current sea urchin fishery due to a large number of unused permits. The changes would also strike a better balance for the future succession of the fishery by ensuring that the most qualified candidates would receive sea urchin diving permits in due course. At the same time, those who may not be as qualified but nonetheless are still willing and able would still have a chance of receiving one of these permits.

The additional dive days during the summer and fall months would allow divers to dive on days with the safest weather condition. The additional days would also help the industry meet the demand of Saturday dock markets and weekend demand. The added harvesting pressure is anticipated to be minimal, but the quality will be greatly enhanced to the consuming public.

CONSISTENCY WITH STATE REGULATIONS

The proposed regulations are neither inconsistent nor incompatible with existing State regulations. Commission staff has searched the California Code of Regulations and statutes and has found no other State regulations related to commercial take of sea urchins and no other State agency with authority to promulgate regulations concerning commercial take of sea urchins.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the in the SpringHill Suites by Marriott, 900 El Camino Real, Atascadero, California, on Thursday, October 12, 2017 at 8:00 a.m., or as soon thereafter as the matter may be heard.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Handlery Hotel, 950 Hotel Circle North, San Diego, California, on Thursday, December 7, 2017, at 8:00 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before 5:00 p.m. on November 22, 2017 at the address given below, or by email to FGC@fgc.ca.gov. Written comments mailed, or emailed to the Commission office, must be received before 12:00 noon on December 1, 2017. All comments must be received no later than December 7, 2017, at the hearing. If you would like copies of any modifications to this proposal, please include your name and mailing address.

Availability of Documents

The Initial Statement of Reasons, text of the regulations, as well as all related documents upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Valerie Termini, Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to Valerie Termini or Sheri Tiemann at the preceding address or phone number. **Anthony Shiao, Environmental Specialist, Marine Region, Department of Fish and Wildlife, has been designated to respond to questions on the substance of the proposed regulations. Mr. Shiao can be reached at (805) 560-6056 or Anthony.Shiao@wildlife.ca.gov.** Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulation in underline and strikeout can be accessed through our website at <http://www.fgc.ca.gov>.

Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to date of adoption. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

Impact of Regulatory Action/Results of the Economic Impact Assessment

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States:

- (a) The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states because the proposed action will not increase costs or reduce harvest quotas. The gradual reduction in the number of permits issued to 150 will accommodate the 125 average number of active urchin divers.

Over time, a reduction in permits issued should align the number of divers with the size of the harvesting grounds, increase the average catch per unit of effort and ensure the long-run sustainability of the fishery.

The addition of one more day per week of fishing during the months of June through October is anticipated to enable sea urchin divers more flexibility to harvest and bring fresh product to market at peak demand. This change should assist California sea urchin businesses in remaining competitive.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California; Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment:

No impacts on the creation or elimination of jobs within the state, the creation of new businesses or the elimination of existing businesses are anticipated because the proposed action will not increase costs or reduce harvest quotas.

- (c) Cost Impacts on a Representative Private Person or Business:

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

The Department may experience a reduction in permit sales revenue with the gradual decline in the number of permits issued from the current 300 to 150 over time. Permits are \$461 per diver annually. If some of the sea urchin diving permittees choose not to renew at a rate of five percent each year, and an estimated 80 applicants enter the annual draw for a new permit, the Department could have revenue losses of about \$6,575 in the current year and an estimated \$6,229 - \$5,901 in the next two fiscal years.

Table 2. Estimated Revenue Impact to the State

Fiscal Year	Inactive Permits Retained	10% Permits Retired	Department Fee Revenue Loss
2018/19	150	15	\$ 6,915
2019/20	135	14	\$ 6,224
2020/21	122	12	\$ 5,601

No change to federal funding to the State is anticipated.

- (e) Nondiscretionary Costs/Savings to Local Agencies: None
- (f) Programs Mandated on Local Agencies or School Districts: None
- (g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code: None
- (h) Effect on Housing Costs: None

Effect on Small Business

It has been determined that the adoption of these regulations may affect small business. The Commission has drafted the regulations in Plain English pursuant to Government Code Sections 11342.580 and 11346.2(a)(1).

Consideration of Alternatives

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

FISH AND GAME COMMISSION

Dated: August 29, 2017

Valerie Termini
Executive Director

BOS-11

Commissioners
Eric Sklar, President
Saint Helena
Jacque Hostler-Carmesin, Vice President
McKinleyville
Anthony C. Williams, Member
Huntington Beach
Russell Burns, Member
Napa
Peter Silva, Member
Chula Vista

STATE OF CALIFORNIA
Edmund G. Brown Jr., Governor

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

Fish and Game Commission



Wildlife Heritage and Conservation
Since 1870

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2017 SEP -8 PM 2:47
AK

September 8, 2017

This is to provide you with a copy of the notice of proposed regulatory action relative to Amending sections 1.05, 1.11, 1.18, 1.61, 1.74, 2.10, 2.25, 5.35, 5.41, 5.88, 7.00, 7.50; and Add Section 2.05; and Repeal Section 1.60, Title 14, California Code of Regulations, relating to freshwater sport fishing regulations.

Please note the dates of the public hearings related to this matter and associated deadlines for receipt of written comments.

Additional information and all associated documents may be found on the Fish and Game Commission website at <http://www.fgc.ca.gov/regulations/2017/index.aspx>.

Kevin Shaffer, Chief, Fisheries Branch, Department of Fish and Wildlife at (916) 327-8841, has been designated to respond to questions on the substance of the proposed regulations.

Sincerely,


Jon D. Snellstrom
Associate Governmental Program Analyst

Attachment

TITLE 14. Fish and Game Commission Notice of Proposed Changes in Regulations

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 200, 205, 219, 265, 270, 315, 316.5, 399, 1050, 1053.1, 1055.1, 7380 and 8491, of the Fish and Game Code and to implement, interpret or make specific sections 110, 200, 205, 206, 255, 265, 270, 316.5, 399, 713, 1050, 1053.1, 1055.1, 7149.8, 7380, 7381, 7382, 8490 and 8491, of said Code; proposes to amend Sections 1.05, 1.11, 1.18, 1.61, 1.74, 2.10, 2.25, 5.35, 5.41, 5.88, Subsection (b) of Section 7.00, Subsection (b) of Section 7.50, and Subsection (b) of Section 8.00; Repeal Section 1.60; and Add Section 2.05, Title 14, California Code of Regulations (CCR), relating to sport fishing.

Informative Digest/Policy Statement Overview

This California Department of Fish and Wildlife (Department) proposal combines Department and public requests for changes to Title 14, California Code of Regulations (CCR), for the 2017 Sport Fishing Regulations Review Cycle. This proposal will reduce foul-hooking of salmon, protect Shasta crayfish, protect salmon released above Shasta Dam, clarify regulations for artificial lures and bait, increase protection for Chinook Salmon and steelhead in the lower American River, increasing bow fishing opportunities, update the sport fishing report card requirements, and make needed corrections to existing regulations. The proposed regulatory changes are needed to reduce public confusion and improve regulatory enforcement.

The Department is proposing the following changes to current regulations:

ROCK CREEK (SHASTA COUNTY) CLOSURE TO PROTECT SHASTA CRAYFISH

Shasta crayfish (*Pacifastacus fortis*) is listed as an Endangered Species pursuant to the California Endangered Species Act (Fish & G. Code, § 2050 et seq.)(Cal. Code Regs., tit. 14, § 670.5(B)) and the federal Endangered Species Act (16 U.S.C. § 1531 et seq.)(53 Federal Register 38460-38465 (1988)). The current distribution for Shasta crayfish includes small and isolated spring fed areas in the Fall and Pit River drainages (Shasta County). Rock Creek, in the Hat Creek Drainage, was historically occupied by Shasta crayfish and was recently restored to provide refuge for and aid in the survival of the species. The Department is proposing to close Rock Creek to all fishing all year from Rock Creek spring downstream to Baum Lake. The proposed closure will protect Shasta crayfish and its habitat.

Proposal: Add subsection (b)(151.5) to Section 7.50, Special Fishing Regulations

Add Rock Creek, in the Hat Creek Drainage, to the Special Fishing Regulations with an all year fishing closure to protect Shasta crayfish.

CLARIFICATION OF NO TAKE OF SALMON IN THE SACRAMENTO AND MCCLOUD RIVERS AND TRIBUTARIES ABOVE SHASTA LAKE

The National Marine Fisheries Service (NMFS) and the US Bureau of Reclamation (BOR) are conducting feasibility studies for the reintroduction of winter and spring-run Chinook Salmon into the McCloud and Sacramento rivers. As part of a Fish Passage Pilot Project, federal agencies will be introducing an experimental release of Chinook Salmon into the Sacramento and McCloud drainages starting in 2017 or 2018 and continuing indefinitely. It is imperative that these rivers and their tributaries above Shasta Lake are closed to salmon fishing to reduce salmon loss and increase the success of the Fish Passage Project.

Proposal: Add new language to Subsection (b) of Section 7.00, District General Regulations, and to subsection (b)(115), McCloud River, in Section 7.50, Special Fishing Regulations.

Amend the Sierra District Regulations to clarify that all rivers and associated tributaries above Shasta Lake are closed to the take of salmon, and amend subsection (b)(115) of Section 7.50 to direct readers to the District General Regulations. These changes will protect Chinook Salmon when they are reintroduced into the upper Sacramento and McCloud rivers above the Shasta Lake.

AMERICAN RIVER (NIMBUS BASIN) FISHING CLOSURE

Under current regulations, the American River (in Sacramento County) from Nimbus Dam to the Hazel Avenue bridge piers is open to fishing all year (Section 7.50 (b)(5)(A)), and from the Hazel Avenue bridge piers to the U.S. Geological Survey gauging station cable crossing about 300 yards downstream from the Nimbus Hatchery fish weir is open to fishing January 1 through August 15 (Section 7.50(b)(5)(B)). The current request for closure is designed to protect Chinook Salmon and Central Valley steelhead trout, which will utilize this section of the river for both in-river spawning and rearing along with essential hatchery operations.

The BOR and the Department have completed a joint EIS/EIR for the Nimbus Hatchery Fish Passage Project (Project). The primary goal of the Project is to maintain a fully functional system of collecting adult Chinook Salmon and Central Valley steelhead trout sufficient to meet the hatchery's mitigation goals. Phase 1 of the Project extends the Nimbus Hatchery fish ladder 1500 feet (.30 miles) upstream into the Nimbus Basin. With the completion of the new fish ladder, Phase 2 of the Project will permanently remove the existing Nimbus Hatchery fish weir, and spawning gravel injections will be completed within the section of river associated with section 7.50(b)(5)(B). A gravel restoration and side channel creation project to create spawning and rearing habitat in the Nimbus Basin was completed in 2014.

However, the Project has the potential to affect Chinook Salmon and Central Valley steelhead trout holding, spawning, and rearing in this section of the lower American River. Additionally, under current hatchery operations, large numbers of adult Chinook Salmon and Central Valley steelhead trout hold below the existing fish weir located below the Hazel Avenue bridge before being routed to the fish ladder located at the south end of weir. Fish that enter the hatchery that are not ripe for spawning are released back into the river through the outfall, located approximately 100 feet below the existing fish ladder. As a result, current hatchery operations utilize a small portion of the river below the weir to cycle fish in and out of the hatchery. However, once the existing fish ladder is moved upstream into the Nimbus Basin, the length of river utilized for hatchery operations will increase by approximately 1,500 feet. With completion of the Project, holding, spawning, and rearing Chinook Salmon and Central Valley steelhead trout will distribute throughout the hatchery operations area. As a result, the entire section of river should be close to fishing all year to ensure successful hatchery operations.

Consequently, if the regulations are not changed by the Fall of 2018, anglers will continue fishing in the Nimbus Basin downstream to the USGS gauging station and target holding and spawning Chinook Salmon and Central Valley steelhead trout. Although Section 2.35 states that fishing shall not take place within 250 feet of a fish ladder, this would have little effect in protecting salmon and steelhead under the new configuration. The new ladder entrance would be greater than 250 feet from where salmon are expected to hold until the ladder is opened to allow salmon and steelhead into the Nimbus Hatchery. The regulation change would also provide the American River Trout Hatchery and Nimbus Hatchery with greater protection from contamination by the New Zealand Mud Snail (NZMS), which have been documented adjacent to the hatchery in Section 7.50(b)(5)(B).

Proposal: Amend subsections (b)(5)(A) and (b)(5)(B) of Section 7.50, Special Fishing Regulations

Combine subsections 7.50(b)(5)(A) and 7.50(b)(5)(B) and close this section of river to fishing all year.

ARTIFICIAL LURE AND BAIT DEFINITION CHANGES

The purpose of the regulation change is to clarify that no scents or flavors shall be used on lures on waters where only artificial lures with barbless hooks may be used. After consulting with wildlife officers on this subject, it has become clear there is some subjectivity in interpreting the current regulation which has resulted in inconsistency and confusion. By clarifying this definition, enforcement will have a lesser problem enforcing this rule and the public will have a clearer description of this rule.

The definition of a lure (Section 1.60) would be removed from the Freshwater Sport Fishing Regulations and only "artificial lure" would be used. With this change, three substitutions in the current regulations would need to be made: (1) Section 1.05 Angling; (2) Section 1.61, Non-buoyant Lure; and (3) Section 2.10(3), Hook and Weight Restrictions. In all three sections lure would be changed to artificial lure. In addition, the definition of artificial lure would be amended to clarify that only non-scented and non-flavored lures may be used. Lastly, there is currently no definition of bait in Title 14. A definition of bait is needed to help clarify when scents and flavors can be used.

Proposal: Repeal Section 1.60, Amend Section 1.11, Artificial Lure, and add Section 1.18, Bait
Amend the current definition of artificial lure and add a definition of bait.

ALLOW BOW AND ARROW FISHING FOR CATFISH

The bow and arrow fishing community has requested the opportunity to fish for catfish in certain waters in the state. Bowfishers have expressed that they often encounter catfish in their pursuit for carp and would like to be able to take catfish as well. This request was considered by CDFW law enforcement and regional biologists who determined that bowfishing for bullhead and catfish could be allowed on waters with large carp populations and that are popular for bowfishing. These waters include the Sacramento San-Joaquin Delta, Lake Isabella in Kern County and Big Bear Lake in San Bernardino County. Allowing bowfishing for catfish on these waters will increase fishing opportunities for bowfishers.

Proposal: Amend Section 2.25, Bow and Arrow Fishing

Amend Section 2.25 to allow bowfishing for bullhead and catfish in the Delta, Big Bear Lake, and Lake Isabel.

REVISION OF MENDOCINO, SONOMA, AND MARIN COUNTIES LOW FLOW CLOSURE TIME PERIOD TO ALING WITH THE ADULT STEELHEAD SEASON

Section 8.00(b) established a season for special low flow conditions for Mendocino, Sonoma, and Marin County coastal streams; however, the current end date extends the length of the low flow season past the adult steelhead fishing season on most coastal stream (except Russian River) which provides an unnecessary protection and may potentially confuse anglers. The current sport fishing regulations provides fishing in coastal streams of Mendocino, Sonoma, and Marin counties from the fourth Saturday in May through March 31, except for the Russian River which is open all year. Gear restrictions change from November 1 through March 31, to accommodate fishing for adult steelhead on all Mendocino, Sonoma, and Marin County coastal streams. There is no need for the season of special low flow conditions to extend beyond March 31, as most streams (except Russian River) are closed to any fishing from April 1 until the fourth Saturday in May, which is prior to the end of the current low flow season. The Russian River is the exception because it is open year round due to other sport fisheries such as American shad and smallmouth bass. For consistency, the Russian River should be included in this change, but it would result in the potential reduction of protected days under a low flow closure between April

1 and the fourth Saturday in May (52-57 days depending upon the calendar year). The loss of this additional protection on the Russian River is not likely to be significant as the bulk of the steelhead will have spawned and angler effort targeting steelhead will be low in the months of April and May. The steelhead population on the Russian River is also unlike other coastal streams because it is supplemented with hatchery steelhead. Additionally, the Russian River is a flow regulated stream and flows are likely to be higher in April and May than other coastal streams and less likely to be subject to a low flow closure due to water releases. Conforming the low flow closure season with the end of the adult steelhead fishing season on Mendocino, Sonoma, and Marin County coastal streams helps simplify regulations and reduces confusion between the fishing season and low flow closure season and it would not significantly impact the Russian River steelhead population in the event of low flow conditions in the months of April and May.

Proposal: Amend Subsection (b) of Section 8.00, Low-Flow Restrictions

Revise Section 8.00 (b) to redefine the season of the Special Low Flow Conditions to coincide with the end of the adult steelhead fishing season on March 31.

CRAYFISH

In alignment with the proposal to close Rock Creek to fishing to protect Shasta crayfish, Section 5.35 would need to be amended to add Rock Creek to the list of waters where take of crayfish is prohibited. Rock Creek is in the Hat Creek Drainage in Shasta County.

Proposal: Amend Section 5.35, Crayfish

Amend Section 5.35 to add Rock Creek to the list of waters where fishing for crayfish is prohibited.

STEELHEAD REPORT AND RESTORATION CARD REQUIREMENTS

Department staff reassessed the fisheries management objectives of the Steelhead Report and Restoration Card and determined that the data being collected, location codes, and reporting instructions and requirements can be simplified. In order to accomplish this, verbiage within Section 5.88 must be changed.

Proposal: Amend Section 5.88, Steelhead Report and Restoration Card Requirements

Remove reference to "wild" steelhead because it is not legal to retain a wild steelhead, and remove the requirement to report the number of hours that were fished for steelhead.

SPORT FISHING REPORT CARD REQUIREMENTS

CCR Section 1.74 establishes guidelines for report card regulations including reporting harvest authorized by a report card; however, this section does not include a mechanism for confirmation that data from a report card has been reported. This proposal requires report card holders who submit data online to write the provided confirmation number on their report card and retain the report card until for 90 days after the reporting deadline.

When a report card is lost, a licensee may wish to obtain a duplicate, or may simply need to fulfill the harvest reporting requirement before the reporting deadline. Section 1.74 does not currently provide guidelines for licensees who have lost their report card and need to report their harvest, but do not need to obtain a duplicate report card. This proposal updates procedures regarding lost report cards to provide guidelines for obtaining a duplicate report card, and also for reporting harvest from a lost report card without obtaining a duplicate report card.

Proposal: Amend Section 1.74, Sport Fishing Report Card Requirements

Amend Section 1.74 to update procedures for reporting online and for lost report cards.

RESTRICT LEADER LENGTH TO LESS THAN SIX FEET TO REDUCE POTENTIAL FOUL-HOOKING (SNAGGING) OF SALMON AND STEELHEAD

The Department and the Fish and Game Commission (Commission) have struggled for years to eliminate and/or regulate snagging salmon. This has proven difficult given some of the spawning aggregations, habitat, and creative snagging techniques that have evolved over time. Water operations, changes in angling ethics, and population growth likely have also contributed to this ongoing problem. After struggling with these issues statewide, the Commission directed the Department to find a solution.

In 2014, the Department formulated a snagging working group to help evaluate the issue through a structured decision making process. Department staff and angling stakeholders participated in multiple meetings. One action resulting from this effort was a directed study to assess the efficacy of a reduced leader length in relation to the "flossing" fishing techniques based angling/snagging rig. Although this technique/rig is not the only gear that can be used to purposefully foul-hook salmon, it is currently legal and very effective when used in the right habitat (Feather, American, Sacramento, Yuba, and Klamath rivers) with high densities of spawning/migrating salmon. The results of the study showed a significant correlation with foul-hooking (82-94%) regardless of the leader length and a reduction in landing rates for the shortest leader.

Proposal: Add Section 205 to Title 14, Leader Length Restriction

Add the leader length restriction to Title 14, Chapter 2, Article 1, to reduce foul-hooking of salmon and steelhead in anadromous waters.

Minor Editorial Corrections for Clarity

In addition to the above proposals, minor editorial corrections are proposed to correct typographical errors and to improve regulation clarity.

Benefits of the Proposed Regulations

It is the policy of this state to encourage the conservation, maintenance, and utilization of the living resources of the ocean and inland waters under the jurisdiction and influence of the state for the benefit of all the citizens of the State. In addition, it is the policy of this state to promote the development of local California fisheries in harmony with federal law respecting fishing and the conservation of the living resources of the ocean and inland waters under the jurisdiction and influence of the State. The objectives of this policy include, but are not limited to, the maintenance of sufficient populations of all species of aquatic organisms to ensure their continued existence and the maintenance of a sufficient resource to support a reasonable sport use. Adoption of scientifically-based trout and salmon seasons, size limits, and bag and possession limits provides for the maintenance of sufficient populations of trout and salmon to ensure their continued existence.

The benefits of the proposed regulations are concurrence with Federal law, sustainable management of California's trout and salmon resources, and promotion of businesses that rely on recreational sport fishing in California.

Consistency and Compatibility with Existing Regulations

The proposed regulations are neither inconsistent nor incompatible with existing state regulations. Section 20, Article IV, of the State Constitution specifies that the Legislature may delegate to the Fish and Game Commission such powers relating to the protection and propagation of fish and game as the Legislature sees fit. The Legislature has delegated to the Commission the power to adopt sport fishing regulations (sections 200, 202 and 205, Fish and

Game Code). The Commission has reviewed its own regulations and finds that the proposed regulations are neither inconsistent nor incompatible with existing state regulations. The Commission has searched the California Code of Regulations and finds no other state agency regulations pertaining to sport fishing.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in Spring Hill Suites by Marriott, 900 El Camino Real, Atascadero, CA, on Wednesday, October 11, 2017, at 8:00 a.m., or as soon thereafter as the matter may be heard.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the Handlery Hotel, 950 Hotel Circle, North San Diego, CA, on Wednesday December 6, 2017, at 8:00 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before 5:00 p.m., November 22, 2017 at the address given below, or by email to FGC@fgc.ca.gov. Written comments mailed, or emailed to the Commission office, must be received before 12:00 noon on December 1, 2017. All comments must be received no later than December 6, 2017, at the hearing in San Diego, CA. If you would like copies of any modifications to this proposal, please include your name and mailing address.

Availability of Documents

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulation in underline and strikeout format can be accessed through the Commission's website at www.fgc.ca.gov. The regulations as well as all related documents upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Valerie Termini, Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to Valerie Termini or Sheri Tiemann at the preceding address or phone number. **Kevin Shaffer, Chief, Fisheries Branch, Department of Fish and Wildlife, [(916) 327-8841] or kevin.shaffer@wildlife.ca.gov], has been designated to respond to questions on the substance of the proposed regulations.**

Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15-day comment period, and the Commission will exercise its powers under Section 265 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in Sections 11343.4, 11346.4 and 11346.8 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

Impact of Regulatory Action/Results of the Economic Impact Assessment

The Department assessed the potential for significant statewide adverse economic impacts that might result from the proposed regulatory action, and made the following initial determinations relative to the required statutory categories:

(a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action is not anticipated to have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states because the expected impact of the proposed regulations on the amount of fishing activity is anticipated to be minimal relative to recreational angling effort statewide.

(b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California; Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment:

The expected impact of the proposed regulations on the amount of fishing activity is anticipated to be minimal relative to recreational angling effort statewide. Therefore, the Commission does not anticipate any impacts on the creation or elimination of jobs, the creation of new business, the elimination of existing business or the expansion of businesses in California.

The Commission anticipates benefits to the health and welfare of California residents. Providing opportunities for a salmon and trout sport fishery encourages consumption of a nutritious food.

The Commission does not anticipate any non-monetary benefits to worker safety.

The Commission anticipates benefits to the environment by the sustainable management of California's sport fishing resources.

(c) Cost Impacts on a Representative Private Person or Business:

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

(d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

None.

(e) Nondiscretionary Costs/Savings to Local Agencies:

None.

(f) Programs Mandated on Local Agencies or School Districts:

None.

(g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code:

None.

(h) Effect on Housing Costs:

None.

Effect on Small Business

It has been determined that the adoption of these regulations may affect small business. The Commission has drafted the regulations in Plain English pursuant to Government Code Sections 11342.580 and 11346.2(a)(1).

Consideration of Alternatives

In view of information currently possessed, no reasonable alternative considered would be more effective in carrying out the purpose for which the regulation is proposed, would be as effective and less burdensome to affected private persons than the proposed regulation, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

FISH AND GAME COMMISSION

Dated: September 1, 2017

Valerie Termini
Executive Director



RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2017 SEP -8 AM 8:44

Edwin M. Lee, Mayor
Mohammed Nuru, Director San Francisco Public Works
Philip A. Ginsburg, General Manager, San Francisco Recreation and Parks

BOS-11

September 7, 2017

BY RZ

President Breed & Members of the Board of Supervisors
San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102

Re: Proposed ordinance revising Administrative Code Ch. 6 to require Project Labor Agreement (PLA) (File No. 170205)

To: Honorable Members of the Board of Supervisors

The Board of Supervisors is presently considering legislation that would mandate implementation of a Project Labor Agreement (PLA) for essentially all San Francisco Public Works and Recreation and Park Department construction projects. As the Controller's Office noted in its March 18, 2016 report, *Risk-benefit Assessment of a Citywide Project Labor Agreement*, PLAs can serve a useful and stabilizing function for large capital projects with multiple trades, or when covering a large geographic area. In its current form, the proposed legislation is significantly broader and we believe it would have a detrimental impact on the delivery of capital projects. As drafted, the legislation would drive up costs and reduce capital investment in our neighborhoods.

The proposed legislation would conflict with and impede social contracting policies this Board of Supervisors has traditionally supported, potentially impacting local women- and minority-owned businesses and job opportunities for communities that historically have faced barriers to employment.

It is difficult to find other jurisdictions that have executed a PLA this way. According to the Controller's research, some jurisdictions have passed legislation "recommending" negotiation of a PLA for certain types of projects. Some jurisdictions "require" a PLA when certain conditions are present and significant thresholds met. In many jurisdictions, a detailed PLA is negotiated *before* it is ratified by ordinance. The federal government, through an executive order by President Obama, *recommends* that federal agencies *consider* forming PLAs on projects over \$25 million. But we can find no example of another major municipality in the country that passed a law requiring a PLA for all projects in perpetuity without drafting the content of the agreement.

For these reasons, and as explained in further detail below, we encourage the Board to continue its work with our labor partners to craft stronger legislation that supports workforce development, training and effective project delivery, but without these serious unintended impacts.

A. In its current form, the PLA Legislation would negatively impact the cost and scope of capital project delivery.

This legislation currently requires a PLA- mandating pre-negotiated wage and benefit packages, union trust fund fees, and restricted labor sources – on all construction work in excess of \$1 million. In its present form, this one-size-fits-all approach would apply regardless of the size and type of contractor and subcontractors, the size or scope of the project, project budget, or desired community outcomes. As noted by the Controller, this type of PLA can result in a chilling effect on bid competition because some contractors are not large enough to afford or administer the negotiated requirements. Almost all of our projects are procured through a competitive process and a higher number of bidders usually equates to a lower price. In an up-market such as the current one, many construction firms avoid public sector work. Our departments are already challenged by projects that receive only one, two, or even no bids. Because of construction cost escalation and diminishing competition, over the last two years we have seen bids come in as high as 140 percent over initial engineer estimates and our organizations are struggling to deliver projects on budget and as scoped.

According to the Controller, no other major City in the United States has a law mandating a cookie-cutter PLA at a \$1 million-trigger threshold that has been proposed. One reason for this is that not all projects are suitable for a PLA. Our construction portfolio spans from billion-dollar hospitals to fences, tree-trimming and curb cuts. The Recreation and Park Department has successfully been able to leverage public investment with millions of dollars of philanthropic support contingent on creative and collaborative construction management strategies. The successful execution of our work depends on working closely with a pool of hundreds of contractors.

As general fund departments, we fear that the time and financial costs of a PLA would diminish our ability to deliver projects to the public effectively.

B. In its current form, the PLA legislation would negatively impact the Board of Supervisors' longstanding social contracting goals.

The proposed PLA legislation potentially undercuts San Francisco's long-standing and successful programs that support workers and promote the growth of local businesses.

For decades, the Board of Supervisors has pioneered and promoted protections for workers, equality in contracting and local economic development. The purpose of these programs is to take on the complex challenges of unemployment, educating workforces and opening industries that traditionally have been closed to women and minorities. No city in the United States has initiatives – prevailing wage, paid parental leave, equal benefits, local hire, workforce training and apprenticeship programs and promotion of local businesses – as robust and effective as ours.

It takes decades of commitment to address equity-focused contracting reforms. Over time, we have heled to develop a healthy pool of certified Local Business Enterprises (LBEs). Indeed, San Francisco is home to more than 1,400 LBE firms. Of those, 83 percent are micro-LBEs – the smallest and up-and-coming construction companies. In Fiscal Year 2016, our two departments alone awarded more than 50 construction contracts worth more than \$220 million to LBEs. When small, owner-operated businesses are forced to be a party to a PLA, they may literally be legislated out of contracts.

On Public Works projects estimated between \$10,000 and \$10 million, LBEs received a 10 percent bid discount. This means their bids are reduced by 10 percent to provide them with competitive advantage over non-LBE bidders. The bid discount is advantageous because most of the City's Public Works projects are awarded to the lowest responsive, responsible bidder. On projects estimated between \$10 million and \$20 million, LBEs receive a 2 percent bid discount. Setting a PLA threshold at \$1 million undercuts this contracting preference.

C. The current PLA legislation should be refined.

According to the Controller's report, there is no compelling evidence that the public would realize significant benefits from a mandatory citywide PLA. The report notes that a PLA is not likely to help City residents with wages, benefits or employment, or is it likely to improve the City's ability to deliver on-time and on-budget projects and spend public money wisely. In short, this legislation feels not only like a solution without a problem, but a solution that exacerbates problems that City policies are trying to solve.

If the Board of Supervisors chooses to proceed, we strongly encourage the Board of Supervisors to significantly increase the thresholds for project covered under a PLA and limit their application to large projects with multiple trades or projects covering a large geographic area where it would be useful to have a single source for skilled labor.

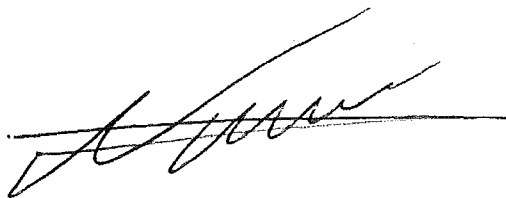
The legislation should exempt philanthropic gifts, which would be foolish to discourage with higher construction costs and administrative burdens. We also encourage the Board to draft legislation that ensures the continued success of our LBE programs and does not diminish bid competition.

While we are unable to support the proposed legislation in its current form because of the issues we've addressed, we look forward to working with you to refine the proposal.

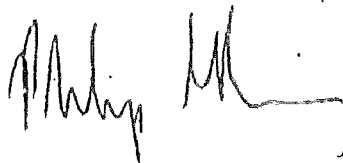
Sincerely,



Naomi M. Kelly
City Administrator



Mohammed Nuru
Director, Public Works



Phil Ginsburg
General Manager, Recreation and Parks Department

cc: Angela Calvillo, Clerk
San Francisco Board of Supervisors

18

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

9/6/2017

2017 SEP 11 PM 2:58

Angela Calvillo
Clerk of the Board
City Hall
1 Dr. Carleton B. Goodlet Place, Room 244
San Francisco, CA 94102

BY JP


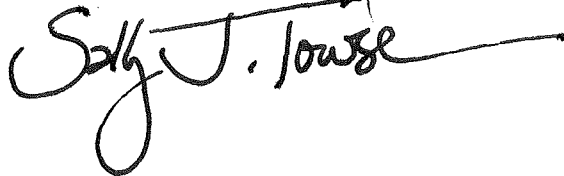
Re: Board of Supervisors File No. 170907 (Julius' Castle)

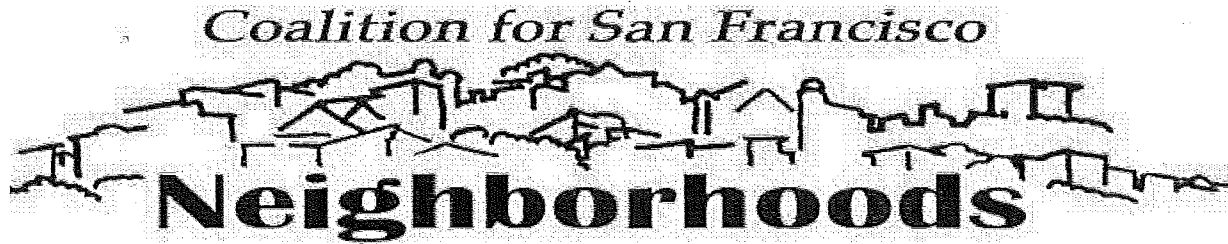
We strongly support the Planning Commission decision of 6/28/2017 to return Julius' Castle to its historic use as a restaurant. We have lived within 300 feet of the building for the last 14 years and are looking forward to it being able to re-open. We had no objections to its operation during the 7 years it was open that we lived here. It is one of the few historic legacy restaurants still in their original location in San Francisco. It has been a restaurant in that location since 1923 and has been an integral part of the neighborhood. Until 2000 it was one of two very popular restaurants on that block of Montgomery.

The restaurant is part of a vibrant part of the city and part of why we live here. Minor noise and traffic issues are part of living in this part of the city. The owner has worked extensively with neighbors and other stakeholders to negotiate a set of restrictions on allowed hours of operation and deliveries, traffic restrictions, vehicle sizes, and many other issues to minimize its impact. We have eaten at Julius' Castle many times over the years. One of us (Burton) had his first restaurant meal at a white tablecloth establishment there in 1944 (lunch – it was chicken a la king). We urge you to allow Julius' Castle to reopen.

Thank You,

Burton Kendall
Sally Towse
34 Darrell Pl.
San Francisco, CA 94133



www.csfn.net • PO Box 320098 • San Francisco CA 94132-0098 • Est 1972

August 17, 2017

TO: San Francisco Board of Supervisors, San Francisco Police Department,
San Francisco District Attorney

FROM: George Wooding, President, Coalition for San Francisco Neighborhoods

Resolution on Rental Car Identification/Auto Burglaries

WHEREAS, San Francisco has the highest rate of auto burglaries per capita of any major American city; and

WHEREAS, neighborhoods frequented by tourists with rental cars are especially plagued by smash-and-grab burglars who see identified rental autos as a lucrative opportunity to steal luggage and other items left in parked vehicles; and

WHEREAS, tourists and others renting such autos may be unaware of the danger of leaving luggage and other items in their parked rental cars in San Francisco, and burglars know that tourists may be unable to return to San Francisco to testify in criminal prosecutions of suspected burglars; and

WHEREAS, rental vehicles attract burglars to neighborhoods who also commit smash-and-grab burglaries on residents' vehicles and homes; and

WHEREAS, this criminal activity has a negative impact both on our tourist economy and on local residents and merchants; and



www.csfn.net • PO Box 320098 • San Francisco CA 94132-0098 • Est 1972

WHEREAS, the City of San Francisco and its departments and agencies, and the Superior Court, do not provide an accessible transparent system for the public to track accountability for property crimes including home and auto burglaries, and these agencies do not coordinate with each other to provide such information in an accessible form to the public;

WHEREAS, the San Francisco Board of Supervisors is likely to hold hearings on related legislation in the coming months;

WHEREAS, the Coalition of San Francisco Neighborhoods (the "Coalition") wishes to have the City of San Francisco take action to have the concerns expressed herein recognized and considered by whatever means may be available;

NOW THEREFORE BE IT RESOLVED, That (A) the Coalition urges the Board of Supervisors to approve and the Mayor to sign legislation revising the Police Code to require rental car companies to provide written disclosures to customers advising them to remove valuables from their cars and lock the doors, and to prohibit advertising and visible barcodes on rental vehicles rented in the City or at San Francisco International Airport; and (B) the Coalition urges the Board of Supervisors to approve and the Mayor to sign legislation and take other measures necessary to create accountability for and track outcomes for property crimes including home and auto burglaries and those convicted of such crimes; and (C) the President of the Coalition and, as designed by the President, representatives of one of more members of the Coalition are hereby authorized, jointly and severally, to take any and all actions which the President deems necessary or appropriate in seeking to have the concerns expressed herein recognized and resolved in any relevant legislation or implementation measures.

BOARD of SUPERVISORS



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

MEMORANDUM

Date: September 06, 2017
To: Honorable Members, Board of Supervisors
From: *ACC* Angela Calvillo, Clerk of the Board
Subject: APPOINTMENT BY THE MAYOR

The Mayor has submitted the following reappointment:

- **Al Perez** to the **Entertainment Commission**, term ending July 01, 2021.

Pursuant to Charter, Section 4.117, this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board.

If the Board fails to act on the nomination within 60 days of September 5, 2017, then the nominee shall be deemed approved.

A motion appointing/rejecting the appointment will be prepared and scheduled before the Rules Committee.

(Attachments)

OFFICE OF THE MAYOR
SAN FRANCISCO



EDWIN M. LEE
MAYOR

September 5, 2017

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

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2017 SEP -5 PM 3:49

Dear Ms. Calvillo,

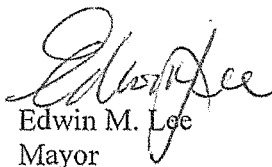
Pursuant to Section 4.117 of the Charter of the City and County of San Francisco, I hereby make the following reappointment:

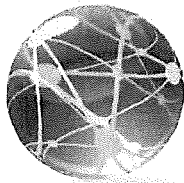
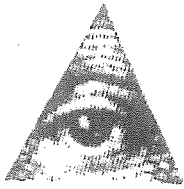
Al Perez to the Entertainment Commission, for a term ending July 1, 2021

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

Should you have any questions related to this appointment, please contact my Deputy Chief of Staff, Francis Tsang, at 415-554-6467.

Sincerely,


Edwin M. Lee
Mayor



AL PEREZ

131 Concord Street
San Francisco, CA 94112
415. 987. 9170 // Mobile
alsperez@pacbell.net

EXPERTISE

Project Management | Detail oriented while coordinating projects with sales representatives, account managers, communication managers, creative staff, vendors and manufacturers to exceed clients' expectations.

Department Management | Proven experience in creative problem solving and improving operating efficiencies. Supervised creative staff, prioritized work loads, hired and managed production staff. Resourceful as a manager, good listener, communicator and motivator. Skilled rapport builder and negotiator in client, supplier and vendor relations. Optimistic attitude brings out the best in workplace team spirit, creativity and productivity.

Art Direction | A guru in seeing the big picture, directing all aspects of a marketing campaign including logo development, promotional materials, direct mail, advertising, web site design, TV spots and online marketing. Consistently delivers highly creative communication materials, corporate identity systems, marketing programs, and product rollouts on-time and on-budget.

EXPERIENCE

Project Manager

San Francisco-Shanghai Sister City Committee | 2010
Managed the production of all marketing and graphics materials for "San Francisco Week in Shanghai at the World Expo," including event branding, collateral materials, print ads and onsite signage. Led a team of 6 to design and produce a commemorative 30th Anniversary book and the delegate guidebook. Supported onsite staff during VIP reception, fashion show, Gala dinner and tour at the World Expo.

Special Events Manager

Filipino Heritage Games Series | 2008 – Present
Coordinated with various professional sports franchises to produce cultural celebrations at the SF Giants, Oakland Raiders, Oakland A's, Golden State Warriors, Sacramento Kings and San Jose Earthquakes. Booked talent, managed the marketing campaign, community grassroots promotion, supervised the VIP hospitality and managed production staff. 2010 event with the Giants was the most successful special event in the company's history with 10,000 tickets sold.

Independent Contractor

George P Johnson Company | 2009 – Present
Successfully worked as pre-event and onsite staff for:
Salesforce Dreamforce, San Francisco (2010 - 2015)
Cisco Global Sales Experience, Las Vegas (2014 - 2015)
Schwab IMPACT, Denver (2014), Boston (2015)
Gartner Symposium IT XPO, Orlando (2014 - 2015)
Oracle OpenWorld, San Francisco (2009 - 2014)
Cisco Live!, San Diego (2015)
BlackBerryWorld, Orlando (2012)

Executive Director

Pistahan Filipino Parade and Festival | 08/01 – Present
Produced the largest celebration of Filipino art and culture in the country, held at the Yerba Buena Gardens with 60,000 attendees. Negotiated corporate sponsorships, recruited festival exhibitors, managed the marketing campaign, supervised the live entertainment production on two stages, coordinated the parade, led an all-volunteer staff of 200 passionate and motivated people.

Independent Contractor

Creative i Studio | 02/02 – Present

Led award-winning studio staff in producing various advertising, event marketing and corporate identity programs for Fortune 500 and start-up companies. Directed design projects to effectively articulate client's message and brand identity. Managed, designed and produced design programs for tradeshow, incentive travel and corporate events.

Creative Director

AsianWeek | 10/07 – 12/08

Managed creative and editorial projects from concept to completion, translating marketing objectives into creative strategies. Supervised the newsroom staff in the weekly production of *AsianWeek*, both in print and online, as well as inception of double issues, new columns, special features and blogs. Directed the redesign of *AsianWeek.com*. Ensured high quality of work created for advertising projects, marketing collateral and sales presentations.

Director, Creative Services

The Meeting Architects | 11/00 – 02/02

Overhauled day-to-day operations by implementing a streamlined work-flow and centralized work-in-progress database system that resulted in 30% increased efficiency. Managed a team of five graphic designers and mentored them to self-manage production timelines, project budgets and client expectations. Improved the quality of creative work, which culminated into a marketing campaign winning a First Place SITE Crystal Award.

Art Director

Bank of America | 10/99 – 10/00

Key team member during the bank's transition to its new brand identity, providing art direction for advertising, print collateral, merchandising campaigns, web pages and other marketing initiatives. Made strategic and creative decisions in collaboration with business partners and "brand police" on the bank's Winter Olympic Adventure – a mobile marketing experience complete with a museum, theater, informational exhibits and interactive activities that traveled to 20 states and a final stop to Utah as the Bank's promotional presence at the Salt Lake Winter Olympics.

AWARDS

2012 Presidential Award for Filipino Individuals Overseas,
by Philippine President Benigno Aquino III

2010 Presidential Citation,
by Philippine President Gloria Macapagal Arroyo

Certificate of Recognition, by State Senator Jackie Speier

Certificate of Honor, by San Francisco Mayor Gavin Newsom

MEMBERSHIP

San Francisco Entertainment Commission, *Commissioner*
San Francisco-Manila Sister City Committee

- » 2014 Business, Cultural and Rebuilding Mission with Mayor Lee
- » 2006 Cultural and Trade Mission to Manila with Mayor Newsom
- » 2005 Presidential Award Mission to Manila with Mayor Brown
- San Francisco-Shanghai Sister City Committee
- » 2010 San Francisco Week in Shanghai at the World Expo
- Asian American Heritage Street Celebration, *Steering Committee*
- Filipina Women's Network, *Board Member*

STATEMENT OF ECONOMIC INTERESTS
COVER PAGE

 Date Initial Filing
 Received
 Official Use Only

 E-Filed
 04/03/2017
 17:37:08

 Filing ID:
 164559755

Please type or print in ink.

 NAME OF FILER (LAST) (FIRST) (MIDDLE)
 Perez Jr., Alfonso S.
1. Office, Agency, or Court

Agency Name (Do not use acronyms)

City and County of San Francisco

Division, Board, Department, District, if applicable

Your Position

Entertainment Commission

Commissioner

▶ If filing for multiple positions, list below or on an attachment. (Do not use acronyms)

Agency: _____ Position: _____

2. Jurisdiction of Office (Check at least one box)☐ State☐ Judge or Court Commissioner (Statewide Jurisdiction)☐ Multi-County _____☒ County of San Francisco☐ City of _____☐ Other _____**3. Type of Statement (Check at least one box)**☒ Annual: The period covered is January 1, 2016, through December 31, 2016☐ Leaving Office: Date Left ____/____/____
(Check one)

-or-

The period covered is ____/____/____, through December 31, 2016

☐ The period covered is January 1, 2016, through the date of leaving office.☐ Assuming Office: Date assumed ____/____/____☐ The period covered is ____/____/____, through the date of leaving office.☐ Candidate: Election Year _____ and office sought, if different than Part 1: _____**4. Schedule Summary (must complete)**▶ Total number of pages including this cover page: 6**Schedules attached**☐ Schedule A-1 - Investments - schedule attached☒ Schedule C - Income, Loans, & Business Positions - schedule attached☒ Schedule A-2 - Investments - schedule attached☐ Schedule D - Income - Gifts - schedule attached☒ Schedule B - Real Property - schedule attached☐ Schedule E - Income - Gifts - Travel Payments - schedule attached

-or-

☐ None - No reportable interests on any schedule**5. Verification**
 MAILING ADDRESS STREET CITY STATE ZIP CODE
 (Business or Agency Address Recommended - Public Document)

San Francisco

CA

94112

DAYTIME TELEPHONE NUMBER

()

E-MAIL ADDRESS

I have used all reasonable diligence in preparing this statement. I have reviewed this statement and to the best of my knowledge the information contained herein and in any attached schedules is true and complete. I acknowledge this is a public document.

I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

 Date Signed 04/03/2017
 (month, day, year)

 Signature Alfonso S. Perez Jr.
 (File the originally signed statement with your filing official.)

SCHEDULE A-2

Investments, Income, and Assets of Business Entities/Trusts

(Ownership Interest is 10% or Greater)

CALIFORNIA FORM 700
FAIR POLITICAL PRACTICES COMMISSION

Name

Perez Jr., Alfonso S.

1. BUSINESS ENTITY OR TRUST

George P Johnson

Name

San Carlos, CA 94070

Address (Business Address Acceptable)

Check one

☐ Trust, go to 2☒ Business Entity, complete the box, then go to 2**GENERAL DESCRIPTION OF THIS BUSINESS**

Event Management Company

FAIR MARKET VALUE

IF APPLICABLE, LIST DATE:

☐ \$0 - \$1,999☐ \$2,000 - \$10,000☐ \$10,001 - \$100,000☐ \$100,001 - \$1,000,000☒ Over \$1,000,000

ACQUIRED

DISPOSED

NATURE OF INVESTMENT

☐ Partnership☐ Sole Proprietorship☒ Employee-Owner

Other

YOUR BUSINESS POSITION My husband, Ken Marquis is an**1. BUSINESS ENTITY OR TRUST**

Creative i Studio

Name

San Francisco, CA 94112

Address (Business Address Acceptable)

Check one

☐ Trust, go to 2☒ Business Entity, complete the box, then go to 2**GENERAL DESCRIPTION OF THIS BUSINESS**

Freelance Graphic Design Studio

FAIR MARKET VALUE

IF APPLICABLE, LIST DATE:

☐ \$0 - \$1,999☐ \$2,000 - \$10,000☒ \$10,001 - \$100,000☐ \$100,001 - \$1,000,000☐ Over \$1,000,000

ACQUIRED

DISPOSED

NATURE OF INVESTMENT

☐ Partnership☒ Sole Proprietorship

Other

YOUR BUSINESS POSITION Creative Director**2. IDENTIFY THE GROSS INCOME RECEIVED (INCLUDE YOUR PRO RATA SHARE OF THE GROSS INCOME TO THE ENTITY/TRUST)**☐ \$0 - \$499☒ \$10,001 - \$100,000☐ \$500 - \$1,000☐ OVER \$100,000☐ \$1,001 - \$10,000**3. LIST THE NAME OF EACH REPORTABLE SINGLE SOURCE OF INCOME OF \$10,000 OR MORE (Attach a separate sheet if necessary)**☒ None or ☐ Names listed below**4. INVESTMENTS AND INTERESTS IN REAL PROPERTY HELD OR LEASED BY THE BUSINESS ENTITY OR TRUST**

Check one box:

☐ INVESTMENT☐ REAL PROPERTYName of Business Entity, if investment, or
Assessor's Parcel Number or Street Address of Real PropertyDescription of Business Activity or
City or Other Precise Location of Real Property

FAIR MARKET VALUE

IF APPLICABLE, LIST DATE:

☐ \$2,000 - \$10,000☐ \$10,001 - \$100,000☐ \$100,001 - \$1,000,000☐ Over \$1,000,000

ACQUIRED

DISPOSED

NATURE OF INTEREST

☐ Property Ownership/Deed of Trust☐ Stock☐ Partnership☐ Leasehold

Yrs. remaining

☐ Other☐ Check box if additional schedules reporting investments or real property are attached**2. IDENTIFY THE GROSS INCOME RECEIVED (INCLUDE YOUR PRO RATA SHARE OF THE GROSS INCOME TO THE ENTITY/TRUST)**☐ \$0 - \$499☒ \$10,001 - \$100,000☐ \$500 - \$1,000☐ OVER \$100,000☐ \$1,001 - \$10,000**3. LIST THE NAME OF EACH REPORTABLE SINGLE SOURCE OF INCOME OF \$10,000 OR MORE (Attach a separate sheet if necessary)**☒ None or ☐ Names listed below**4. INVESTMENTS AND INTERESTS IN REAL PROPERTY HELD OR LEASED BY THE BUSINESS ENTITY OR TRUST**

Check one box:

☐ INVESTMENT☐ REAL PROPERTYName of Business Entity, if investment, or
Assessor's Parcel Number or Street Address of Real PropertyDescription of Business Activity or
City or Other Precise Location of Real Property

FAIR MARKET VALUE

IF APPLICABLE, LIST DATE:

☐ \$2,000 - \$10,000☐ \$10,001 - \$100,000☐ \$100,001 - \$1,000,000☐ Over \$1,000,000

ACQUIRED

DISPOSED

NATURE OF INTEREST

☐ Property Ownership/Deed of Trust☐ Stock☐ Partnership☐ Leasehold

Yrs. remaining

☐ Other☐ Check box if additional schedules reporting investments or real property are attached

Comments:

SCHEDULE B **Interests in Real Property** (Including Rental Income)

CALIFORNIA FORM 700
FAIR POLITICAL PRACTICES COMMISSION

Name

Perez Jr., Alfonso S.

▶ ASSESSOR'S PARCEL NUMBER OR STREET ADDRESS

4130 Lake Tahoe Blvd

CITY

South Lake Tahoe

FAIR MARKET VALUE

IF APPLICABLE, LIST DATE:

☐ \$2,000 - \$10,000

☒ \$10,001 - \$100,000

☐ \$100,001 - \$1,000,000

☐ Over \$1,000,000

ACQUIRED

DISPOSED

NATURE OF INTEREST

☐ Ownership/Deed of Trust

☐ Easement

☐ Leasehold

Yrs. remaining

☒ Timeshare ownership

Other

IF RENTAL PROPERTY, GROSS INCOME RECEIVED

☒ \$0 - \$499

☐ \$500 - \$1,000

☐ \$1,001 - \$10,000

☐ \$10,001 - \$100,000

☐ OVER \$100,000

SOURCES OF RENTAL INCOME: If you own a 10% or greater interest, list the name of each tenant that is a single source of income of \$10,000 or more.

☒ None

▶ ASSESSOR'S PARCEL NUMBER OR STREET ADDRESS

131 Concord Street

CITY

San Francisco

FAIR MARKET VALUE

IF APPLICABLE, LIST DATE:

☐ \$2,000 - \$10,000

☐ \$10,001 - \$100,000

☒ \$100,001 - \$1,000,000

☐ Over \$1,000,000

ACQUIRED

DISPOSED

NATURE OF INTEREST

☒ Ownership/Deed of Trust

☐ Easement

☐ Leasehold

Yrs. remaining

☐

Other

IF RENTAL PROPERTY, GROSS INCOME RECEIVED

☐ \$0 - \$499

☐ \$500 - \$1,000

☐ \$1,001 - \$10,000

☒ \$10,001 - \$100,000

☐ OVER \$100,000

SOURCES OF RENTAL INCOME: If you own a 10% or greater interest, list the name of each tenant that is a single source of income of \$10,000 or more.

☐ None

Name(s) redacted

* You are not required to report loans from commercial lending institutions made in the lender's regular course of business on terms available to members of the public without regard to your official status. Personal loans and loans received not in a lender's regular course of business must be disclosed as follows:

NAME OF LENDER*

ADDRESS (Business Address Acceptable)

BUSINESS ACTIVITY, IF ANY, OF LENDER

INTEREST RATE

TERM (Months/Years)

_____% ☐ None

HIGHEST BALANCE DURING REPORTING PERIOD

☐ \$500 - \$1,000

☐ \$1,001 - \$10,000

☐ \$10,001 - \$100,000

☐ OVER \$100,000

☐ Guarantor, if applicable

NAME OF LENDER*

ADDRESS (Business Address Acceptable)

BUSINESS ACTIVITY, IF ANY, OF LENDER

INTEREST RATE

TERM (Months/Years)

_____% ☐ None

HIGHEST BALANCE DURING REPORTING PERIOD

☐ \$500 - \$1,000

☐ \$1,001 - \$10,000

☐ \$10,001 - \$100,000

☐ OVER \$100,000

☐ Guarantor, if applicable

Comments:

SCHEDULE C **Income, Loans, & Business Positions** (Other than Gifts and Travel Payments)

CALIFORNIA FORM 700
FAIR POLITICAL PRACTICES COMMISSION

Name
Perez Jr., Alfonso S.

1. INCOME RECEIVED

NAME OF SOURCE OF INCOME

Creative I Studio

ADDRESS (Business Address Acceptable)

San Francisco, CA 94112

BUSINESS ACTIVITY, IF ANY, OF SOURCE

Freelance Graphic Design Studio

YOUR BUSINESS POSITION

Creative Director

GROSS INCOME RECEIVED

☐ \$500 - \$1,000☒ \$10,001 - \$100,000☐ No Income - Business Position Only☐ \$1,001 - \$10,000☐ OVER \$100,000

CONSIDERATION FOR WHICH INCOME WAS RECEIVED

☒ Salary ☐ Spouse's or registered domestic partner's income
(For self-employed use Schedule A-2.)☐ Partnership (Less than 10% ownership. For 10% or greater use
Schedule A-2.)☐ Sale of _____
(Real property, car, boat, etc.)☐ Loan repayment☐ Commission or ☐ Rental income, list each source of \$10,000 or more

(Describe)

☐ Other _____
(Describe)**1. INCOME RECEIVED**

NAME OF SOURCE OF INCOME

George P Johnson

ADDRESS (Business Address Acceptable)

San Carlos, CA 94070

BUSINESS ACTIVITY, IF ANY, OF SOURCE

Event Management Company

YOUR BUSINESS POSITION

Independent Contractor

GROSS INCOME RECEIVED

☐ \$500 - \$1,000☒ \$10,001 - \$100,000☐ No Income - Business Position Only☐ \$1,001 - \$10,000☐ OVER \$100,000

CONSIDERATION FOR WHICH INCOME WAS RECEIVED

☐ Salary ☐ Spouse's or registered domestic partner's income
(For self-employed use Schedule A-2.)☐ Partnership (Less than 10% ownership. For 10% or greater use
Schedule A-2.)☐ Sale of _____
(Real property, car, boat, etc.)☐ Loan repayment☐ Commission or ☐ Rental income, list each source of \$10,000 or more

(Describe)

☒ Other Payment as an Independent Contractor
(Describe)**2. LOANS RECEIVED OR OUTSTANDING DURING THE REPORTING PERIOD**

* You are not required to report loans from commercial lending institutions, or any indebtedness created as part of a retail installment or credit card transaction, made in the lender's regular course of business on terms available to members of the public without regard to your official status. Personal loans and loans received not in a lender's regular course of business must be disclosed as follows:

NAME OF LENDER*

ADDRESS (Business Address Acceptable)

BUSINESS ACTIVITY, IF ANY, OF LENDER

HIGHEST BALANCE DURING REPORTING PERIOD

☐ \$500 - \$1,000☐ \$1,001 - \$10,000☐ \$10,001 - \$100,000☐ OVER \$100,000

INTEREST RATE

_____% ☐ None

TERM (Months/Years)

SECURITY FOR LOAN

☐ None☐ Personal residence☐ Real Property_____
Street address_____
City☐ Guarantor☐ Other_____
(Describe)

Comments: _____

SCHEDULE C
Income, Loans, & Business
Positions
 (Other than Gifts and Travel Payments)

CALIFORNIA FORM 700
 FAIR POLITICAL PRACTICES COMMISSION

Name

Perez Jr., Alfonso S.

1. INCOME RECEIVED	1. INCOME RECEIVED
NAME OF SOURCE OF INCOME <u>131-B Concord St</u> ADDRESS (Business Address Acceptable) <u>San Francisco, CA 94112</u> BUSINESS ACTIVITY, IF ANY, OF SOURCE <u>Rental Income</u> YOUR BUSINESS POSITION	NAME OF SOURCE OF INCOME <u>Kenneth Marquis - Freelance</u> ADDRESS (Business Address Acceptable) <u>San Francisco, CA 94112</u> BUSINESS ACTIVITY, IF ANY, OF SOURCE <u>Freelance Event Services Projects</u> YOUR BUSINESS POSITION <u>Spouse's Freelance Income</u>
GROSS INCOME RECEIVED <input type="checkbox"/> No Income - Business Position Only <input type="checkbox"/> \$500 - \$1,000 <input type="checkbox"/> \$1,001 - \$10,000 <input checked="" type="checkbox"/> \$10,001 - \$100,000 <input type="checkbox"/> OVER \$100,000	GROSS INCOME RECEIVED <input type="checkbox"/> No Income - Business Position Only <input type="checkbox"/> \$500 - \$1,000 <input checked="" type="checkbox"/> \$1,001 - \$10,000 <input type="checkbox"/> \$10,001 - \$100,000 <input type="checkbox"/> OVER \$100,000
CONSIDERATION FOR WHICH INCOME WAS RECEIVED <input type="checkbox"/> Salary <input type="checkbox"/> Spouse's or registered domestic partner's income (For self-employed use Schedule A-2.) <input type="checkbox"/> Partnership (Less than 10% ownership. For 10% or greater use Schedule A-2.) <input type="checkbox"/> Sale of _____ (Real property, car, boat, etc.) <input type="checkbox"/> Loan repayment <input type="checkbox"/> Commission or <input checked="" type="checkbox"/> Rental Income, list each source of \$10,000 or more _____ (Describe) <input type="checkbox"/> Other _____ (Describe)	CONSIDERATION FOR WHICH INCOME WAS RECEIVED <input type="checkbox"/> Salary <input type="checkbox"/> Spouse's or registered domestic partner's income (For self-employed use Schedule A-2.) <input type="checkbox"/> Partnership (Less than 10% ownership. For 10% or greater use Schedule A-2.) <input type="checkbox"/> Sale of _____ (Real property, car, boat, etc.) <input type="checkbox"/> Loan repayment <input type="checkbox"/> Commission or <input type="checkbox"/> Rental Income, list each source of \$10,000 or more _____ (Describe) <input checked="" type="checkbox"/> Other <u>Freelance Income</u> (Describe)

2. LOANS RECEIVED OR OUTSTANDING DURING THE REPORTING PERIOD

* You are not required to report loans from commercial lending institutions, or any indebtedness created as part of a retail installment or credit card transaction, made in the lender's regular course of business on terms available to members of the public without regard to your official status. Personal loans and loans received not in a lender's regular course of business must be disclosed as follows:

NAME OF LENDER*	INTEREST RATE	TERM (Months/Years)
ADDRESS (Business Address Acceptable)	_____ % <input type="checkbox"/> None	_____
BUSINESS ACTIVITY, IF ANY, OF LENDER	SECURITY FOR LOAN	
	<input type="checkbox"/> None <input type="checkbox"/> Personal residence	
	<input type="checkbox"/> Real Property _____	Street address
		City
HIGHEST BALANCE DURING REPORTING PERIOD	<input type="checkbox"/> Guarantor _____	
<input type="checkbox"/> \$500 - \$1,000	<input type="checkbox"/> Other _____	(Describe)
<input type="checkbox"/> \$1,001 - \$10,000		
<input type="checkbox"/> \$10,001 - \$100,000		
<input type="checkbox"/> OVER \$100,000		

Comments: _____

SCHEDULE C
Income, Loans, & Business
Positions
 (Other than Gifts and Travel Payments)

CALIFORNIA FORM 700 FAIR POLITICAL PRACTICES COMMISSION Name <u>Perez Jr., Alfonso S.</u>

▶ 1. INCOME RECEIVED

NAME OF SOURCE OF INCOME

George P Johnson

ADDRESS (Business Address Acceptable)

San Carlos, CA 94070

BUSINESS ACTIVITY, IF ANY, OF SOURCE

Event Management Company

YOUR BUSINESS POSITION

Spouse's Employment

GROSS INCOME RECEIVED

☐ \$500 - \$1,000☒ \$10,001 - \$100,000☐ No Income - Business Position Only☐ \$1,001 - \$10,000☐ OVER \$100,000

CONSIDERATION FOR WHICH INCOME WAS RECEIVED

☒ Salary ☐ Spouse's or registered domestic partner's income
(For self-employed use Schedule A-2.)☐ Partnership (Less than 10% ownership. For 10% or greater use
Schedule A-2.)☐ Sale of _____
(Real property, car, boat, etc.)☐ Loan repayment☐ Commission or ☐ Rental Income, list each source of \$10,000 or more_____
(Describe)☐ Other _____
(Describe)

▶ 1. INCOME RECEIVED

NAME OF SOURCE OF INCOME

Paramount Theatre

ADDRESS (Business Address Acceptable)

Oakland, CA 94612

BUSINESS ACTIVITY, IF ANY, OF SOURCE

Theatre and Movie presentation

YOUR BUSINESS POSITION

Event Usher and Tour Guide

GROSS INCOME RECEIVED

☐ \$500 - \$1,000☐ \$10,001 - \$100,000☐ No Income - Business Position Only☒ \$1,001 - \$10,000☐ OVER \$100,000

CONSIDERATION FOR WHICH INCOME WAS RECEIVED

☒ Salary ☐ Spouse's or registered domestic partner's income
(For self-employed use Schedule A-2.)☐ Partnership (Less than 10% ownership. For 10% or greater use
Schedule A-2.)☐ Sale of _____
(Real property, car, boat, etc.)☐ Loan repayment☐ Commission or ☐ Rental Income, list each source of \$10,000 or more_____
(Describe)☐ Other _____
(Describe)

▶ 2. LOANS RECEIVED OR OUTSTANDING DURING THE REPORTING PERIOD

* You are not required to report loans from commercial lending institutions, or any indebtedness created as part of a retail installment or credit card transaction, made in the lender's regular course of business on terms available to members of the public without regard to your official status. Personal loans and loans received not in a lender's regular course of business must be disclosed as follows:

NAME OF LENDER*

ADDRESS (Business Address Acceptable)

BUSINESS ACTIVITY, IF ANY, OF LENDER

HIGHEST BALANCE DURING REPORTING PERIOD

☐ \$500 - \$1,000☐ \$1,001 - \$10,000☐ \$10,001 - \$100,000☐ OVER \$100,000

INTEREST RATE

_____% ☐ None

TERM (Months/Years)

SECURITY FOR LOAN

☐ None☐ Personal residence☐ Real Property_____
Street address_____
City☐ Guarantor☐ Other_____
(Describe)

Comments: _____

Eventbrite

155 5th Street, Floor 7
San Francisco, CA 94105
eventbrite.com

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2017 SEP -6 PM 12:02

BY AK

September 1, 2017

Via Certified Mail

San Francisco Board of Supervisors
San Francisco Board of Supervisors
1 Doctor Carlton B. Goodlett Place
Room #244
San Francisco, CA 94102

Re: WARN Act Notice of Planned Action: Termination

Dear San Francisco Board of Supervisors:

This letter is to inform you that Eventbrite, Inc. ("Eventbrite") will implement layoffs at the following locations, beginning on August 30, 2017:

- Eventbrite's San Francisco office, located at 155 5th Street, San Francisco, CA 94103
- Ticketfly's San Francisco office, located at 111 Townsend Street, San Francisco, CA 94107
- Ticketfly's Oakland office, located at 2101 Webster St. 7th Floor Oakland, CA 94612
- Ticketfly's Toronto office, located at 181 Carlaw Avenue Suite 254 Toronto, ON M4M2S1 CANADA
- Remote employees

As part of this process, approximately 56 employees will be permanently terminated, as set forth in Exhibits A and B. All affected employees have been notified in writing via hand delivery or overnight mail (if unavailable for hand delivery) on or about August 30, 2017, of their separation dates and that their separation from employment will be permanent. Employees are expected to be separated from employment beginning on August 30, 2017, with all separations accomplished by June 1, 2018. Furthermore, to discharge any possible back pay requirement under the Federal and/or State Worker Adjustment Retraining Notification ("WARN") Act(s), Eventbrite has decided to pay to each affected employee a lump sum payment equal to 60 days' pay at that employee's regular rate of pay and make available the employee benefits affected employees would have received had they remained employed for the 60 days subsequent to termination.

There will not be any bumping rights for the affected employees, that is, employees will not be able to displace more junior employees out of their job positions as a result of these layoffs. None of the affected employees are represented by a union.

Eventbrite

155 5th Street, Floor 7
San Francisco, CA 94105
eventbrite.com

To the extent that the above action triggers any notification requirement pursuant to WARN, this letter is intended to fulfill any such requirements. By providing this information, Eventbrite does not concede that any WARN Act applies or that notice is otherwise required.

This notice is given based upon the best information available to Eventbrite at this time. If you have any questions or want additional information concerning this matter, please contact Samantha Harnett, VP, General Counsel, at 415-412-9994 or sharnett@eventbrite.com.

Sincerely,

A handwritten signature in black ink that reads "Samantha Harnett". The script is cursive and fluid.

Samantha Harnett
VP, General Counsel

Eventbrite

155 5th Street, Floor 7
San Francisco, CA 94105
eventbrite.com

EXHIBIT A

The following chart shows the job titles of positions affected and the number of employees being laid off in each job classification:

	Selected
Accounting Manager	1
Agile Coach Manager	1
Assistant Controller	1
Client Success Representative	3
Customer Support Representative	1
Engineering Manager	2
Facilities Coordinator	1
Field Assets Manager	2
Field Assets Representative	1
IT Engineer	1
Marketing Associate	1
Marketing Director	2
Product Director	1
Product Executive	1
Product Marketing Associate	1
QA Engineer	1
Receptionist	1
Recruiting Director	1
Release Engineer	1
Sales Operations Coordinator	2
Sales Representative	2
Senior Agile Coach	1
Senior Data Engineer	3
Senior Product Manager	1
Senior Recruiter	1

Eventbrite

155 5th Street, Floor 7
San Francisco, CA 94105
eventbrite.com

Senior Sales Representative	3
Senior Security Engineer	1
Senior Software Engineer	13
Senior Systems Engineer	1
Site Reliability Engineer	1
Software Engineer	2
Software Engineer: Back End	1
Staff Software Engineer	1
Grand Total	57

Eventbrite

155 5th Street, Floor 7
San Francisco, CA 94105
eventbrite.com

EXHIBIT B

The following chart shows a breakdown of the number of affected employees and their job titles by each lay-off location:

Lay-off location	Job Title	Number of layoffs
Eventbrite's San Francisco office, located at 155 5th Street, San Francisco, CA 94103	Sales Representative	1
	Senior Sales Representative	1
	QA Engineer	1
	Senior Systems Engineer	1
	Senior Software Engineer	1
Ticketfly's San Francisco office, located at 111 Townsend Street, San Francisco, CA 94107	Accounting Manager	1
	Agile Coach Manager	1
	Assistant Controller	1
	Engineering Manager	2
	Facilities Coordinator	1
	IT Engineer	1
	Marketing Associate	1
	Marketing Director	2
	Product Director	1
	Product Executive	1
	Product Marketing Associate	1

Eventbrite

155 5th Street, Floor 7
San Francisco, CA 94105
eventbrite.com

	Receptionist	1
	Recruiting Director	1
	Release Engineer	1
	Sales Operations Coordinator	2
	Senior Agile Coach	1
	Senior Data Engineer	3
	Senior Product Manager	1
	Senior Recruiter	2
	Senior Security Engineer	1
	Senior Software Engineer	9
	Site Reliability Engineer	1
	Software Engineer	1
	Software Engineer: Back End	1
	Staff Software Engineer	1
Ticketfly's Oakland office, located at 2101 Webster St. 7th Floor Oakland, CA 94612	Field Assets Manager	2
	Field Assets Representative	1
Ticketfly's Toronto office, located at 181 Carlaw Avenue Suite 254 Toronto, ON M4M2S1 CANADA	Client Success Representative	1
	Customer Support Representative	1
	Sales Representative	1

Eventbrite

155 5th Street, Floor 7
San Francisco, CA 94105
eventbrite.com

	Software Engineer	1
Remote	Client Success Representative	2 (Los Angeles, New York)
	Sales Representative	1 (Missouri)
	Senior Software Engineer	2 (Massachusetts, Wisconsin)
	Senior Sales Representative	1 (New York)

Bureau of Cannabis Control
1625 North Market Blvd, Suite S-202, Sacramento, CA 95834
P (800) 952-5210 | www.bcc.dca.ca.gov



RECEIVED
BOARD OF SUPERVISORS
2017 SEP -8 PM 4:15
BY AK

September 6, 2017

Subject: Notice of Intent to Adopt an Initial Study and Proposed Negative Declaration Regarding the Proposed Statewide Regulations for the Bureau of Cannabis Control's Commercial Cannabis Business Licensing Program

To Interested Parties:

NOTICE IS HEREBY GIVEN that the California Bureau of Cannabis Control (Bureau), as lead agency under the California Environmental Quality Act (CEQA), has prepared an Initial Study and is planning to adopt a proposed negative declaration for its commercial cannabis business licensing program (Proposed Program). The Bureau is making the Initial Study/Proposed Negative Declaration (IS/ND) available for public review.

PROGRAM LOCATION: The Proposed Program would occur statewide, in various locations within the state of California at licensed commercial cannabis distributors, retailers, testing laboratories, and microbusinesses.

PROJECT BACKGROUND: The overall purpose of the Proposed Program is to establish a regulatory licensing and enforcement program for commercial cannabis activities. The Proposed Program will ensure that medicinal and adult-use commercial cannabis activities are performed in a manner that avoids significant adverse impacts on the environment, cannabis industry workers, and the general public from the individual and cumulative effects of these commercial cannabis activities, and complies with applicable laws, including the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA).

The Proposed Program involves adoption of regulations to establish and implement a licensing program for medicinal and adult-use cannabis distributors, retailers, testing laboratories, and microbusinesses, in compliance with the requirements of MAUCRSA.

The Proposed Program regulations will be developed to achieve the following objectives:

- Create a comprehensive and coherent regulatory framework for an established industry that has not been regulated by the State.
- Establish minimum licensing requirements for commercial cannabis distributors, retailers, testing laboratories, and microbusinesses;
- Ensure that commercial cannabis is tested for quality, including the presence and amounts of mold, contaminants, and pesticides, prior to retail sale;
- Prescribe standards for the reporting of the movement of cannabis and cannabis products throughout the distribution chain (a "track and trace" system) and information related to the movement of cannabis and cannabis products for the different stages of commercial

cannabis activity, including, but not limited to distribution, retail sale, laboratory testing, and microbusiness operations; and

- Ensure a regulatory structure that prevents access to cannabis by persons without a physician's recommendation or who are under 21 years of age; protects public safety, public health, and the environment.

The Bureau would review cannabis business license applications and issue or deny licenses, inspect business premises to determine compliance with regulatory requirements, and conduct enforcement actions, which could include investigations, penalties, licensing actions, and/or destruction of cannabis plants and products.

The release of the IS/ND starts a 30-day public review and comment period to allow agencies and interested parties the opportunity to provide input on the environmental analyses associated with cannabis business licensing.

As the lead agency, the Bureau has prepared the IS/ND in accordance with CEQA. Based on the findings of the draft IS/ND, the Bureau has determined that the Proposed Program would not have any significant effects on the environment.

HAZARDOUS MATERIALS. Because the locations where licensed operations may be sited are currently unknown, it cannot be determined whether they would be located on sites on any of the lists enumerated under section 65962.5 of the Government Code including, but not limited to lists of hazardous waste facilities, land designated as hazardous waste property, and hazardous waste disposal sites, and the information in the Hazardous Waste and Substances Statement required under subdivision (f) of that section.

DOCUMENT AVAILABILITY: The IS/ND and supporting documents are available for download from the Bureau's website: www.bcc.ca.gov. Hard copies of the document can be reviewed at the Bureau's office in Sacramento (address shown below). To arrange to view documents at the Bureau's office during business hours, call (916) 574-7595. The document can also be reviewed electronically at libraries throughout the state that serve as document repositories; for a full list of locations, refer to the Bureau's website. CD-ROMs containing the document are available on request by calling (916) 574-7595 or emailing BCC.CEQAcomments@dca.ca.gov. A limited number of CD-ROMs will also be available at the public meetings in Long Beach, Fresno, and Sacramento. Printed copies are also available at cost plus postage, upon request, using the contact information above.

PUBLIC REVIEW PERIOD: The IS/ND is available for a 30-day public review and comment period, which begins on September 6, 2017, and ends at 5 p.m. on October 6, 2017. **Please send comments on the IS/ND at the earliest possible date, but postmarked no later than 5 p.m. on October 6, 2017, in order for your comments to be considered.**

Comments may be mailed to the following address:

Bureau of Cannabis Control
Attention: Sara Gardner
Attorney III
1625 North Market Boulevard, Suite S-202
Sacramento, CA 95834

Written comments may also be submitted by email to: BCC.CEQAcomments@dca.ca.gov. Emailed

comments are preferred, and should include your name, address, and daytime telephone number so a representative of the Bureau can contact you if clarifications regarding your comments are required.

All comments received, including names and addresses, will become part of the official public record.

PUBLIC MEETINGS: All interested persons are encouraged to attend the public meetings to present written and/or verbal comments on the IS/ND. Three public workshops will be held at the following locations and times:

- Long Beach, CA: Monday, September 18, 2017 from 6:00 to 8:00 p.m. at Long Beach Marriott, 4700 Airport Plaza Drive, Long Beach, CA 90815.
- Fresno, CA: Wednesday, September 20, 2017, from 6:00 to 8:00 p.m. at Fresno Convention Center, 838 M Street, Fresno, CA 93721.
- Sacramento, CA: Thursday, September 21, 2017, from 6:00 to 8:00 p.m. at Sacramento Convention Center, 1400 J Street, Sacramento, CA 95814.

Sincerely,



Lori Ajax
Chief, Bureau of Cannabis Control

Locations where IS/ND can be reviewed:

- Online: bcc.ca.gov
- Bureau of Cannabis Control, 1625 North Market Boulevard, Suite S-202, Sacramento, CA 95834
- Libraries throughout the state; see Bureau's website (bcc.ca.gov) for a list of locations

From: Board of Supervisors, (BOS)
Sent: Tuesday, September 05, 2017 5:52 PM
To: BOS-Supervisors
Subject: FW: Ford bikes

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

From: Erin Zuccaro [mailto:erin_zuccaro@yahoo.com]
Sent: Friday, September 01, 2017 8:03 PM
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Subject: Ford bikes

Dear Board of Supes,

I would like to know who decided these Ford bikes -- bikes that are not benefiting residents, but rather the Ford brand -- are more important than parking spots.

I am shocked that the tax paying citizens of SF were not allowed to decide if we wanted these bikes or not. Instead, you have seemingly let big business make the decision for us.

Who are these bikes catering to? Tourists? Residents who choose to use a bike have one of their own.

SF residents already find it hard enough to afford an apartment with parking; those who do not have the ability to do so must fend for themselves. You have now made it harder for them.

We need our parking spaces back. These bikes are an eye sore and a disservice to SF tax payers.

Thank you for your consideration.

Erin Zuccaro
Potrero Hill

From: Board of Supervisors, (BOS)
Sent: Tuesday, September 05, 2017 6:09 PM
To: BOS-Supervisors
Subject: FW: DOES SAN FRANCISCO CITY IS IN CONTROL OF
HOMELESS/CRIMINALS/THUGS/and Fare Evaders or NOT?

From: chris w [mailto:dragonflysfo@gmail.com]
Sent: Tuesday, September 05, 2017 2:41 PM
To: Lee, Mayor (MYR) <mayoredwinlee@sfgov.org>; Reiskin, Ed (MTA) <Ed.Reiskin@sfmta.com>; Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>; boardofdirectors@bart.gov; sfpdcommunityrelations@sfgov.gov; sfpd@sfgov.org
Subject: DOES SAN FRANCISCO CITY IS IN CONTROL OF HOMELESS/CRIMINALS/THUGS/and Fare Evaders or NOT?

TO WHOM IT MAY CONCERN!

WHEN DID THE HOMELESS and CRIMINALS and FARE EVADERS CONTROL the CITY and RIDE for FREE,to GO ALL OVER the CITY and BAY AREA!!

CRIME InCREASES and LAWLESSNESS is DUE to YOUR "IN ACTIONS" to Take BACK the CITY from all these BAD ELEMENTS...That make San Francisco and BAY AREA....MORE and MORE LIKE THIRD WORD CITY!!!

IGNORING or IN ACTIONS to these ISSUES is not the answer....YOU or TAXPAYERS of Lawful RESIDENTS will PAY MORE for your LACK OF ACTIONS and ATTENTION!!

WHEN did MUNI ,allow its DRIVERS and LRVs Operators...to IGNORE FARE EVADERS....NOT SAY ANYTHING!!...REALLY?...TRY THAT in any other BIG CITY TRANSIT SYSTEM!....OPENING ALL DOORS,and GIVING Fare Evaders and HOMELESS and Criminals "FREE RIDES".....to commit Crimes all over the city and Bay area...is UNLAWFUL and UNSAFE !!

ENFORCE the LAWS and Take Back Control of LAW AND ORDER of City and TRANSIT LAWS!!...or it will perpetuate the BAD HABITS and LAW BREAKERS!!

San Francisco Residents and Taxpayers!

From: West Area CPUC <WestAreaCPUC@VerizonWireless.com>
Sent: Tuesday, September 05, 2017 4:17 PM
To: CPC.Wireless; Administrator, City (ADM); Board of Supervisors, (BOS)
Cc: GO159Areports@cpuc.ca.gov; West Area CPUC
Subject: CPUC Notification - Verizon Wireless - San Francisco Small Cells 9-5-17
Attachments: CPUC Notification - Verizon Wireless - City of San Francisco Small Cells 9-5-17.pdf

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

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

Thank you



September 5, 2017

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

RE: Notification Letter for City of San Francisco Small Cells 9-5-17
San Francisco-Oakland, CA / GTE Mobilnet of California Limited Partnership / U-3002-C

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

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

Sincerely,

Melinda Salem
Engr IV Spec-RE/Regulatory
15505 Sand Canyon Avenue, Irvine, CA 92618
WestAreaCPUC@VerizonWireless.com

VZW LEGAL ENTITY	JURISDICTION	WIRELESS PLANNER	CITY ADMINISTRATOR	CLERK OF THE BOARD	COUNTY
GTE Mobinet of California Limited Partnership	City of San Francisco 1 Dr. Carlton B. Goodlett Pl San Francisco, CA 94102	CPC.Wireless@sfgov.org	city.administrator@sfgov.org	BoardofSupervisors@sfgov.org	San Francisco

CPUC Attachment A

Initial Build (new presence for Verizon Wireless)



Site Name	Site Address	Site APN	Site Coordinates (NAD 83)	Project Description	Number & Type of Antennas	Tower Design	Tower Appearance	Tower Height (in feet)	Size of Building or NA	Type of Approval	Approval Issue Date	Approval Effective Date	Approval Permit Number	Resolution Number
SF LM PH2 SC101	1190 Mission St. San Francisco, CA	N/A - public right-of-way	37 46 40.22 N 122 24 46.16 W	Telecommunications facility on an existing PGE brown pole in the public right of way. Installation involves: (1) Amphenol CWS070X06 antenna, (2) mRRUs, (1) electrical meter, (1) disconnect switch, and (2) fiber diplexers on existing brown PGE pole in the public right of way	1 cylindrical antenna	PGE brown pole	PGE brown pole (RAD of 31'-3")	32'-3	N/A	Wireless Box Permit	4/23/2015	5/23/2015	16WR-0554	N/A
Marina MRN011	2395 Francisco St. San Francisco, CA	N/A - public right-of-way	37 46 2.39 N 122 26 40.38 W	Telecommunications facility on an existing PGE brown pole in the public right of way. Installation involves: (1) Amphenol CWS070X06 antenna, (2) mRRUs, (1) electrical meter, (1) disconnect switch, and (2) fiber diplexers on existing brown PGE pole in the public right of way	1 cylindrical antenna	PGE brown pole	PGE brown pole (RAD of 31'-3")	32'-2	N/A	Wireless Box Permit	4/23/2015	5/23/2015	16WR-0011	N/A
SF LM PH3 SC131	325 China Basin St. San Francisco, CA	N/A - public right-of-way	37 46 19.90 N 122 23 14.95 W	Telecommunications facility on an existing PGE brown pole in the public right of way. Installation involves: (1) Amphenol CWS070X06 antenna, (2) mRRUs, (1) electrical meter, (1) disconnect switch, and (2) fiber diplexers on existing brown PGE pole in the public right of way	1 cylindrical antenna	PGE brown pole	PGE brown pole (RAD of 22'-6")	23'-10	N/A	Wireless Box Permit	4/23/2015	5/23/2015	N/A	N/A
SF LM PH3 SC132	459 Terry A. Francois Blvd. San Francisco, CA	N/A - public right-of-way	37 46 16.21 N 122 23 11.96 W	Telecommunications facility on an existing PGE brown pole in the public right of way. Installation involves: (1) Amphenol CWS070X06 antenna, (2) mRRUs, (1) electrical meter, (1) disconnect switch, and (2) fiber diplexers on existing brown PGE pole in the public right of way	1 cylindrical antenna	PGE brown pole	PGE brown pole (RAD of 33'-4")	33'-4	N/A	Wireless Box Permit	4/23/2015	5/23/2015	N/A	N/A
SF LM PH2 SC133	16 Terry A. Francois Blvd. San Francisco, CA	N/A - public right-of-way	37 46 11.84 N 122 23 10.48 W	Telecommunications facility on an existing PGE brown pole in the public right of way. Installation involves: (1) Amphenol CWS070X06 antenna, (2) mRRUs, (1) electrical meter, (1) disconnect switch, and (2) fiber diplexers on existing brown PGE pole in the public right of way	1 cylindrical antenna	PGE brown pole	PGE brown pole (RAD of 32'-8")	33'-10	N/A	Wireless Box Permit	4/23/2015	5/23/2015	N/A	N/A

Mchugh, Eileen (BOS)

From: West Area CPUC <WestAreaCPUC@VerizonWireless.com>
Sent: Wednesday, September 06, 2017 12:12 PM
To: CPC.Wireless; Administrator, City (ADM); Board of Supervisors, (BOS)
Cc: GO159Areports@cpuc.ca.gov; West Area CPUC
Subject: CPUC Notification - Verizon Wireless - City of San Francisco Small Cells 9-6-17
Attachments: CPUC Notification - Verizon Wireless - City of San Francisco Small Cells 9-6-17.pdf

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

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

Thank you



September 6, 2017

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

RE: Notification Letter for City of San Francisco Small Cells 9-6-17
San Francisco-Oakland, CA / GTE Mobilnet of California Limited Partnership / U-3002-C

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

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

Sincerely,

Melinda Salem
Engr IV Spec-RE/Regulatory
15505 Sand Canyon Avenue, Irvine, CA 92618
WestAreaCPUC@VerizonWireless.com

CPUC Attachment A

Initial Build (new presence for Verizon Wireless)

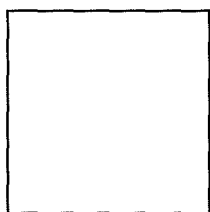
VZW LEGAL ENTITY	JURISDICTION	PLANNING DIRECTOR	CITY ADMINISTRATOR	CLERK OF THE BOARD	COUNTY
GTE Mobilnet of California Limited Partnership	City of San Francisco 1 Dr. Carlton B. Goodlett Pl San Francisco, CA 94102	sbs.wireless@sfgov.org	city.administrator@sfgov.org	Board of Supervisors@sfgov.org	San Francisco

Site Name	Site Address	Site APN	Site Coordinates (NAD 83)	Project Description	Number & type of Antennas	Tower Design	Tower Appearance	Tower Height (in feet)	Size of Building or NA	Type of Approval	Approval Issue Date	Approval Effective Date	Approval Permit Number	Resolution Number
SF UM PH3 SC22	400 Taylor St. San Francisco 94102	N/A - public right-of-way	37°47'10.13"N 122°24'38.85"W	Installation of one 7.5" diameter x 24" tall canister antenna, two 16.5" x 9.8" x 5.7" mRRU's on to existing (28' 8" AGL) SF PUC steel streetlight pole.	1 canister antenna	Existing SF PUC steel pole	Canister antenna @ 30' 5" RAD	31' 5" AGL	N/A	Personal Wireless Service Facility Permit	6/12/17	6/29/17	15WR-0053	N/A
SF UM PH3 SC252	627 Taylor St. San Francisco 94102	N/A - public right-of-way	37°47'10.05"N 122°24'42.74"W	Installation of one 7.5" diameter x 24" tall canister antenna, two 16.5" x 9.8" x 5.7" mRRU's on to existing (28' 2" AGL) SF PUC steel streetlight pole.	1 canister antenna	Existing SF PUC steel pole	Canister antenna @ 30' 11" RAD	31' 11" AGL	N/A	Personal Wireless Service Facility Permit	3/27/17	7/5/17	16WR-0212	N/A
SF VVNES 514	151 Alice B. Toklas Place (O'Farrell St. frontage) San Francisco 94109	N/A - public right-of-way	37°47'5.84"N 122°25'14.09"W	Installation of one 7.5" diameter x 23.5" tall canister antenna, two 16.5" x 9.8" x 6.5" mRRU's on to existing (30' 6" AGL) SF PUC steel streetlight pole.	1 canister antenna	Existing SF PUC steel pole	Canister antenna @ 30' 10" RAD	31' 10" AGL	N/A	Personal Wireless Service Facility Permit	7/13/17	8/7/17	17WR-0088	N/A
SF VVNES 518	1615 Sutter St. San Francisco 94109	N/A - public right-of-way	37°47'12.47"N 122°25'38.23"W	Installation of one 7.5" diameter x 23.5" tall canister antenna, two 16.5" x 9.8" x 6.5" mRRU's on to existing (29' 6" AGL) SF MTA steel streetlight pole.	1 canister antenna	Existing SF MTA steel pole	Canister antenna @ 33' 8" RAD	34' 8" AGL	N/A	Personal Wireless Service Facility Permit	7/14/17	8/7/17	17WR-0063	N/A

From: Board of Supervisors, (BOS)
Sent: Thursday, September 07, 2017 11:36 AM
To: BOS-Supervisors
Subject: FW: Airbnb online (pass-through) registration system

From: Matt Middlebrook [mailto:matt.middlebrook@airbnb.com]
Sent: Wednesday, September 06, 2017 12:30 PM
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Subject: Airbnb online (pass-through) registration system

I wanted to make you aware that pursuant to our agreement with the City of San Francisco, today we launched our online registration system ("pass-through registration") for hosts to register their listing with the Office of Short Term Rental and to get their Business Registration Certificate. This is the first step in the process of implementing the agreement. At the end of the implementation period in January 2018, all hosts on the Airbnb platform will be registered. We appreciate the cooperation of the city staff who have worked with us to implement this system. If you have any questions, please do not hesitate to contact me.



Matt Middlebrook
Public Policy
888 Brannan Street
San Francisco, CA 94103

From: Board of Supervisors, (BOS)
Sent: Tuesday, September 05, 2017 5:40 PM
To: BOS-Supervisors; Jalipa, Brent (BOS); Lew, Lisa (BOS)
Subject: FW: Appeal of CEQA Mitigated Negative Declaration for Planning Case No. 2013.1383E

From: Jerry Schimmel [mailto:jschim40@sbcglobal.net]
Sent: Tuesday, September 05, 2017 3:07 PM
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Subject: Appeal of CEQA Mitigated Negative Declaration for Planning Case No. 2013.1383E

September 5, 2017
Members of the Board of Supervisors
City Hall
San Francisco CA 94102

Re: Appeal of CEQA Mitigated Negative Declaration
for Planning Case No. 2013.1383E

Honorable Members:

I am writing in support of the neighbors on Folsom Street who will be affected by the construction proposal, the number of which is cited above. They are requesting a "complete, open and transparent Environmental Impact Report for the proposed project at 3516 and 3526 Folsom Street."

I do not live at that site. I am about three blocks east, however the mentioned pipeline passes about twenty-five feet north of my house and continues east under the pavement of Bernal Heights Boulevard. I witnessed its installation some 35 odd years ago.

I was also here when the pipeline in San Bruno exploded and flattened more than 30 homes. Eight residents were killed in their homes when the explosion occurred and dozens were seriously injured.

From my standpoint the lack of knowledge about the depth of the line is a serious deficiency and begs for the openness requested by the Folsom Street neighbors.

For myself if the pipeline went off up here a minimum of four homes would be flattened. All are wood frame buildings which have no ability to withstand a detonation like the San Bruno incident.

I trust you will give the Folsom Street neighbors a fair hearing and that the process will work out for all concerned.

Jerry F. Schimmel
40 Prentiss Street
San Francisco CA 94110

cc. Hon. Hilary Ronen; Mr. Herbert Felsenfeld

BOS-1)

)

From: Ramon Romero <Ramon49r@aol.com>
Sent: Thursday, September 07, 2017 2:38 PM
To: Board of Supervisors, (BOS)
Cc: Ronen, Hillary
Subject: File 170851

RAMON E. ROMERO
66 Banks Street
San Francisco, CA 94110

September 7, 2016

President London Breed & Members of the Board of Supervisors
c/o Angela Calvillo, Clerk of the Board
San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place
City, Hall, Room 244
San Francisco, CA 94102

RE: Appeal of CEQA Mitigated Negative Declaration
Planning Case No. 2013.12.16.4318 and 2-13.12.16.4322
Building Permit Application Nos. 2013.12.16.4318 and 2-13.12.16.4322
3516-3526 Folsom Street

Dear President Breed and Members of the Board of Supervisors,

I am the resident and homeowner of 66 Banks Street located near the above-referenced lots. I have resided at that address since May of 1994. I am also the owner of the vacant lot (Lot29) located directly behind my home and directly across from the lot designated as 3516 Folsom. I am writing to comment on the matters before you.

President Breed may recall that I served with her on the San Francisco Redevelopment Commission which, of course, dealt extensively with real estate development projects both for residential and commercial purposes. I was appointed to the Redevelopment Commission in 1998 by Mayor Willie L. Brown, Jr. and reappointed by him in 2001. I was subsequently reappointed to the Commission in 2005 by Mayor Gavin Newsom. It was during my last appointment that I served on the Commission with President Breed. During my tenure, I was twice elected President of the Commission and had the honor of being the first Latino to serve in that capacity. My 11½ years of service on the Commission is described in detail in the resolution that was adopted at the time of my resignation. See Item 4(b) of the Commission meeting minutes at this link: http://sfocii.org/sites/default/files/FileCenter/Documents/332-a_102009MINS.pdf

During 2015, I attended two meetings of the Bernal Heights East Slope Design Review Board at which Mr. Fabien Lannoye presented his and Mr. Fogarty's plans for development at the two sites in question. I found Mr. Lannoye to be congenial, cooperative, attentive, and understanding of the input provided by BernalHeights residents who were in attendance. He presented his building plans in writing for everyone to

review and answered questions directly and without equivocation. His behavior was professional and friendly at all times without exception. This was all true in the face of sometimes hostile, emotional, and irrational attacks from a couple of the individuals in attendance.

I should add that the development of the house that I reside in at 66 Banks, as well as the two houses next to mine, met hostile resistance from the neighbors when the homebuilder went through the planning process in the early-1990's. My house and the two next to me were built on the same hillside field where Mr. Lannoye and Mr. Fogarty seek to build. Similarly, the developer, Mr. Aldo Stemberga, was required to build a street in order to build the houses he eventually completed. Even though I was totally unaware and uninvolved in Mr. Stemberga's development, I was met with hostility from some of the neighbors simply because I purchased and moved into my house. I was shocked to see that kind of a reaction from otherwise rational San Franciscans who live in a dense urban environment and should accept the fact that privately owned, vacant, buildable lots will ultimately be developed as our city grows.

The appellants' objection concerning the gas pipeline is nothing more than a scare tactic. There is no gas leak in the pipeline on the slope in question. After careful study and review it has been determined that it is a stable pipeline. Its location is clearly marked by a PG&E post stating that there is a pipeline below. Is this the only underground gas pipeline in San Francisco? Of course not and streets and houses have been constructed all over the city without blowing up the surrounding neighborhoods. Leaflets were passed out throughout our neighborhood warning that we were in the "blast zone." My house is among the closest to the pipeline in question. I refuse to be swayed by such terroristic tactics and the Board should not be either.

I moved into my house in 1994 and purchased the lot directly behind my house in 1997. My desire was to keep open space behind me for as long as I could. I have succeeded in doing so for more than 20 years. However, I knew that because I did not buy all six lots behind my house that there might be development of the other five lots someday. These six lots sit on an attractive grassy hillside and it is understandable that residents in the area would want to keep it that way. I enhanced the beauty of my lot by planting a succulent garden. I intend to continue that use of my lot for the foreseeable future. The people who oppose this development want to keep all of these lots as open space, i.e., like a *de-facto* extension of Bernal Hill Park. Unfortunately, they do not have the right to do so and have conjured up any argument that they can think of to maintain this open space.

It is my understanding that Mr. Lannoye has cooperated with Planning Agency staff and Department of Public Works staff in advancing his development plans. In particular, he has expressed to me his willingness to mitigate as much as possible any potential adverse effect on the two houses that are located at the bottom of the extension of Folsom Street that he intends to construct.

All of the objections that have been stated by the appellants in previous Planning Commission meetings have been studied and dismissed by the Planning Commission.

It is inevitable that you reach the same conclusion that I have, i.e., that Mr. Lannoye and Mr. Fogarty have the right to build on their lots. These lots are zoned for the purpose that they intend. They have cooperated with Planning Department and Department of Public Works staff in planning the houses and the street. Most importantly, they have attempted to cooperate with the residents in good faith. San Franciscans who live in a dense urban environment should accept the fact that privately owned, vacant, buildable lots will ultimately be developed as our city grows.

The Board should deny the instant appeals without further delay.

Very truly yours,

Ramon E. Romero

Sent from my iPhone

BOS-11

From: Stephen Sayad <stephensayad@gmail.com>
Sent: Friday, September 08, 2017 1:11 PM
To: ACC (ADM); infor@cityattorney.org; Farrell, Mark (BOS); Board of Supervisors, (BOS); Stephen Samuel Sayad; Cara Drogus
Subject: Illegal Seizure of Newfoundland Dog

To Virginia Donahue, The Board of Supervisors, and the City Attorney

This morning, after leaving for work, SF Animal Care and Control came to our RVs, parked in the East Beach Parking Lot of Crissy Field, and served a purported order from the police officer who holds "vicious dog" hearings, for the confiscation of one of our Newfies, Gianna.

As I told Ms. Donahue over the telephone, the seizure is illegal. This is so for a variety of reasons. First, the fact that we did not attend the kangaroo court for the hearing on August 31, 2017 is of no moment. The entire hearing process violates state and federal due process. There is no right to confront and cross-examination witnesses, and yet the so-called hearing officer is able to make decisions up to and including the destruction of a pet. I have little doubt that if challenged in federal court, the process will be stricken down and ACC will be without any powers even in the City and County of San Francisco.

Ms. Donahue and the City are attempting to create a false record against us. She kept saying, during our telephone conversation, that the situation with our dogs "is out of hand." Yet the only other incident involving our dogs resulted in a finding that the dog was not vicious. When I continued to press Ms. Donahue on her contention, she hung up on me.

Second, the incident, which occurred many weeks ago, took place at Crissy Field. Crissy Field (putting aside the tidelands) is an area of exclusive federal jurisdiction, a so-called "federal enclave." This means that with very limited exceptions not present here, only federal law may be applied to acts that occur in the Presidio. Indeed, the City Attorney has written on the exclusive federal jurisdiction of the Presidio. (See <https://www.sfcityattorney.org/wp-content/uploads/2015/07/Presidio-Taxes.pdf>.)

The taking of Gia from my wife (who was told that if Gia was not surrendered, she would be arrested and all the dogs taken into custody, all while I am at work), is an illegal act. There was no warrant from a judicial officer for the illegal taking, only an order from a police officer that is of no force and effect, particularly in a federal enclave. ACC has no jurisdiction over an incident taking place in a federal enclave such as the Presidio.

I hereby demand that Gia be returned to us immediately. If she is not returned by 5pm today, I will file an action against the City for, inter alia, replevin, and seek injunctive relief (and damages) for the taking of Gia. The actions of ACC, no doubt spurred on by Supervisor Farrell's unyielding attempts to punish us for being homeless, are so extreme and outrageous that the City is facing tremendous liability and damages for its illegal actions.

Sincerely,

Stephen Sayad
Attorney at Law
P.O. Box 475313

01

From: Board of Supervisors, (BOS)
Sent: Tuesday, September 05, 2017 6:03 PM
To: BOS-Supervisors; Carroll, John (BOS)
Subject: FW: car rental burglary legislation
Attachments: csfnresolutionrecarrentalidentificationandautoburglariesaugust2017.docx

From: Frank Noto [mailto:Frank@fnstrategy.com]
Sent: Friday, September 01, 2017 9:57 AM
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Subject: car rental burglary legislation

Dear Supervisors,

Please note that the Coalition for San Francisco Neighborhoods unanimously (15-0) adopted the attached resolution in support of car rental legislation.

The legislation (File No. 170421 - Police Code – Rental Car Restrictions to Reduce Burglaries) is authored by Supervisor Norman Yee.

Additional legislation (File No. 161065 – Police Code – Rental Car Disclosure Requirements) is authored by President of the Board London Breed.

Frank Noto
Stop Crime SF

Cell: 415-830-1502

File 170916-
170920

From: Board of Supervisors, (BOS)
Sent: Monday, September 11, 2017 8:04 AM
To: BOS-Supervisors; Lew, Lisa (BOS); Jalipa, Brent (BOS)
Subject: FW: YES on Medicinal Dispensary. I live in the Sunset.

From: Sandy Weil [mailto:sweil46117@aol.com]
Sent: Sunday, September 10, 2017 9:05 PM
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Subject: YES on Medicinal Dispensary. I live in the Sunset.

*To All of the Board of Supervisors:
Vote YES on Medicinal Dispensary. I live in the Sunset.*

I have lived in the Sunset/Parkside (28th Ave/Pacheco) for 25 years and I am a SF Native. It makes absolute sense to have a medicinal dispensary in our neighborhood - especially one to serve the Chinese speaking community. Do not believe the Pacific Justice Institute and all the people they are bussing in against this business. PIJ's argument about alcohol and drugs near a pre-school is absurd. A pre-schooler is not going to be walking to school without an adult! A pre-schooler is not even going to understand what a dispensary is! Ridiculous argument to stop a business that will help members of our community.

It is easier for kids to get pot in school or the playground than from a dispensary. Trust me, I know. I went to school here and could get pot super easy from all the people dealing at school - Roosevelt and Washington. All my friends kids can get pot too nowadays. So, YES to a dispensary - don't let the fear-mongers determine what is best for our community.

Be sensible, let the business open!
Thank you,
Sandy Weil

”

From: Board of Supervisors, (BOS)
Sent: Tuesday, September 05, 2017 1:31 PM
To: BOS-Supervisors; Jalipa, Brent (BOS); Lew, Lisa (BOS)
Subject: FW: One Oak appeal 9/5/17 meeting

From: lgpetty@juno.com [mailto:lgpetty@juno.com]
Sent: Monday, September 04, 2017 6:01 PM
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Subject: One Oak appeal 9/5/17 meeting

Dear San Francisco Supervisors

Re: ONE OAK Items 20-23 Sept. 5, 2017 meeting.

I'm writing in support of **appealing** the final EIR report certification for this project.

As a resident who takes the 47 bus and the 49 bus north and south every day, I have experienced the complicated dynamics of this intersection in its current state first hand. To an already traffic-clogged and extremely windy intersection, the further **addition** of One Oak and the Honda property, and other nearby proposals, plus the design of the future MUNI Transit Platforms, and you have the recipe for traffic, pedestrian and bicyclist catastrophe.

As a member of Senior and Disability Action, I'm particularly focused on the daily effects of hundreds more cars and trucks and what we know will be a huge increased wind tunnel effect, added to an already difficult-to-cross intersection. If you can imagine these crossing difficulties, please add to the picture the MTA's Van Ness BRT Transit Platforms. These will be located not on sidewalks, but in the **center of the wide open boulevard**.

Bus riders, particularly seniors and people with disabilities, already to be adversely affected in all weathers by the Platforms, will also be forced to endure more dangerous and extremely unhealthy conditions with traffic and wind effects of two added skyscrapers.

Please keep in mind that this One Oak complex is not going to be built alone in the wilderness like some living room Leggo toy project with no people, vehicles, weather, or surrounding buildings. One Oak will be built in a very real overcrowded San Francisco. Not enough concern and adjustment for all these elements has been given. This project must not be allowed to continue until a more thorough and complete EIR is done

Thank you,
Lorraine Petty, senior resident & voter of District 5,
member, Senior and Disability Action

Affordable Wireless Plans

Set up is easy. Get online in minutes.

Starting at only \$14.95 per month!

www.netzero.net

From: Board of Supervisors, (BOS)
Sent: Tuesday, September 05, 2017 1:30 PM
To: BOS-Supervisors
Subject: FW: Concerns about One Oak EIR: TNCs, VMT, wind, and parking

From: Jeremy Pollock [mailto:pollock.jeremy@gmail.com]
Sent: Tuesday, September 05, 2017 12:31 PM
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Cc: Jalipa, Brent (BOS) <brent.jalipa@sfgov.org>; Lew, Lisa (BOS) <lisa.lew@sfgov.org>
Subject: Concerns about One Oak EIR: TNCs, VMT, wind, and parking

Supervisors,

I support the construction of the One Oak tower and the broader vision of "the Hub" to make it a dense, residential neighborhood. The Hub represents an exciting opportunity for the City to add housing supply in a central location with excellent access to transit.

But we need to take extra precautions to successfully integrate 9,000 new households into this area without crippling our transportation network. **I am concerned that the Planning department's EIR does a disservice to the One Oak proposal.**

As a long-time member of the San Francisco Bicycle Coalition, and current member of the coalition's board of directors, I am very concerned about the safety of bike riders on Market Street. Please note that the coalition does not have a position on One Oak, and my comments reflect only my opinion. But the most common concern we've heard from members about our new Strategic Plan is that TNCs are having a negative impact on urban cycling.

I have four main concerns about the One Oak EIR:

- **TNCs:** Planning's failure to measure the impact of TNCs is simply unacceptable. The SFCTA's recent study show they have significantly changed the way our streets are used. The cumulative impacts of TNCs on all of the planned developments in the Hub must be studied.
- **VMT methodology:** Planning's adoption of a regional threshold of significance for Vehicle Miles Traveled (VMT) has made this important new tool essentially meaningless for analysis of developments in transit-rich areas. Using the same VMT threshold as Walnut Creek and San Jose may meet the legal requirements of SB 743, but it doesn't serve the goals of our transit first city.
- **Wind:** Similarly, Planning may have complied with the City's methodology for analyzing wind impacts, but that methodology needs to be updated to consider impacts on bicyclists. Market Street is the backbone of our bike network, and the wind is already daunting—if not dangerous—on summer afternoon commutes. If we are going to simultaneously grow our city and our bicycle mode share, we need to better understand how wind will impact bicyclists.
- **Parking:** While it is admirable that One Oak proposes a 0.45 parking ratio, we need to do better. The cumulative impact of allowing all of the proposed projects in the Hub to exceed 0.25 parking ratios would contribute to gridlock in this area.

I am concerned that the deficiencies in the EIR—particularly the failure to measure TNCs—put One Oak at legal risk. **I urge you to work with the appellant, project sponsor, and Planning department to negotiate a resolution to this appeal that avoids the potential for legal action while minimizing the impacts of future projects in the Hub to our transportation network.**

Sincerely,

Jeremy Pollock