

FILE NO: 191119

Petitions and Communications received from October 21, 2019, through October 28, 2019, for reference by the President to Committee considering related matters, or to be ordered filed by the Clerk on November 5, 2019.

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

From the Office of the Mayor, submitting a proclamation declaring the existence of a local emergency in San Francisco. Copy: Each Supervisor. (1)

From the Office of the Controller's City Services Auditor, submitting a report on the San Francisco Public Utilities Commission adequately documented adherence to most close-out procedures in its Crystal Springs/San Andreas Transmission System upgrade contract. Copy: Each Supervisor (2)

From the Office of the Controller, submitting the Citywide Nonprofit Monitoring and Capacity Building Program FY2018-2019 Annual Report. Copy: Each Supervisor. (3)

From the Office of the Controller, submitting a report of updated transportation benchmarking dashboards. Copy: Each Supervisor. (4)

From the Department of Elections, submitting an announcement that they will begin opening and processing returned vote-by-mail ballots on October 22, 2019. Copy: Each Supervisor. (5)

From the Department of Public Health, submitting two Administrative Code, Section 12B, waiver requests. Copy: Each Supervisor. (6)

From George Ishikata, Veterans Affairs Commission, regarding the resignation of Commissioner Kim Flaherty from the Commission. Copy: Each Supervisor. (7)

From the Department of Elections submitting a reminder to San Franciscans of the November 5, 2019 Election Deadlines. Copy: Each Supervisor. (8)

From concerned citizens, regarding Resolution No. 382-19 declaring the National Rifle Association a domestic terrorist organization. 5 letters. Copy: Each Supervisor. (9)

From Richard Landis, regarding various topics. Copy: Each Supervisor. (10)

From Linda Chapman, regarding abuse of elders and disabled victims. Copy: Each Supervisor. (11)

From Zaheer Rizvi, regarding Arnautoff murals at George Washington High School. Copy: Each Supervisor. (12)

From Aaron Goodman, regarding comments to the San Francisco County Transportation Authority Board meeting on Tuesday, October 22, 2019. Copy: Each Supervisor. (13)

From Getting to Zero San Francisco Steering Committee, regarding state medical reimbursements. Copy: Each Supervisor. (14)

From Jackie Wright, regarding the decline in local television stations and radio stations serving in the public interest. Copy: Each Supervisor. (15)

From Equitable Hire Concerns, regarding their concerns about the San Francisco Muni Interim Director. Copy: Each Supervisor. (16)

From Amanda Malmquist, regarding Ordinance No. 190-19, Personal Wireless Service Facility Site Permits. Copy: Each Supervisor. (17)

From concerned citizens, regarding the property located at 3333 California Street. File Nos. 190947, 190844, 190845. 9 letters. Copy: Each Supervisor. (18)

From Anette R. Nardi, regarding graffiti on her property. Copy: Each Supervisor. (19)

From the Northern California Carpenters Regional Council, regarding a proposal to use energy efficiency requirements to ban carpenter union-made factory-built housing from the City and County of San Francisco. Copy: Each Supervisor. (20)

From: [Mchugh, Eileen \(BOS\)](#)
To: [BOS-Supervisors](#); [BOS-Legislative Aides](#); [BOS-Administrative Aides](#)
Cc: [Calvillo, Angela \(BOS\)](#); [Somera, Alisa \(BOS\)](#); [BOS Legislation, \(BOS\)](#); [GIVNER, JON \(CAT\)](#); [Kittler, Sophia \(MYR\)](#)
Subject: Proclamation by the Mayor Declaring the Existence of a Local Emergency
Date: Monday, October 28, 2019 11:18:00 AM
Attachments: [Mayor"s Proclamation.pdf](#)

Hello,

The Office of the Clerk of the Board is in receipt of the attached Proclamation by the Mayor Declaring the Existence of a Local Emergency, received October 28, 2019.

Thank you,

Eileen McHugh
Executive Assistant
Board of Supervisors
1 Dr. Carlton B. Goodlett Place, City Hall, Room 244
San Francisco, CA 94102-4689
Phone: (415) 554-7703 | Fax: (415) 554-5163
eileen.e.mchugh@sfgov.org | www.sfbos.org

**PROCLAMATION BY THE MAYOR DECLARING
THE EXISTENCE OF A LOCAL EMERGENCY**

205-11
DOB: Adhes
Dep't: e
Rep City PTH
MAYOR'S OFFICE

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2019 OCT 28 AM 9:16

BY

WHEREAS, California Government Code Sections 8550 et seq., San Francisco Charter Section 3.100(13) and Chapter 7 of the San Francisco Administrative Code empower the Mayor to proclaim the existence of a local emergency, subject to concurrence by the Board of Supervisors as provided in the Charter, in the case of an emergency threatening the lives, property or welfare of the City and County or its citizens; and

WHEREAS, the Governor declared a state of emergency on October 25, 2019, due to the Kincade Fire burning in Sonoma County, which has grown to more than 30,000 acres in size, is less than 10% contained, and will likely expand due to high winds and dry conditions; and

WHEREAS, the Kincade Fire has caused local authorities to order the evacuation of 185,000 individuals, has destroyed at least 79 structures, and threatens to destroy more than 31,000 structures and critical infrastructure; and

WHEREAS, Extreme winds and weather conditions continue, threatening additional wildfires in the region; and

WHEREAS, Pacific Gas & Electric has activated public safety power shut offs in the North and East Bay and other parts of the state; and

WHEREAS, the City has received a request from other governmental authorities to shelter evacuees displaced by the Kincade Fire and is preparing to respond to this request and any additional requests; and

WHEREAS, Conditions of extreme peril to the safety of persons and property have arisen, including times when the Board of Supervisors was not in session; and

WHEREAS, the Mayor does hereby proclaim that the aforesaid conditions of extreme peril warrant and necessitate the proclamation of the existence of a local emergency,



NOW, THEREFORE,

I, London N. Breed, Mayor of the City and County of San Francisco, proclaim the existence, effective immediately on October 27, 2019, of an emergency within the City and County threatening the lives, property or welfare of the City and County and its citizens;

And I further proclaim and order that:

By the terms of this emergency declaration the government of the City and County of San Francisco is organized under the provisions of the Incident Command System (ICS), which system forms an essential part of the City's Emergency Operations Plan. The head of each City department and agency shall observe his or her proper relationship in the command structure outlined by the system and shall respond to the orders and requests of the Lead Department designated to exercise supervision over his or her department during the course of this emergency;

Because of the extreme peril to its residents and visitors, the Governor of the State of California is hereby requested to include the area of the City and County of San Francisco in any emergency declaration by the State, and is further requested to ensure that the City and County is included in any emergency declaration that may be issued by the President of the United States.

And I further proclaim and order that:

This declaration of a local emergency shall continue to exist until it is terminated by the Mayor or the Board of Supervisors. All departments of the City and County of San Francisco are strictly ordered to cooperate with the requests for material and personnel resources that may emanate from the Incident Command Staff of the City and County which is located in the Emergency Command Center of the City and County of San Francisco.

DATED:

October 27, 2019



Mayor of San Francisco

From: [Reports, Controller \(CON\)](#)
To: [Calvillo, Angela \(BOS\)](#); [Mchugh, Eileen \(BOS\)](#); [BOS-Supervisors](#); [BOS-Legislative Aides](#); [Elsbernd, Sean \(MYR\)](#); [Bruss, Andrea \(MYR\)](#); [Kirkpatrick, Kelly \(MYR\)](#); [Cretan, Jeff \(MYR\)](#); [Kittler, Sophia \(MYR\)](#); pkilkenny@sftc.org; [Anatolia Lubos](#); [Rose, Harvey \(BUD\)](#); [Campbell, Severin \(BUD\)](#); [Newman, Debra \(BUD\)](#); [Docs, SF \(LIB\)](#); [CON-EVERYONE](#); [Kelly, Jr, Harlan \(PUC\)](#); [Carlin, Michael \(PUC\)](#); [How, Kathryn \(PUC\)](#); [Sandler, Eric \(PUC\)](#); [Wade, Dan \(PUC\)](#); [Johanson, Alan \(PUC\)](#); [Perl, Charles \(PUC\)](#); [Andersson, Christina \(PUC\)](#)
Subject: Issued – SFPUC: The Department Adequately Documented Adherence to Most Close-Out Procedures in Its CSSA Transmission System Upgrade Contract
Date: Thursday, October 24, 2019 2:06:06 PM

The Office of the Controller's City Services Auditor (CSA) today issued a memorandum on its audit of the adherence of the San Francisco Public Utilities Commission (SFPUC) to the close-out provisions of the Crystal Springs/San Andreas (CSSA) Transmission System Upgrade Project contract. The audit found that SFPUC fully adhered to 22, partially adhered to 2, and did not adhere to 2 of the contract's 26 close-out procedures.

To view the memorandum, please visit our website at:
<http://openbook.sfgov.org/webreports/details3.aspx?id=2764>

This is a send-only e-mail address. For questions about the memorandum, please contact Acting Chief Audit Executive Mark de la Rosa at mark.p.delarosa@sfgov.org or 415-554-7574 or the CSA Audits Division at 415-554-7469.

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OFFICE OF THE CONTROLLER CITY AND COUNTY OF SAN FRANCISCO

Ben Rosenfield
Controller

Todd Rydstrom
Deputy Controller

MEMORANDUM

TO: Mr. Harlan Kelly, Jr., General Manager
San Francisco Public Utilities Commission

FROM: Mark de la Rosa, Acting Chief Audit Executive
Audits Division, City Services Auditor 

DATE: October 24, 2019

SUBJECT: **SFPUC Adequately Documented Adherence to Most Close-Out Procedures in Its Crystal Springs/San Andreas Transmission System Upgrade Contract**

EXECUTIVE SUMMARY

The San Francisco Public Utilities Commission (SFPUC) adequately documented full adherence to 22, partial adherence to 2, and had no documentation for 2 of 26 applicable close-out procedures for its Crystal Springs/San Andreas (CSSA) Transmission System Upgrade Project contract with Kiewit Infrastructure West Company. SFPUC concurs with the findings and agrees to implement the recommendation, which is that SFPUC should adhere to its close-out procedures by ensuring all required close-out activities are documented.

BACKGROUND, OBJECTIVES & METHODOLOGY

Background

The Basis of the Audit. As part of an ongoing program of auditing compliance with construction contract close-out procedures in various departments of the City and County of San Francisco (City), and in accordance with its work plan for fiscal year 2018-19, the Office of the Controller's City Services Auditor (CSA) audited SFPUC's compliance with close-out procedures in the CSSA Transmission System Upgrade Project (the project). This contract (Contract No. WD-2601) was selected based on a risk assessment of construction contracts that were closed out during fiscal years 2014-15 through 2016-17. The risk assessment considered factors such as the original contract amount, project duration, and cost increases as a percentage of the original contract amount.

2 | SFPUC Adequately Documented Adherence to Most Close-Out Procedures in Its Crystal Springs/San Andreas Transmission System Upgrade Contract

Close-out Defined. Contract close-out formally ends the construction phase of a capital project and ensures the fulfillment of all contractual and legal obligations before final payment is released to the contractor. By following all close-out procedures, the City can be assured that the contractor has completed the work in accordance with contract terms. Prompt completion of close-out procedures limits the administrative costs that continue to accrue during the close-out period.

The San Francisco Public Utilities Commission. SFPUC is responsible for three essential service utilities: water, wastewater, and power. As the third-largest municipal utility in California, SFPUC serves 2.7 million residential, commercial, and industrial customers in the San Francisco Bay Area. SFPUC's Water System Improvement Program (WSIP) is a \$4.8 billion dollar, multiyear capital program to upgrade its regional and local water systems. SFPUC anticipates completing the WSIP by December 2021. In fiscal year 2019-20 SFPUC has a budget of \$1.4 billion.

The Project. The project is part of the WSIP and was intended to upgrade and retrofit the transmission systems that move water in the Crystal Springs Reservoir System and to the Harry Tracy Water Treatment Plant. Kiewit Infrastructure West Company (Kiewit) was awarded the contract in September 2010. Under the contract, Kiewit was to provide seismic and hydraulic upgrades to the Crystal Springs/San Andreas Transmission System. A Notice to Proceed for construction was set for December 2010, substantial completion occurred in June 2014, and the project was completed in November 2015. The original contract amount was \$99,763,000, but after contract modifications and change orders, the final contract amount was \$132,421,418, a 33 percent increase.

Objective

The purpose of this audit was to determine whether SFPUC and its contractor, Kiewit, complied with the close-out procedures applicable to the contract.

Methodology

To achieve the objective, CSA:

- Reviewed SFPUC's contract close-out procedures.
- Developed a checklist of requirements for all phases of close-out based on SFPUC's contract close-out procedures.
- Obtained and reviewed close-out documentation from SFPUC for the contract. Interviewed staff of SFPUC's Water Capital Projects and Programs and Construction Management Bureau regarding the close-out process and specific close-out requirements.
- Determined whether SFPUC complied with each close-out requirement applicable to the contract.

This audit was conducted in accordance with generally accepted government auditing standards. These standards require planning and performing the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for the findings and conclusions based on the audit objectives. CSA believes that the evidence obtained provides a reasonable basis for the findings and conclusions based on the audit objectives.

RESULTS

Finding 1 – SFPUC fully adhered to 22 and partially adhered to 2 of 26 close-out procedures.

Of the 26 applicable close-out procedures for the project, SFPUC complied with 22 (84 percent) and partially complied with 2 (8 percent). SFPUC provided documentation that indicates the following close-out procedures were partially adhered to:

1. Verification of Compliance Before Substantial Completion. Close-out procedure 5.1.2 requires the project construction manager to perform the following steps before the project is substantially complete:
 - a. Seek approval from the Office of Labor Standards Enforcement (OLSE) on the contractor's compliance with the City's prevailing wage requirements and the Project Labor Agreement.
 - b. Seek approval from the Office of Economic and Workforce Development (OEWD) on compliance with the City Build/First Source Referral Program and review the contractor's compliance with other related contract requirements.
 - c. Contact the Contract Monitoring Division (CMD) to verify that the contractor has met all CMD-related contract requirements.

Although SFPUC provided documentation showing it verified the contractor's compliance with CMD's requirements, it could not provide documentation demonstrating it received the appropriate approvals from OLSE and OEWD during construction. During the audit, approximately five years after the project's substantial completion, SFPUC provided documentation that it had recently received OLSE's approval regarding the contractor's compliance. However, SFPUC did not provide documentation that it received OEWD's approval for the project.

2. Verification of Compliance Before Final Completion. Close-out procedure 5.2.3 requires the project construction manager to perform the following:
 - a. Verify the contractor has submitted a variety of documents, including all required warranties, final record drawings, and modifications to the contract documents. SFPUC provided documentation demonstrating the contractor submitted the required items before final completion.
 - b. Confirm with OLSE and OEWD that the contractor complied with all contract requirements before establishing the project's final completion. SFPUC could not provide documentation of such confirmation for either of the two agencies.

During the audit, approximately five years after the project's final completion, SFPUC provided documentation that OLSE had recently confirmed the contractor's compliance. However, SFPUC did not provide documentation that it received OEWD's confirmation for the project.

According to SFPUC, the project construction manager invited OLSE and OEWD staff to regular construction close-out meetings. Staff also stated this is likely why the project construction manager did not obtain documentation confirming contractual requirements before declaring substantial completion and final completion.

Finding 2 – SFPUC did not adhere to 2 of 26 close-out provisions.

Of the 26 applicable close-out procedures for the contract, SFPUC did not comply with 2 (8 percent). SFPUC could not provide documentation to show that the following close-out procedures were adhered to:

1. Signed Checklist for Substantial Completion. Close-out procedure 5.1.7 requires the project construction manager to prepare a Notice of Substantial Completion checklist to be reviewed and signed by the regional construction manager, regional project manager, and the deputy director of construction before issuing a Certificate of Substantial Completion. SFPUC could not provide a Notice of Substantial Completion checklist for the project signed by the appropriate staff.
2. Signed Checklist for Final Completion. Similarly, close-out procedure 5.3.10 requires the project construction manager to prepare a Notice of Final Completion checklist to be reviewed and signed by the regional construction manager, regional project manager, deputy director of construction, and WSIP director before issuing a Certificate of Final Completion. SFPUC could not provide a Notice of Final Completion checklist for the project signed by the appropriate staff.

According to SFPUC, the project construction manager had regular meetings with relevant leadership personnel, including the deputy director of construction and the WSIP director, to keep them apprised of any close-out issues before issuing the Notice of Substantial Completion and the Certificate of Final Acceptance. Staff stated that, because of these meetings, the project construction manager did not retain formal documentation of approval from leadership staff.

Recommendation

The San Francisco Public Utilities Commission should follow its close-out procedures by ensuring all required close-out activities are documented.

SFPUC's response is attached. CSA will work with SFPUC to follow up every six months on the status of the open recommendation made in this memorandum. CSA extends its appreciation to you and your staff who assisted with this audit. If you have any questions or concerns, please contact me at (415)554-7574 or mark.p.delarosa@sfgov.org.

5 | SFPUC Adequately Documented Adherence to Most Close-Out Procedures in Its Crystal Springs/San Andreas Transmission System Upgrade Contract

cc: SFPUC

Michael Carlin

Kathy How

Eric Sandler

Dan Wade

Alan Johanson

Charles Perl

Christina Andersson

Controller

Ben Rosenfield

Todd Rydstrom

Nicole Kelley

Todd Ojo

Hunter Wang

Rebecca Charlton

Board of Supervisors

Budget Analyst

Citizens Audit Review Board

City Attorney

Civil Grand Jury

Mayor

Public Library

Attachment: Department Response



525 Golden Gate Avenue, 13th Floor
San Francisco, CA 94102
T 415.554.3155
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TTY 415.554.3488

October 15, 2019

Mark de la Rosa, Acting Chief Audit Executive
Office of the Controller, City Services Auditor Division
City Hall, Room 476
One Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

Subject: Management's Response to San Francisco Public Utilities Commission: SFPUC Adequately Documented Adherence to most Close-Out Procedures in Its Crystal Springs/San Andreas Transmission Upgrade Contract

Dear Mr. de la Rosa,

Thank you for providing us the opportunity to review the results of the report, on *San Francisco Public Utilities Commission: SFPUC Adequately Documented Adherence to most Close-Out Procedures in Its Crystal Springs/San Andreas Transmission Upgrade Contract*, prepared by the Controller's Office, City Services Auditor.

We appreciate the time your staff dedicated to this audit and are pleased the report noted that the SFPUC complied with the vast majority of close out provisions. We have fully concurred with the single recommendation.

If you have any questions or need additional information, please contact me at (415) 554-1600.

Sincerely,

A handwritten signature in black ink, appearing to read "Harlan L. Kelly, Jr.".

Harlan L. Kelly, Jr.
General Manager

cc: Kathy How, AGM Infrastructure
Eric Sandler, AGM Business Services/CFO
Charles Perl, Deputy Chief Financial Officer

London N. Breed
Mayor
Ann Moller Caen
President
Francesca Viotor
Vice President
Anson Moran
Commissioner
Sophie Maxwell
Commissioner
Tim Paulson
Commissioner
Harlan L. Kelly, Jr.
General Manager

OUR MISSION: To provide our customers with high-quality, efficient and reliable water, power and sewer services in a manner that values environmental and community interests and sustains the resources entrusted to our care.



Recommendation and Response

For each recommendation, the responsible agency should indicate in the column labeled Agency Response whether it concurs, does not concur, or partially concurs and provide a brief explanation. If it concurs with the recommendation, it should indicate the expected implementation date and implementation plan. If the responsible agency does not concur or partially concurs, it should provide an explanation and an alternate plan of action to address the identified issue.

Recommendation	Agency Response	CSA Use Only Status Determination*
<p>The San Francisco Public Utilities Commission should follow close-out procedures by ensuring all required close-out activities are documented.</p>	<p> <input checked="" type="checkbox"/> Concur <input type="checkbox"/> Do Not Concur <input type="checkbox"/> Partially Concur </p> <p>The SFPUC concurs and will follow procedure to obtain OLSE, OEWD and CMD approval at time of Substantial and Final Completion as noted per finding No. 1 of partial compliance of procedures 5.1.2 and 5.2.3.</p> <p>The SFPUC also concurs and will follow procedures 5.1.7 and 5.3.10 to obtain signatures for Substantial and Final Completion Checklist per Finding No. 2.</p>	<p> <input checked="" type="checkbox"/> Open <input type="checkbox"/> Closed <input type="checkbox"/> Contested </p>

* Status Determination based on audit team’s review of the agency’s response and proposed corrective action.

From: [Reports_Controller \(CON\)](#)
To: [Calvillo, Angela \(BOS\)](#); [Mchugh, Eileen \(BOS\)](#); [BOS-Supervisors](#); [BOS-Legislative Aides](#); [Elsbernd, Sean \(MYR\)](#); [Fay, Abigail \(MYR\)](#); [Bruss, Andrea \(MYR\)](#); [Philhour, Marjan \(MYR\)](#); [Power, Andres \(MYR\)](#); [Kirkpatrick, Kelly \(MYR\)](#); [Ma, Sally \(MYR\)](#); [Cretan, Jeff \(MYR\)](#); [Lynch, Andy \(MYR\)](#); [Kittler, Sophia \(MYR\)](#); [Anatolia Lubos; pkilkenny@sftc.org](#); [Rose, Harvey \(BUD\)](#); [Campbell, Severin \(BUD\)](#); [Newman, Debra \(BUD\)](#); [Docs_SF \(LIB\)](#); [CON-EVERYONE](#); [CON-Finance Officers](#); [Martinez, Veronica \(ADP\)](#); [Baeza, Elisa \(ADP\)](#); [Barrons, Molly \(ART\)](#); [Conner, Brett \(CHF\)](#); [Rojas, Greg \(CHF\)](#); [Sacco, Carol \(WOM\)](#); [Long, Michelle \(DPH\)](#); [Samara, Wasim \(DPH\)](#); [Aoki, Derik \(CFC\)](#); [Kemper, Gilda \(HOM\)](#); [Mccarthy, Robert \(HOM\)](#); [Frigault, Noah \(HRC\)](#); [Broussard, Alicia \(HSA\)](#); [Zaplen, Esperanza \(HSA\)](#); [Tsutakawa, John \(HSA\)](#); [Acevedo, Annyse \(HSA\) \(DSS\)](#); [King, Michael \(MYR\)](#); [Sithounnolat, Dolly \(MYR\)](#); [Okamoto, Rey \(ECN\)](#); [Pascual, Merrick \(ECN\)](#); [Gong, Henry \(SHF\)](#); [Luong, Mylan \(SHF\)](#)
Subject: Issued: Citywide Nonprofit Monitoring and Capacity Building Program FY18-19 Annual Report
Date: Thursday, October 17, 2019 10:42:23 AM
Attachments: [image001.png](#)

The Controller’s Office coordinates the Citywide Nonprofit Monitoring and Capacity Building Program, a collaboration of 12 City departments that monitor the financial and operational health of nonprofit service providers annually.

THE ROLE OF THE CONTROLLER’S OFFICE:



IN FISCAL YEAR 2018-2019:

12 Departments Jointly Funded **165** Nonprofit Contractors in the Program
 The 165 contractors received **71%** of City funding for all nonprofits



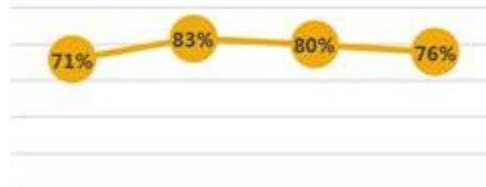
143 Nonprofits were Monitored

The number of nonprofits monitored through the Program has increased over time



108 Nonprofits were in Conformance

76% of contractors ended the cycle in full conformance with standards, though this decreased this year



FY16 (N=90) FY17 (N=107) FY18 (N=110) FY19 (N=108)

CAPACITY BUILDING INCLUDED:

Individualized Coaching & Workshops

- 7 nonprofits coached
- 208 hours of coaching provided
- 30 hours of coaching per nonprofit
- 4 City workshops, 3 nonprofit workshops

Most Common Areas of Fiscal Weakness

- Completing required audit on time
- Complete fiscal policies and procedures
- Having accurate functional timesheets
- Cost allocation procedures

To view the full report, please visit our Web site at:

<http://openbook.sfgov.org/webreports/details3.aspx?id=2761>

To view the FY18-19 dataset, please visit our Web site at:

<http://openbook.sfgov.org/webreports/details3.aspx?id=2760>

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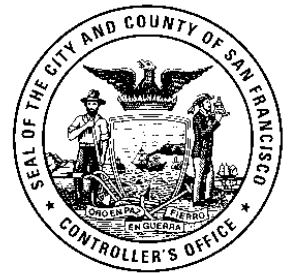
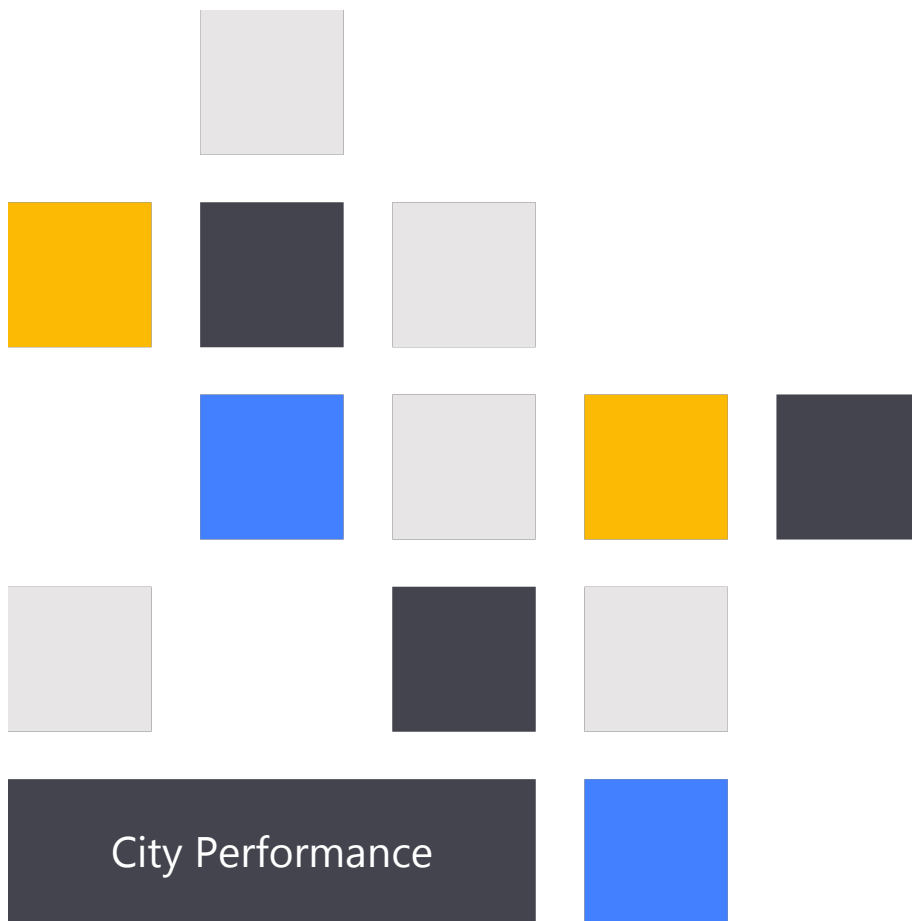
For questions about the report, please contact Marnie.Purciel-Hill@sfgov.org

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Citywide Nonprofit Monitoring and Capacity Building Program

Fiscal Year 2018-2019 Annual Report

In Fiscal Year 2018-2019, 76% of monitored contractors ended the cycle in full conformance with all fiscal and compliance standards.



October 17, 2019

City & County of San Francisco
Office of the Controller
City Services Auditor

About City Performance

The City Services Auditor (CSA) was created in the Office of the Controller through an amendment to the San Francisco City Charter that was approved by voters in November 2003. Within CSA, City Performance ensures the City's financial integrity and promotes efficient, effective, and accountable government.

City Performance Goals:

- City departments make transparent, data-driven decisions in policy development and operational management.
- City departments align programming with resources for greater efficiency and impact.
- City departments have the tools they need to innovate, test, and learn.

FY18-19 City Performance Team:

Peg Stevenson, Director
Laura Marshall, Project Manager
Marnie Purciel-Hill, Sr. Performance Analyst
Jeff Pomrenke, Sr. Performance Analyst
Isabel Ochoa, Performance Analyst



Contact Information

To learn about the Citywide Nonprofit Monitoring and Capacity Building Program, visit the Controller's Office website at www.sfcontroller.org/nonprofits

For more information about the program, please contact a team member at:

nonprofit.monitoring@sfgov.org

Office of the Controller
City and County of San Francisco

Visit:

www.sfcontroller.org/nonprofits

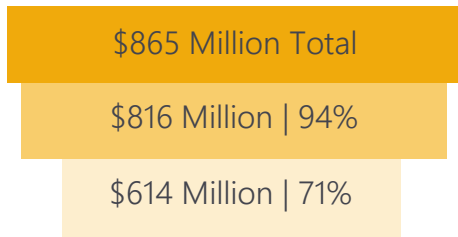
www.sfcontroller.org

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Executive Summary

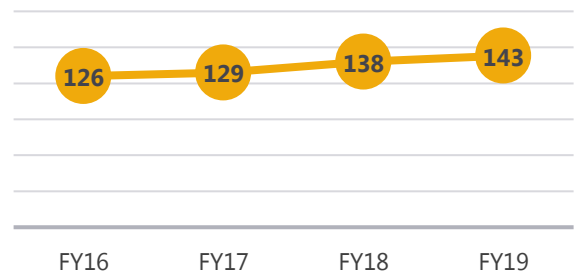
PROGRAM OVERVIEW

12 Departments Jointly Funded **165** Nonprofit Contractors in the Program
 The 165 contractors received **71%** of City funding for all nonprofits



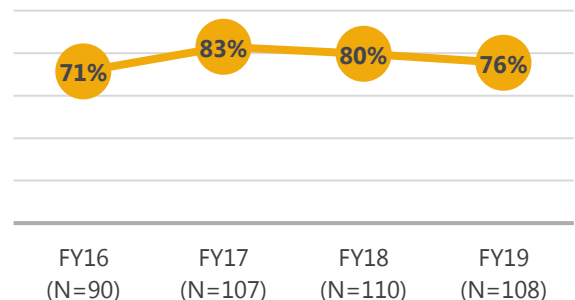
- City funding for all nonprofits
- Funding for all nonprofits funded by the 12 departments in the Program
- Funding for the 165 nonprofits in the monitoring pool

143 Nonprofits were Monitored
 The number of nonprofits monitored through the Program has increased over time



MONITORING FINDINGS

108 Nonprofits were in Conformance
 76% of contractors ended the cycle in full conformance with standards, though this decreased this year



CAPACITY BUILDING

Individualized Coaching & Workshops

- 7 nonprofits coached
- 208 hours of coaching provided
- 30 hours of coaching per nonprofit
- 4 City workshops, 3 nonprofit workshops

Most Common Areas of Fiscal Weakness

- Completing required **audit** on time
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- Cost **allocation** procedures

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Program Overview

The Citywide Nonprofit Monitoring and Capacity Building Program (Monitoring Program or Program) consolidates contract monitoring requirements related to fiscal and organizational health for nonprofit contractors that receive funding from multiple City departments. The Controller’s Office coordinates fiscal and compliance monitoring activities to promote efficient monitoring that uses consistent standards and methods among the 12 City departments (see Figure 1) that are the primary funders of health and social services. In FY19, there were 165 nonprofit providers with an aggregate of \$614 million in funding from the 12 departments in the Program (see Figure 2). At over \$170 million in contracts, DPH allocates the largest share of this nonprofit funding, followed by HSH and HSA (see Figure 3).

Figure 1. Departments in the Monitoring Program

APD	Adult Probation Department
ARTS	Arts Commission
DCYF	Department of Children, Youth and Their Families
DOSW	Department on the Status of Women
DPH	Department of Public Health
First 5	Children and Families Commission
HSA	Human Services Agency
HRC	Human Rights Commission
HSH	Department of Homelessness and Supportive Housing
MOHCD	Mayor’s Office of Housing and Community Development
OEWD	Office of Economic and Workforce Development
SHF	Sheriff’s Office

Figure 2. City Funding of Nonprofits



Figure 3. FY19 City Funding (in Millions) for Nonprofits in the Joint Monitoring Pool



* First5 (\$18); OEWD (\$13); Other department funding (non-pool departments not listed): ADP (\$5); DOSW (\$5); ART (\$3); SHF (\$3); HRC (\$1);

PROGRAM GOALS AND ACTIVITIES

Goals

The Program aims to ensure public funds are spent in alignment with the City's financial and administrative standards and that nonprofit contractors have strong, sustainable fiscal operations.

Program activities contribute to this desired outcome by promoting fiscal and compliance monitoring of nonprofit contractors and providing capacity building support that:

- Is consistent and coordinated across City departments;
- Reduces duplication for City departments and contractors;
- Is aligned with best practices in financial management; and
- Is responsive to City and contractor needs.

Program Activities

The Controller's Office performs the following activities to support the Program to accomplish its goals:



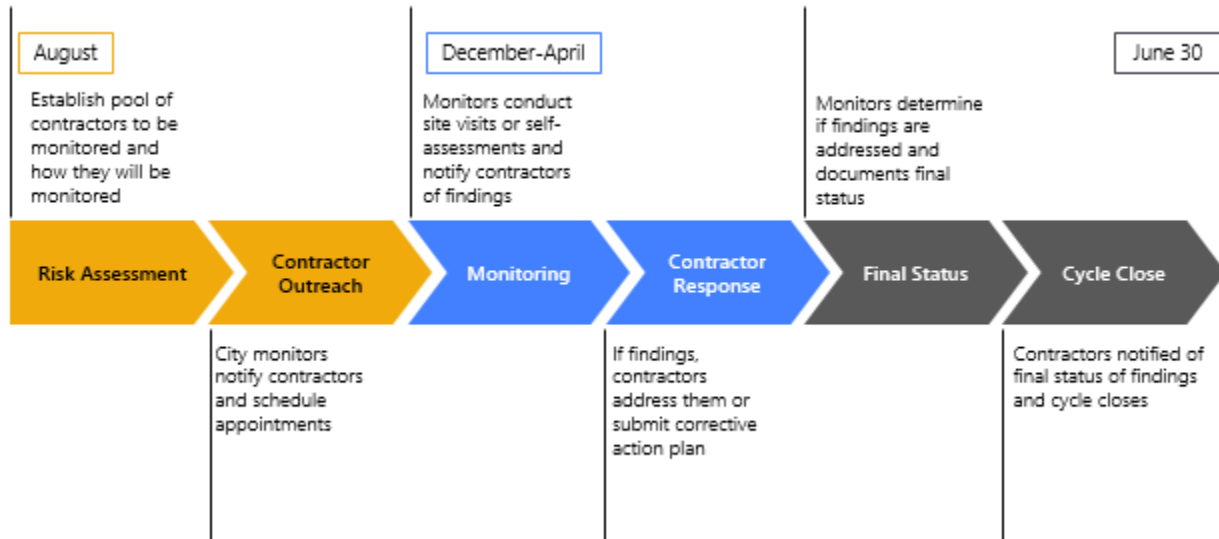
Additionally, the Controller's Office [tracks and analyzes data](#) from the monitoring and uses this data to improve program performance, as well as to support management of the Citywide Corrective Action Policy and process for designation of elevated concern and red flag status when necessary.

Annual Monitoring

An annual assessment of contractors' ability to meet specific fiscal and compliance standards is central to the Monitoring Program. The monitoring allows the City to evaluate whether funds are being spent in alignment with the City's financial and administrative standards, to assess specific indicators of organizational health, and to provide a structure for discussions about nonprofit improvement needs.

The standard monitoring form, which can be found on the Controller's Office website (www.sfcontroller.org/nonprofits), includes the standards that must be met by nonprofits contracting with the City, organized by financial, compliance, and governance categories. City monitors carry out

the following annual process to help nonprofits comply with City standards and improve their financial management practices.



Continuous Improvement

The Controller’s Office has a particular focus on continuous improvement. During FY19, the Controller’s Office engaged the Monitoring Program in several improvement areas:

<p>RISK ASSESSMENT</p> 	<p>CAPACITY BUILDING</p> 
<p>SYSTEM DEVELOPMENT</p> 	<p>POLICY DEVELOPMENT</p> 

Additionally, the Program conducts an annual process to review and improve upon the standard monitoring form. Appendix F includes a summary of the changes made to the form in FY19.

The Controller’s Office leverages its role in the Monitoring Program to engage departments in developing [Citywide policy on key issues of nonprofit contracting](#). While not directly affiliated with the Monitoring Program, the Controller’s Office coordinated the following initiatives in FY19:

MINIMUM COMPENSATION ORDINANCE (MCO)	COST CATEGORIZATION GUIDELINES	INDIRECT RATE DISCUSSIONS
<p>In FY19, the Board of Supervisors passed an update to the MCO that requires nonprofit contractors to pay City-funded employees a minimum of \$16.50 per hour. The Controller's Office chaired a workgroup to develop funding proposals for addressing the cost impacts of the change. The workgroup tasked the Controller's Office with administering a fair, transparent and centralized application and allocation process for funds encumbered to address the MCO change.</p>	<p>During FY19, the Controller's Office published a set of guidelines aimed at standardizing the treatment of certain costs across City department contracts with nonprofits. In particular, the guidelines specify which costs are typically allowable or unallowable per federal and City regulations, as well as whether costs are typically treated as direct or indirect costs.</p>	<p>The Controller's Office hosted a series of meetings with City and nonprofit stakeholders to discuss the limitations with the current process for funding indirect costs in nonprofit contracts. The group also identified new models for funding indirect costs to better support nonprofit sustainability. The Controller's Office will use the results of these meetings to engage City leadership in decision-making about the issue.</p>

PERFORMANCE MEASURES

Where applicable, this report includes and calls out measures of Program performance (see below). These measures capture aspects of the Program's activities in terms of *how much* of a service or support was provided, *how well* it was delivered, and whether Program stakeholders (monitors or nonprofits) are *better off* because of an aspect of the Program. This framework provides a more detailed view of the Program's impact. Performance measures include targets where applicable. See Appendix E for a full list of performance measures.

PERFORMANCE MEASURES

<p>100%</p>	<p>Of nonprofits agree that City staff conducted their site visit or self-assessment process efficiently, of those who received a site visit or self-assessment.</p>	<p>76%</p>	<p>Of nonprofits agree the Program helps ensure their organization has strong, sustainable fiscal operations.</p>
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FY19 Monitoring Results

FY19 MONITORING POOL

A total of 165 contractors were in the joint monitoring pool in FY19 (see Figure 4). This is an increase of twelve contractors over last year, and an increase of nearly 20% since FY16 when there were 140 contractors in the pool. Changes in the size of the pool may be attributed to new departments joining the Program, or due to shifts in funding patterns by departments.

Per the Monitoring Program’s waiver policy, in FY19 [departments granted 20 contractors a waiver from monitoring due to strong performance](#) (see Appendix A for a list of these contractors). The number of contractors to receive a waiver increased by five since FY18. This analysis includes monitoring outcomes for the remaining 143 monitored contractors (excluding two contractors due to incomplete monitoring).

The total number of monitored contractors has been steadily increasing over the last several years. It increased by five between FY18 and FY19 and by 17 between FY16 and FY19 (an increase of 14%) (see Figure 5).

Although not the greatest in terms of funding, MOHCD has the largest number of contracts, followed by DCYF, HSA, and OEWD (see Figure 6). Given the joint funding of the pool, contractors are represented in multiple boxes below.

The average number of departments funding the same contractors is three and the maximum is eight (see Figure 7). The contractors with many overlapping funding departments are Larkin Street Youth Services (six), Tides

Center (seven) which serves as a fiscal intermediary for many nonprofits, and Glide Foundation (eight). Twelve percent of the joint monitoring pool has funding from five or more departments.

Figure 4. FY19 Number of Contractors by Monitoring Type

Type of Monitoring	Number of Contractors
Site Visit	91
Self-Assessment	52
Total Monitored Contractors	143
Good Performance Waivers	20
Excluded from Analysis	2
Total Contractors in Pool	165

Figure 5. Total Contractors Monitored, FY16-FY19

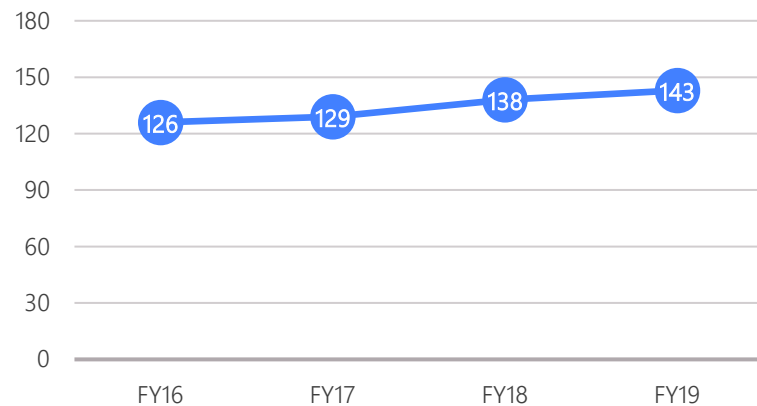


Figure 6. Number of Contractors in the Joint Monitoring Pool by Funding Departments, FY19

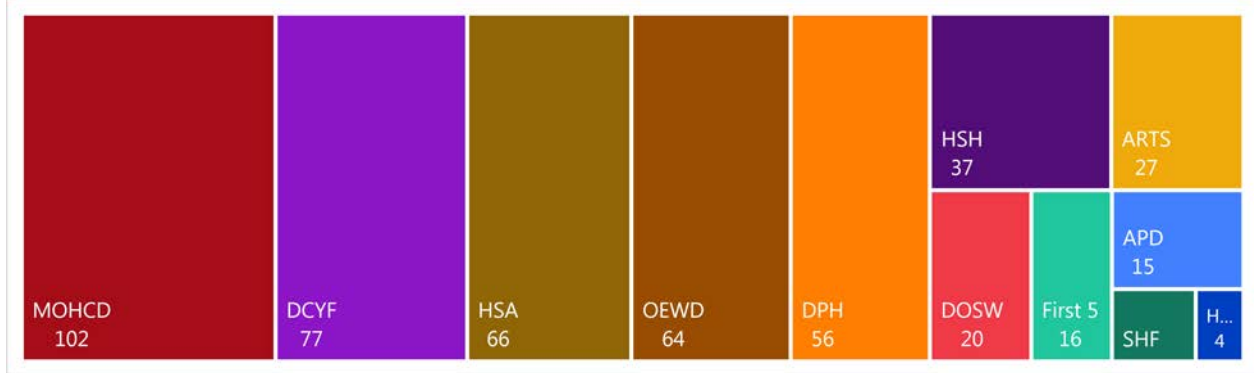
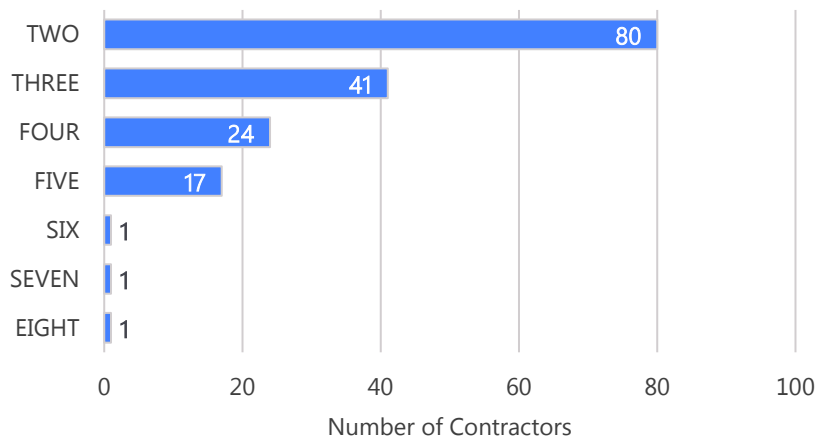


Figure 7. Number of Departments Funding the Same Contractor, FY19



MONITORING FINDINGS

The FY19 dataset (available [online](#)¹) includes a list of the contractors in the FY19 monitoring pool and their monitoring results, including type of monitoring and any findings.

Monitors conduct their assessment in two phases. They first review standards during the site visit or self-assessment (“initial monitoring”) and then provide the contractor the opportunity to respond and correct any findings, resulting in a “final status” determination. The FY19 initial monitoring found 80 contractors (56%) to be in full conformance with the City’s standards.² This represents a slight increase over FY18, with the percentage at full conformance by final status representing a slight decrease (see Figure 8). The actual number of contractors ending the monitoring cycle in full conformance has fluctuated little since FY17 (between 107 and 110).

¹ <http://openbook.sfgov.org/webreports/details3.aspx?id=2760>

² The 80 contractors in full conformance after initial monitoring included 15 contractors with one or more findings in best practice or pilot standards, which do not require resolution and do not count as formal findings.

Figure 9 shows trends in monitoring results over time, including the percentage of contractors with findings at the close of the cycle. This number (35 contractors or 24%) increased in FY19, though is still lower than FY16.

At the close of the monitoring cycle, 108 contractors (76%) were in full conformance with all standards.

See Appendix B for a list of the contractors with no findings at the close of the monitoring cycle. Of the 108 contractors with no findings in FY19, 82 (76%) also had no findings in FY18 and 64 (59%) maintained conformance with all standards over the last three years (FY17, FY18, and FY19).

Figure 8. Percent of Contractors with No Initial Findings and No Findings at Final Status, FY16-FY19

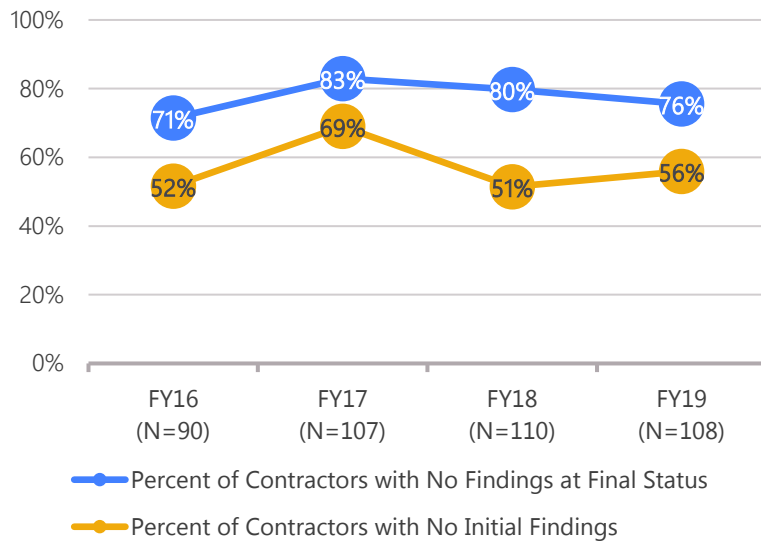
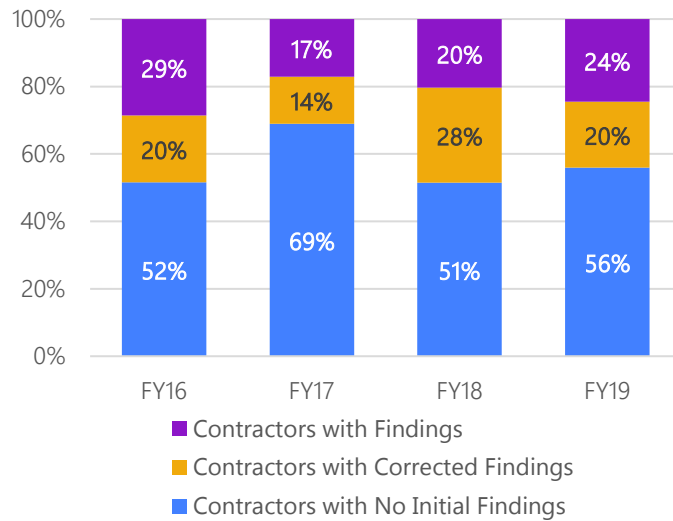


Figure 9. Contractors' Status at Close of Monitoring, FY16-FY19



PERFORMANCE MEASURES

93%

Of nonprofits reported a clear understanding of the fiscal and compliance elements to be monitored in their contracts. *Target: 95%*

95%

Of monitors agreed or strongly agreed that their monitoring teams collaborated effectively the majority of the time. *Target: 95%*

Findings Across Contractors

The Program evaluated nonprofits against 79 standards in FY19. There were 15 pilot or best practice standards. These do not count as formal findings. The remaining 64 standards fall into two categories: fiscal and compliance. The majority, 48 of the 64 standards (75%) are fiscal, while 16 (25%) are compliance-related (see Figure 11).

Figure 10 shows the trend of fiscal and compliance findings across contractors. Contractors received a total of 160 findings in FY19, an increase of 63% over FY18, diverging from prior years' downward trends.

From FY18 to FY19 the number of fiscal findings increased 68% and the number of compliance findings increased 50%, though the percentage of findings in each category is still proportional to the number of standards in each category.

Figure 10. Number of Fiscal and Compliance Findings, FY16-FY19

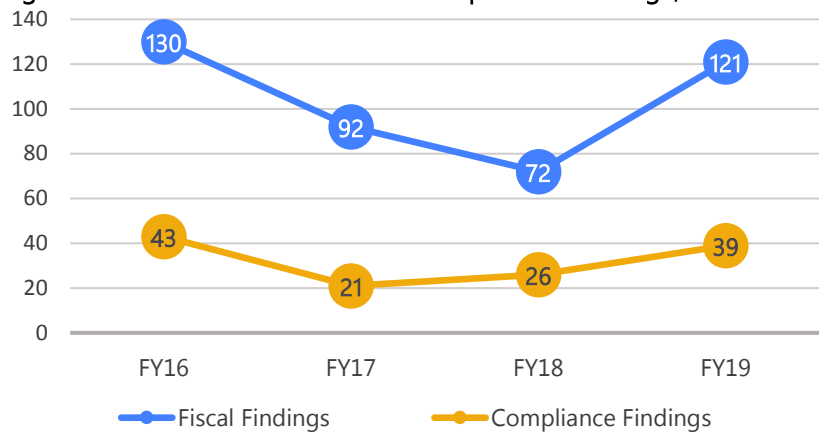


Figure 11. Number of Standards and Findings, FY19

Category	Standard Type	Number of Standards	Number of Findings
Fiscal	Standard	48	121
	Pilot	1	19
	Best Practice	4	72
Compliance	Standard	16	39
	Pilot	1	7
Governance	Best Practice	9	14
Total		79	272

Fiscal Standards

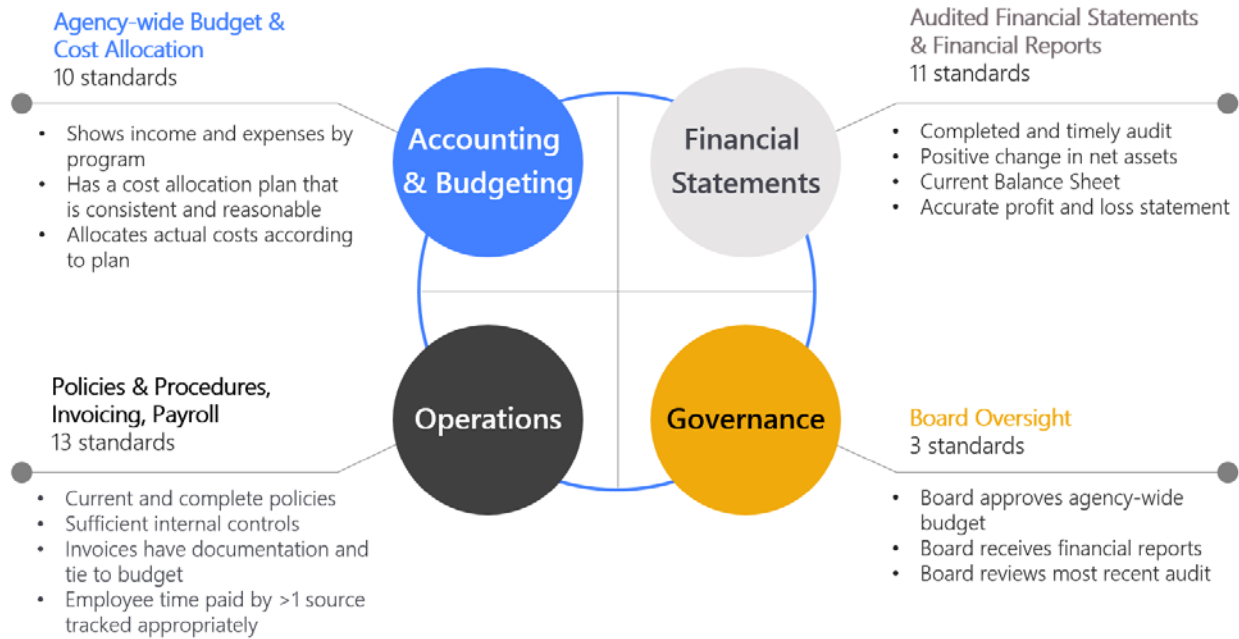
Fiscal standards relate to aspects of nonprofit financial management and can be broken down into functional subcategories that monitors use to evaluate a nonprofit's financial health.

For [accounting and budgeting](#) standards, monitors review the agency-wide budget and cost allocation plan to confirm a nonprofit is following best practices, by, for example, having a budget that shows income and expenses by program, that allocates shared and indirect costs across programs, and by having a consistent and reasonable cost allocation plan.

For standards related to the nonprofit's [financial statements](#), monitors review audited financial statements and financial reports to confirm they are complete and current, show income and expense by program and funding source, and show the nonprofit has the operating capital needed to carry out its day-to-day work. A nonprofit's balance sheet and profit and loss statement are key resources monitors use to make this assessment.

For [operations](#)-related standards, monitors evaluate fiscal policies and procedures for completeness and to confirm nonprofits are following specified procedures for reporting, accounts payable and

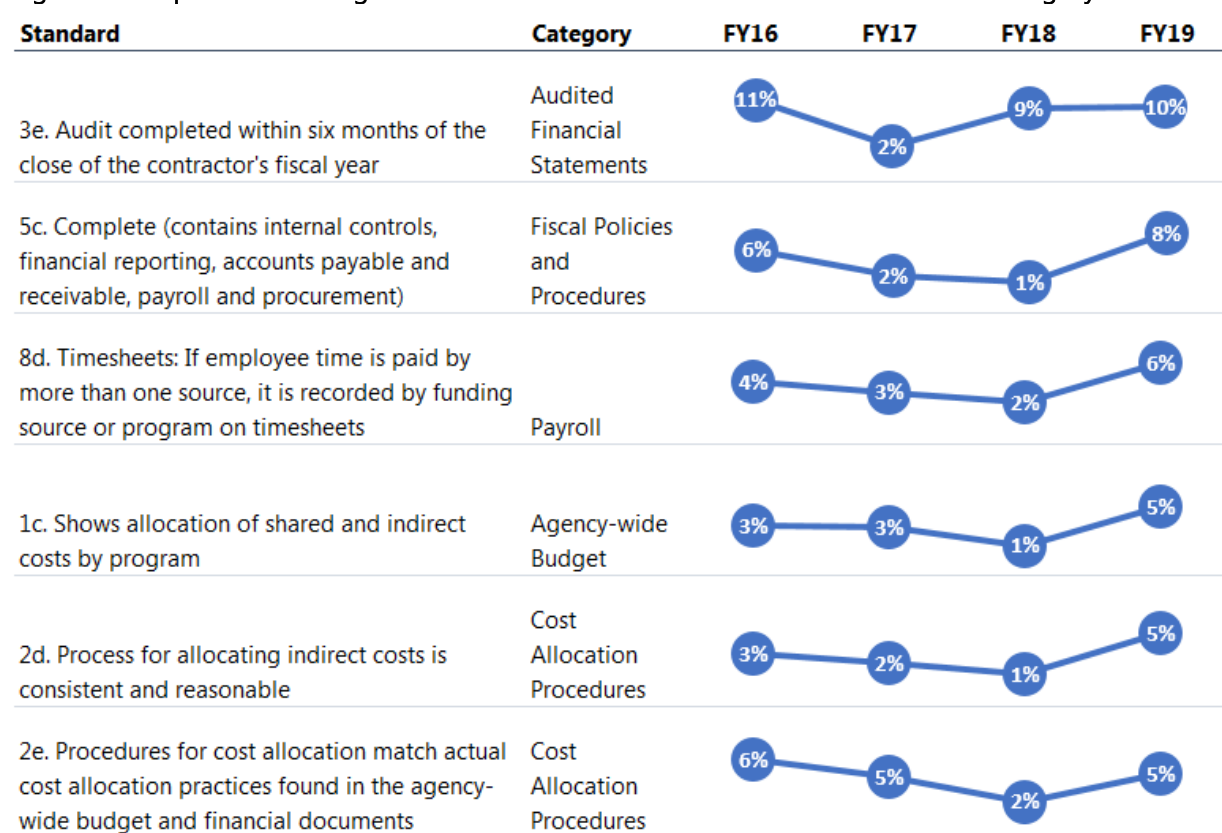
receivable, and payroll. Monitors review invoice documentation and cross-check invoices and timesheets against the agency-wide budget.



Governance standards confirm nonprofit boards of directors are fulfilling their fiduciary responsibilities by checking to make sure the board has reviewed and approved the agency-wide budget, financial reports, and the nonprofit's most recent audit.

Figure 12 shows the most common fiscal findings. Nonprofits showed weakness in each of the areas described in the diagram above. Of the top fiscal findings, 14 nonprofits (10%) **did not complete their required audit on time**, eleven nonprofits (8%) **did not have complete fiscal policies and procedures**, eight nonprofits (6%) **did not show employee time by program or funding source** when the employee was paid by more than one source, and seven nonprofits (5%) had challenges properly **allocating shared and indirect costs**, either in their agency-wide budget or in their cost allocation plan and procedures.

Figure 12. Top Fiscal Findings: Percent of Monitored Contractors with Each Finding by Year

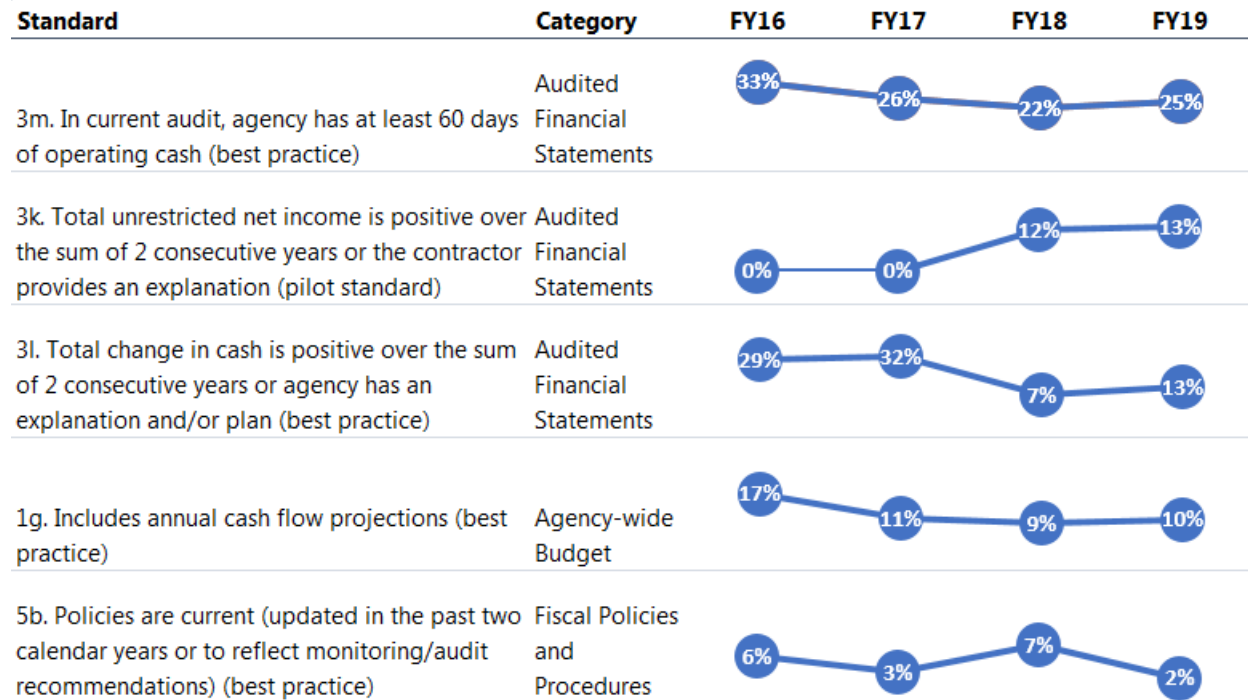


Appendix C lists all the standards and shows the number of findings across all contractors for each standard or pilot/best practice. Overall, in FY19, there were 20 fiscal standards for which no contractors had findings. Nonprofits had no findings associated with a [Single Audit](#). Prior years had similarly low findings for these standards. Nonprofits had no findings associated with [paying subcontractor invoices](#) in FY18 and FY19 (one contractor had this finding in FY16 and FY17). [Financial Reports were current](#) (balance sheet, bank reconciliation, and profit & loss statement) for all contractors in FY18 and FY19 and [all timesheets were signed](#) or completed electronically in FY18 and FY19.

Fiscal Pilot Standards and Best Practices

There are five fiscal pilot standards and best practices, and compared to required standards reported above, more contractors received findings in these pilot standards and best practices (see Figure 13). However, pilot standards and best practices do not count as formal findings and nonprofits are not required to perform corrective action after initial monitoring, leading to a greater likelihood that contractors remain out of conformance. Of the 143 monitored nonprofits, [36 \(25%\) did not have at least 60 days of operating cash in their current audit](#), 18 (13%) did not have positive net income over the sum of two consecutive years, and 19 nonprofits (13%) did not have positive change in cash over the sum of two consecutive years. Fifteen nonprofits (10%) did not include cash flow projections in their agency-wide budget.

Figure 13. Fiscal Pilot and Best Practice Findings: Percent of Monitored Contractors with Each Finding by Year



Compliance Standards

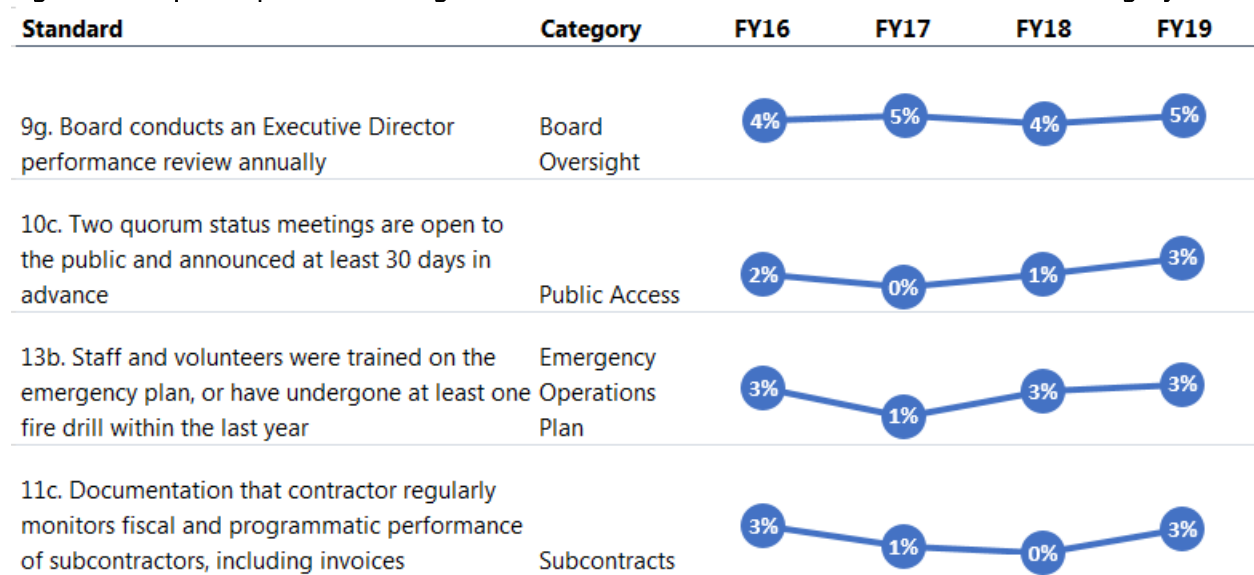
Compliance standards (see Figure 14) relate to nonprofits' responsibilities for providing public access to records, certain board oversight practices, subcontracting practices, personnel policies, and emergency operations plans.

Figure 15 shows the most common compliance findings for FY19, including that the board of directors of [seven nonprofits \(5%\) did not conduct an annual executive director performance review](#). Appendix C shows that there were three compliance standards for which no contractors had findings in FY19. No nonprofits had executive directors that voted on their compensation when they were also a member of the board (including in FY16 and FY18). All nonprofits included in their bylaws a requirement for client representation on the Board. In FY19, all contractors demonstrated evidence that staff were trained regarding personnel policies.

Figure 14. Number of Compliance Standards, FY19

Compliance Subcategory	Number of FY19 Standards
Public Access	4
Board Oversight	3
Subcontracts	3
Personnel Policies	2
Emergency Operations Plan	2

Figure 15. Top Compliance Findings: Percent of Monitored Contractors with Each Finding by Year



Governance Best Practices

In addition to the fiscal and compliance monitoring standards, the Monitoring Program assesses other governance practices through a “Governance Review Checklist.” These best practices are not considered findings, and they do not require contractors to take corrective action, though contractors are encouraged to adopt them over time as part of a strong organizational governance structure.

Appendix C shows [nine contractors did not follow one or more governance best practices this year](#). A total of 14 findings in FY19 spanned the various best practices, which is a reduction from 16 findings in FY18, 32 findings in FY17, and 41 findings in FY16. The most common best practice finding was that a nonprofit did not have a Board manual that documents its oversight policies and practices.

Contractor Outcomes

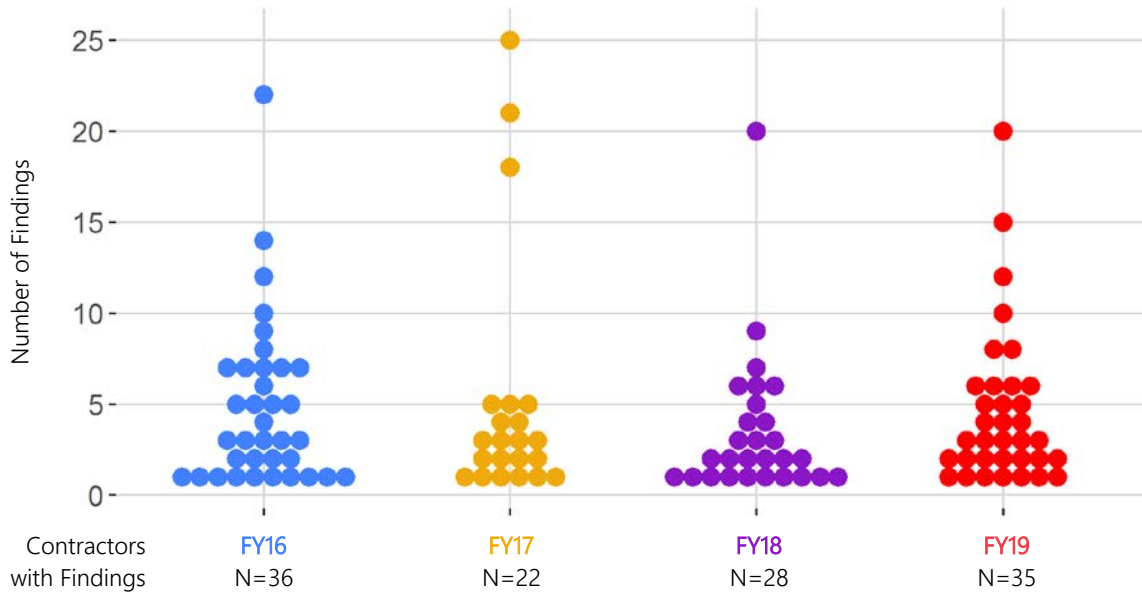
As noted above, 76% of monitored contractors (108) ended the FY19 monitoring cycle in full conformance with City standards. The remaining contractors (35) ended FY19 with one or more finding.

Figure 16 shows the distribution of the number of findings contractors have had over the last four years. The colored dots correspond to contractors and show the number of findings each had in a year. Most contractors have less than five findings in a single year. However, [13 contractors \(9%\) had five or more findings in FY19](#), which is an increase over the prior two years. In FY17 and FY18, 5% of contractors had five or more and in FY16 13% of contractors had five or more findings. Among the FY19 contractors with five or more, the majority (73%) of their findings were fiscal.

The contractor with the most findings is continuing to receive assistance through funding departments. Four are being referred for coaching services to improve their financial management practices.

Contractors with the Most Findings

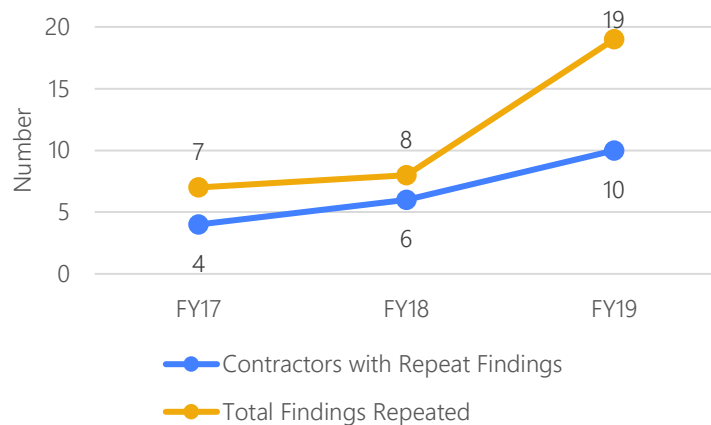
Figure 16. Contractors' Distribution of Findings, FY16-FY19



Contractors with Repeated Findings

In FY19, ten contractors had repeat findings (i.e., the same finding in FY18 and FY19). These ten contractors had a total of 19 repeated findings, an increase over prior years (see Figure 17). Repeated findings are of concern because they indicate that the contractor did not take necessary or sufficient corrective action in the prior year and can indicate structural issues that could take multiple years to address.

Figure 17. Contractors with Repeat Findings and Number of Repeated Findings



The areas of fiscal weakness for contractors with repeated findings span most aspects of nonprofit financial management, including: Audited Financial Statements, Financial Reports, Fiscal Policies and Procedures, Invoices, and Payroll. Reliance on City funding is the only repeat finding related to the Agency-wide Budget. The contractor with the most repeated findings is the same contractor with the greatest number of findings, as represented in Figure 16 above.

Contractors New to the Joint Monitoring Pool

Annual monitoring can be an opportunity for nonprofits to engage with monitors to get feedback about where they can improve their financial management practices from one year to the next, or nonprofits can be referred for coaching services. Contractors who are new to the pool may have more room for improvement than a nonprofit who has been through the monitoring process before. Additionally, nonprofits that are new to the joint monitoring pool may be less familiar with City requirements and thus are more likely to have findings during their first year of monitoring. To understand whether these nonprofits are driving the higher number of findings this year, we looked at those who were new to the pool (defined as not monitored through the Program for the prior three years, FY16-FY18). These nonprofits may have been monitored by a single department in those years, but were not a part of the Monitoring Program.

In FY19, [there were 18 nonprofits not monitored in FY16, FY17, or FY18](#). They comprise 13% of all monitored nonprofits. Of the 18 “new” nonprofits, 8 (44% of new nonprofits) had findings. This compares to 24% of all monitored nonprofits with findings.

The average number of findings among new nonprofits is 2.7, while the average among existing nonprofits is less than 1 (0.89). Further, 22% of new nonprofits had five or more findings, while 9% of all monitored nonprofits had five or more findings.

New nonprofits are not driving the increase in total findings; however, newly entering the monitoring pool may be a challenge for some nonprofits who will need extra support to come into conformance with City standards.

CORRECTIVE ACTION POLICY

For contractors participating in the Monitoring Program, the Corrective Action Policy specifies certain monitoring findings that trigger a recommendation for elevated concern status by the Controller’s Office. Designation of elevated concern status results in the provision of mandatory technical assistance to support the nonprofit in establishing sound fiscal and management practices. Based on FY19 monitoring results, the Controller’s Office and City departments placed the following contractors on elevated concern status.

- African American Arts and Cultural Complex
- Westside Community Services

The contractors will develop an action plan with the City to address fiscal and organizational concerns and may receive individualized technical assistance from the City during FY20 to support the action plan implementation. Designation of elevated concern ensures that technical assistance and enhanced coordination by City departments supports the contractors to develop and sustain financial management practices that meet City standards.

Capacity Building Program

INDIVIDUAL COACHING

City contractors are eligible for financial management coaching services and workshops at no cost to them. Contractors funded by departments participating in the Program are prioritized for the service. Coaching supports Program goals by addressing issues that could impact the stability of a nonprofit and the services they offer to the community on behalf of the City. Coaching services are provided by Fiscal Management Associates (FMA) and Community Vision (formerly Northern California Community Loan Fund).

Coaching is tailored to a nonprofit's needs and focuses on operational and transactional finance and governance functions, providing each nonprofit with the tools it needs to succeed. Participation in coaching is viewed as a **positive and proactive** response by nonprofits interested in continuous improvement. In FY19, the Program delivered:

208 hours of coaching to | **7** Nonprofits | Worth **\$37,813**

The following contractors received coaching during FY19. All coaching engagements were completed by the end of the fiscal year.

- Bayanihan Equity Center
- IT Bookman, Southwest Community Center
- Kai Ming
- Nihonmachi Legal Outreach DBA Asian Pacific Islander Legal Outreach (APILO)
- San Francisco Village
- Stepping Stone
- West Bay Pilipino Multi Service Corporation

Coaching for these contractors focused on fiscal topics: improving financial reporting and use of QuickBooks to develop financial reports, implementing or refining cost allocation procedures, developing program-based budgets to better understand the true cost of programs, clarifying fiscal policies and procedures, and strengthening fiscal management and oversight, including board oversight and understanding of finances.

PERFORMANCE MEASURES

4
fewer

On average, coached nonprofits had **4 fewer** fiscal findings compared to their prior year's monitoring. By contrast, all other contractors with fiscal findings in FY18 had, on average, **2 more** fiscal findings in FY19.

100%

Of the nonprofits that received coaching reported that the coaching services met their needs. Target: 80%

TRAINING SERIES

Trainings fill an important role in building capacity to understand and adhere to City standards. The Monitoring Program delivers a Monitor Training Series designed to ensure all staff conducting monitoring, particularly those new to the role, have a foundational knowledge in nonprofit financial management practices and apply the City’s standards consistently. Similarly, the Spring Nonprofit Training Series offers staff members from City-funded nonprofits the opportunity to participate in interactive sessions to learn both basic and advanced concepts in financial management.

Figure 18. Training Series Topics and Attendance

Training Series	Workshop Title	Number of Attendees
Spring Nonprofit Training Series	Nonprofit Budgeting 101	45
	Telling Your Financial Story	27
	Board Governance	20
Monitor Training Series	Monitoring 101	15
	Nonprofit Budgeting	13
	Financial Reports & Audits	14
	Mock Site Visit	14

PERFORMANCE MEASURES

98%

Of nonprofits that attended a training rated the training series helpful

55%

Of nonprofits that attended a training reported they changed their practices based on the training

86%

Of monitors who used a resource rate the tools and resources of the Monitoring Program as helpful (on average)

Appendix A: Good Performance Waivers

Departments may grant a one-year waiver from Citywide fiscal and compliance monitoring for exceptional fiscal and compliance performance by a nonprofit contractor. Contractors may be eligible for a Good Performance Waiver (“waiver”) if all the following are true:

- The contractor had no findings in the prior two years of Citywide fiscal and compliance monitoring.
- The contractor had no findings in the prior two years of external audit, and, if applicable, the Single Audit.
- The contractor had no turnover in the Executive Director or Chief Financial Officer positions within the past two fiscal years.
- The contractor did not receive a waiver within the last three years.

In some circumstances, a contractor meets the criteria, but must still receive a monitoring visit due to federal funding requirements. All nonprofit contractors receiving a waiver must receive a site visit in the subsequent year.

The following nonprofit contractors received a waiver in FY19:

- APA Family Support Services
- Brava For Women in the Arts
- Catholic Charities CYO
- Central City Hospitality House
- Curry Senior Center
- Episcopal Community Services of San Francisco, Inc.
- First Place for Youth
- Glide Foundation
- International Institute of the Bay Area
- Justice and Diversity Center of the Bar Association of San Francisco
- Lawyers' Committee for Civil Rights of the San Francisco Bay Area
- Livable City
- Lutheran Social Services of Northern California
- Mary Elizabeth Inn
- My Path
- PRC
- Safe and Sound
- San Francisco Food Bank
- San Francisco Made
- Tenderloin Housing Clinic, Inc.

Appendix B. Contractors with No Findings in FY19

FY19 Contractors with No Findings	Also No Findings in FY18 (*)	Also No Findings in FY17 (*)
A Better Way	*	Not Monitored
AIDS Housing Alliance	Not Monitored	*
AIDS Legal Referral Panel of the SF Bay Area	Good Performance Waiver	*
American Conservatory Theater	Not Monitored	Not Monitored
Arriba Juntos - IAI	*	*
Asian Americans Advancing Justice - Asian Law Caucus	*	*
Asian and Pacific Island Wellness Center	Not Monitored	Not Monitored
Bay Area Legal Aid	Good Performance Waiver	*
Bay Area Video Coalition	*	
BAYCAT		*
Bayview Opera House	Not Monitored	
Bernal Heights Neighborhood Center	*	*
Boys and Girls Clubs of San Francisco	*	Not Monitored
Central American Resource Center	*	*
Central Market Community Benefit District	*	Not Monitored
Children's Council of San Francisco	*	*
Chinatown Community Development Center	*	Good Performance Waiver
Chinese Culture Foundation of San Francisco	*	Not Monitored
Chinese for Affirmative Action	Good Performance Waiver	*
Chinese Historical Society of America	Not Monitored	Not Monitored
Chinese Newcomers Service Center	Not Monitored	*
Civic Center Community Benefit District	*	Not Monitored
Community Awareness and Treatment Services	*	*
Community Housing Partnership		*
Community Initiatives	*	*
Community Technology Network	*	Not Monitored
Community Works West, Inc.	*	*
Community Youth Center of San Francisco	*	*
Compass Family Services	*	Good Performance Waiver
Conard House Inc	*	*
Counterpulse	Not Monitored	Not Monitored
Dolores Street Community Services	*	
Donaldina Cameron House	*	Good Performance Waiver
Edgewood Center for Children and Families	*	Not Monitored
Enterprise for Youth	*	Not Monitored
Eviction Defense Collaborative, Inc.	*	*

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FY19 Contractors with No Findings	Also No Findings in FY18 (*)	Also No Findings in FY17 (*)
Felton Institute	*	*
Five Keys Charter School and Programs	Good Performance Waiver	*
Friendship House Association of American Indians	*	*
GLBT Historical Society		Not Monitored
Glide Community Housing	*	*
Good Samaritan Family Resource Center, Inc	*	*
Goodwill Industries of SF, San Mateo and Marin	Not Monitored	Not Monitored
Gum Moon Residence Hall	*	*
Hamilton Family Center, Inc.	*	*
HealthRight 360		*
Hearing and Speech Center of Northern California	*	*
Heluna Health	*	Not Monitored
Homebridge	*	*
Homeless Children's Network	*	Good Performance Waiver
Homeless Prenatal Program	Good Performance Waiver	*
Horizons Unlimited of San Francisco, Inc.	*	*
Huckleberry Youth Programs		*
Independent Living Resource Center of San Francisco	*	
Institute on Aging	*	*
Instituto Familiar de La Raza, Inc.	*	*
Japanese Community Youth Council	Good Performance Waiver	*
Jewish Family and Children's Services	*	*
Jewish Vocational Service	*	*
La Casa de las Madres	*	Good Performance Waiver
La Raza Centro Legal	*	
Larkin Street Youth Services		*
Lavender Youth Recreation and Information Center	Good Performance Waiver	*
Legal Assistance to the Elderly	*	*
Legal Services for Children	Good Performance Waiver	*
MAITRI	*	*
Meals on Wheels	*	*
Mission Asset Fund	Good Performance Waiver	*
Mission Economic Development Agency		*
Mission Housing Development Corporation	*	Good Performance Waiver
Mission Neighborhood Centers, Inc.	*	*
Mission Neighborhood Health Center	*	*
Mt St Joseph-St Elizabeth	*	*
Mujeres Unidas y Activas	*	Good Performance Waiver
New Door Ventures	*	Not Monitored
Nihonmachi Legal Outreach DBA APILO	*	
Northern California Presbyterian Homes and Services	Good Performance Waiver	*
OpenHouse	Not Monitored	Not Monitored

FY19 Contractors with No Findings	Also No Findings in FY18 (*)	Also No Findings in FY17 (*)
Performing Arts Workshop	Good Performance Waiver	*
Portola Family Connections	*	*
Project Open Hand	*	*
Rafiki Coalition for Health and Wellness		*
Recovery Survival Network		Not Monitored
Richmond Area Multi-Services, Inc.	*	*
Richmond District Neighborhood Center	Good Performance Waiver	*
Salvation Army	*	Not Monitored
San Francisco Community Land Trust	Not Monitored	Not Monitored
San Francisco Housing Development Corporation		*
San Francisco LGBT Community Center		*
San Francisco Parks Alliance	Not Monitored	Not Monitored
Self-Help for the Elderly	*	*
Seneca Center	*	Good Performance Waiver
Shanti Project	*	*
Southeast Asian Community Center		*
St. James Infirmary	*	*
St. Vincent de Paul Society of San Francisco		Not Monitored
Success Center SF	*	*
Sunset District Community Development - Sunset Youth Services	*	*
Swords to Plowshares Veterans Rights Organization	*	*
Telegraph Hill Neighborhood Center	*	Not Monitored
Tides Center	*	*
Toolworks Inc	*	*
United Playaz	*	*
WestEd	*	Not Monitored
Women's Audio Mission	Not Monitored	Not Monitored
YMCA of San Francisco	*	Good Performance Waiver
Young Community Developers	*	*
Young Women's Freedom Center	Not Monitored	Not Monitored

Appendix C. Number of Contractors with Findings by Standard, FY16-FY19

Standard Category	Standard Type	Standard Name	FY16	FY17	FY18	FY19
FISCAL REVIEW						
Agency-wide Budget	Standard	1a. Current (fiscal or calendar year)	1	0	0	0
	Standard	1b. Shows income and expense by program	3	5	0	2
	Standard	1c. Shows allocation of shared and indirect costs by program	4	4	2	7
	Standard	1d. Shows fundraising separate from program expense	5	1	1	0
	Standard	1e. Clearly identifies all revenue sources (City, state, federal)	1	2	0	0
	Standard	1f. 15% of funding from non-City sources or contractor can demonstrate non-City fundraising efforts	3	3	2	3
	Best Practice	1g. Includes annual cash flow projections (Best Practice)	22	14	13	15
Cost Allocation Procedures	Standard	2a. Cost allocation procedures and plan for shared costs is documented in a written narrative or in the footnotes of the current approved agency-wide budget	1	1	2	5
	Standard	2b. Process for allocating shared program costs is consistent and reasonable	4	3	1	5
	Standard	2c. Cost allocation procedures and plan for indirect costs is documented in a written narrative or in the footnotes of the current approved agency-wide budget	1	3	3	3
	Standard	2d. Process for allocating indirect costs is consistent and reasonable	4	3	2	7
	Standard	2e. Procedures for cost allocation match actual cost allocation practices found in the agency-wide budget and financial documents	8	6	3	7
Audited Financial Statements	Standard	3a. Completed and complete: all sections and statements included; opinion and other audit letters are signed	1	1	5	6
	Standard	3b. Unmodified opinion	1	1	0	0
	Standard	3c. No material weaknesses mentioned or going concern stated in the notes to the financial statements	2	1	0	1
	Standard	3d. No current audit findings and/or questioned costs	4	2	0	0
	Standard	3e. Audit completed within six months of the close of the contractor's fiscal year	14	3	13	14
	Standard	3f. Management letter has been signed by the audit firm	1	2	0	0

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Standard Category	Standard Type	Standard Name	FY16	FY17	FY18	FY19
	Standard	3g. For any prior year findings, the Contractor has provided a reasonable explanation of how the Contractor has corrected all the findings	3	1	1	0
	Standard	3h. (A-133 Audit) No material weaknesses mentioned or going concern stated in the notes to the financial statements	2	0	0	0
Audited Financial Statements	Standard	3i. (A-133 Audit) No current findings and/or questioned costs	1	0	1	0
	Standard	3j. (A-133 Audit) For any prior year findings, the Contractor has provided you with a reasonable explanation of how the Contractor has corrected all the findings	1	0	0	0
	Pilot	3k. Total unrestricted net income (change in net assets) is positive over the sum of 2 consecutive years or the contractor provides a reasonable explanation for how it will be positive by the end of the fiscal year [pilot standard]	NA	NA	17	19
	Best Practice	3l. Total change in cash is positive over the sum of 2 consecutive years or agency has a reasonable explanation and/or plan to reverse cash outflow [best practice]	37	41	10	18
	Best Practice	3m. In current audit, agency has at least 60 days of operating cash (best practice)	42	34	31	36
Tax Form	Standard	4a. Federal 990 return filed for most recent tax year or request for extension submitted on time	0	4	1	0
Fiscal Policies and Procedures	Standard	5a. Upon turnover of executive director and/or fiscal manager, policies and procedures are reviewed within one year of the change, and updated if necessary	0	1	3	3
	Best Practice	5b. Policies are current (updated within the past two calendar years or to reflect monitoring/audit recommendations) [Best Practice]	7	4	10	3
	Standard	5c. Complete (contains internal controls, financial reporting, accounts payable and receivable, payroll and procurement)	7	3	2	11
	Standard	5d. Implementation of policies and procedures demonstrates appropriate internal controls, including segregation of duties	4	1	2	1
Financial Reports	Standard	6a. Balance Sheet: Current (as of the last three months, at least)	3	1	0	0
	Standard	6b. Balance Sheet: Working capital ratio is greater than 1	4	5	4	5
	Standard	6c. Balance Sheet: Current bank reconciliation (as of the last three months, at least)	2	1	0	0
	Standard	6d. Profit and Loss Statement: Current (as of the last three months, at least)	2	1	0	0
	Standard	6e. Profit and Loss Statement: Shows year-to-date (YTD) income and expense by program/ contract/ funding source, including indirect costs	0	3	2	4
	Standard	6f. Profit and Loss Statement: Year-to-date net income is either a positive number or the Contractor provides a sound explanation of how it will be positive by the end of the fiscal year	9	5	4	6
Invoices	Standard	7a. Expenses tested on invoices have supporting documentation: credit card charges and/or petty cash expenditures are all documented with an original receipt and reasonably tie to the cost allocation plan.	7	3	3	5

Standard Category	Standard Type	Standard Name	FY16	FY17	FY18	FY19
	Standard	7b. Contractor follows its policies for writing checks, credit card use, petty cash use, and/or reimbursement for expenses tested on invoices	4	2	1	2
	Standard	7c. Tested expenses on invoices appear to be reasonably associated with the program budget	4	5	1	3
	Standard	7d. Units of service provided are documented and agree with invoices	0	0	0	0
	Standard	7e. Subcontracts: Subcontractor authorized by contract	0	1	0	0
Invoices	Standard	7f. Subcontracts: Contractor paid its subcontractors' invoices per the schedule established in the subcontracting agreement and/or prior to receiving City reimbursement for the services delivered	1	1	0	0
	Standard	7g. Subcontracts: Subcontractor invoices show basis for work billed as performed (units of service, hours, reimbursable costs)	1	1	0	0
Payroll	Standard	8a. State (DE 9 and DE 9C) and federal (941) payroll tax returns were filed by the end of the month following the end of the quarter for monitoring months under review	0	0	0	1
	Standard	8b. Employees paid with City funds listed on invoices checked in Section 7 above are listed on the DE 9 and DE 9C for the quarter(s) that includes the monitoring months under review	0	0	0	1
	Standard	8c. Documentation that payroll taxes due were actually paid	0	0	0	1
	Standard	8d. Timesheets: If employee time is paid by more than one source, it is recorded by funding source or program on timesheets	5	4	3	8
	Standard	8e. Employee and supervisor signatures on timesheets in ink (e-timesheets are acceptable)	3	1	0	0
	Standard	8f. All changes to timesheet are initialed by supervisor and employee in ink (e-timesheets are acceptable)	2	1	0	0
	Standard	8g. Timesheets of employees paid with City funds listed on invoices checked in Section 7 above list hours worked that are consistent with invoices	2	4	1	2
Board Oversight	Standard	9a. Minutes show that the Board approved the current agency-wide budget within at least three months of the start of the fiscal year	0	0	3	2
	Standard	9b. Minutes show that financial reports are shared with the Board at least quarterly, or more regularly when financial concerns warrant it	2	2	0	3
	Standard	9c. Minutes show that the Board reviewed the most recent audit within the fiscal year	3	0	6	3
COMPLIANCE						
Board Oversight	Standard	9d. Minutes show that if a paid City employee or City commission member is on the Board, s/he did not vote on items related to City contracts with their affiliated City department (excluding vote on Agency-Wide Budget)	0	0	0	1
	Standard	9e. If a paid City employee or City commission member is on the Board, Contractor provides documentation showing that board member signed a Conflict of Interest Policy	0	0	0	1
	Standard	9f. Minutes show that if the Executive Director is a member of the Board, s/he did not vote on his or her compensation	0	1	0	0

Standard Category	Standard Type	Standard Name	FY16	FY17	FY18	FY19
	Standard	9g. Board conducts an Executive Director performance review annually	5	6	5	7
GOVERNANCE BEST PRACTICES						
Board Oversight	Best Practice	9h. Assist with the raising of funds	3	3	1	0
	Best Practice	9i. Participate in annual giving to agency with either money or in-kind contributions	5	3	2	0
	Best Practice	9j. Achieve quorum at every meeting	3	4	3	3
	Best Practice	9k. Board reviews IRS Form 990 (or is distributed to members)	12	5	0	2
	Best Practice	9l. Bylaws define term limits, quorum, committee structures, and voting/decision-making process	2	2	2	1
	Best Practice	9m. Board leadership positions filled	4	4	1	2
	Best Practice	9n. Board is conducting active recruitment to fill vacancies	3	2	0	0
	Best Practice	9o. Conflict of interest policy exists	4	4	2	2
	Best Practice	9p. Agency has a Board Manual documenting the best practices described here	5	5	5	4
COMPLIANCE REVIEW						
Public Access	Standard	10a. Contractor has and follows a written policy that it must maintain and make available for public inspection within 10 days of the request (1) most recent budget, (2) most recently filed state and federal tax returns, and (3) any financial audits and performance evaluations performed by or for the City pursuant to a City contract	3	0	4	2
	Standard	10b. At least two meetings with quorum status are open to the public each year	2	1	1	3
	Standard	10c. These two meetings are announced to the general public at least 30 days in advance through the SF Public Library and the Clerk of the Board of Supervisors	2	0	2	5
	Standard	10d. Bylaws include requirements for client representation on Board, or Contractor makes other good-faith efforts to ensure client representation	0	0	1	0
Subcontracts	Standard	11a. Documentation that procurement procedures (and/or the process for entering into legal agreements) in the Contractor's fiscal policies and procedures were followed by Contractor to select subcontractors (if applicable)	1	2	1	1
	Standard	11b. Legally binding agreements between Contractor and subcontractors are valid and current, and include scope of work/deliverables	1	1	1	2
	Standard	11c. Documentation that contractor regularly monitors fiscal and programmatic performance of subcontractors, including monitoring of invoices	4	1	0	4
	Pilot	11d. Is Contractor a fiscal agent for one or more sponsored programs? [Pilot] If yes, select box to indicate this Contractor is in the Fiscal Agent Pilot, and use notes field to comment on sponsored program's financial documents.	#N/A	#N/A	#N/A	7

Standard Category	Standard Type	Standard Name	FY16	FY17	FY18	FY19
Personnel Policies	Standard	12a. Written and current personnel/employee manual, including: Equal Employment Opportunity; Harassment and Discrimination; Reasonable Accommodation (ADA); Grievance Procedures	1	1	2	2
	Standard	12b. Evidence that staff were trained regarding personnel policies	0	1	1	0
	Standard	12c. Documentation within the personnel file is complete	5	1	2	3
Emergency Operations Plan	Standard	13a. Written emergency operations plan	8	2	2	3
	Standard	13b. Staff and volunteers were trained on the emergency plan, or have undergone at least one fire drill within the last year	4	1	4	5

Appendix D. Contractors with Repeat Findings, FY18-FY19

Contractor	Category	Code	Name
African American Art and Culture Complex	Audited Financial Statements	3a	Completed and complete: all sections and statements included; opinion and other audit letters are signed
	Audited Financial Statements	3e	Audit completed within six months of the close of the contractor's fiscal year
	Fiscal Policies and Procedures	5d	Implementation of policies and procedures demonstrates appropriate internal controls, including segregation of duties
	Invoices	7a	Expenses tested on invoices have supporting documentation: credit card charges and/or petty cash expenditures are all documented with an original receipt and reasonably tie to the cost allocation plan.
	Payroll	8g	Timesheets of employees paid with City funds listed on invoices checked in Section 7 above list hours worked that are consistent with invoices
Bayview Hunters Point Foundation	Agency-wide Budget	1f	15% of funding from non-City sources or contractor can demonstrate non-City fundraising efforts
	Financial Reports	6f	Profit and Loss Statement: Year-to-date net income is either a positive number or the Contractor provides a sound explanation of how it will be positive by the end of the fiscal year
Bayview Hunters Point Multipurpose Senior Services	Financial Reports	6b	Balance Sheet: Working capital ratio is greater than 1
Homies Organizing the Mission to Empower Youth - HOMEY	Board Oversight	9g	Board conducts an Executive Director performance review annually
Lower Polk Community Benefit District	Audited Financial Statements	3e	Audit completed within six months of the close of the contractor's fiscal year
Mental Health Association of San Francisco	Financial Reports	6b	Balance Sheet: Working capital ratio is greater than 1
Potrero Hill Neighborhood House	Board Oversight	9g	Board conducts an Executive Director performance review annually
Vietnamese Youth Development Center	Audited Financial Statements	3e	Audit completed within six months of the close of the contractor's fiscal year
	Public Access	10c	These two meetings are announced to the general public at least 30 days in advance through the SF Public Library and the Clerk of the Board of Supervisors

West Bay Pilipino Multi Service Corporation	Audited Financial Statements	3a	Completed and complete: all sections and statements included; opinion and other audit letters are signed
	Audited Financial Statements	3e	Audit completed within six months of the close of the contractor's fiscal year
	Board Oversight	9c	Minutes show that the Board reviewed the most recent audit within the fiscal year
Westside Community Services	Agency-wide Budget	1f	15% of funding from non-City sources or contractor can demonstrate non-City fundraising efforts
	Financial Reports	6f	Profit and Loss Statement: Year-to-date net income is either a positive number or the Contractor provides a sound explanation of how it will be positive by the end of the fiscal year

Appendix E: Performance Measures

Measure	Program Category	Type of Measure	Existing or New in FY19	Target	FY16 Actual	FY17 Actual	FY18 Actual	FY19 Actual
# of City Monitor Workshops offered	Capacity Building	How Much	Existing	No Target		3	4	4
# of attendees at City Monitor Workshops (unique attendees across all workshops)	Capacity Building	How Much	Existing	No Target		33	40	22 ³
# of Spring Nonprofit Trainings offered	Capacity Building	How Much	Existing	No Target		3	3	3
# of attendees at Spring Nonprofit Training Series (unique attendees across all workshops)	Capacity Building	How Much	Existing	No Target		74	80	72
# of hours of coaching delivered	Capacity Building	How Much	Existing	No Target		248	210	208
# of nonprofits receiving coaching	Capacity Building	How Much	Existing	No Target		13	8	7
% of monitors reporting they were always or most of the time confident about their findings	Monitoring	How Well	Existing	95%	91%	100%	93% ⁴	76%
% of monitors who agreed their monitoring teams collaborated effectively the majority of the time	Monitoring	How Well	Existing	95%	100%	100%	94%	95%
% of nonprofits who report a clear understanding of the fiscal and compliance elements to be monitored in their contracts	Monitoring	How Well	Existing	95%	88%	92%	86%	93%
% of nonprofits who agree City staff clearly communicated about what to expect from the site visit or self-assessment process	Monitoring	How Well	New	No Target ⁵				93%
% of nonprofits who agree City staff conducted the site visit or self-assessment according to the communicated process	Monitoring	How Well	New	No Target ⁶				100%

³ FY19 started a focus on new City staff, which may explain fewer unique attendees across workshops.

⁴ Survey question in FY18 used a 5-point scale, while questions in FY17 and FY16 used a 4-point scale. This may explain lower values starting in FY18.

⁵ The Program is still establishing a baseline for this measure.

⁶ The Program is still establishing a baseline for this measure.

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Measure	Program Category	Type of Measure	Existing or New in FY19	Target	FY16 Actual	FY17 Actual	FY18 Actual	FY19 Actual
% of nonprofits who agree City staff conducted the site visit or self-assessment process efficiently	Monitoring	How Well	New	No Target ⁵				100%
% of nonprofits who rate the training series as helpful (of those who attended)	Capacity Building	How Well	Existing	95%	94%	98%	87%	98%
% of nonprofits that received technical assistance and reported that the coaching services met their needs	Capacity Building	How Well	Existing	80%		67%	83%	100%
% of monitors who, on average, rate the tools and resources provided by the Monitoring Program as helpful (of those who used the resource)	Monitoring	Better Off	Existing	95%	82%	75%	80%	86% ⁷
% of nonprofits who agree or strongly agree the Program helps ensure their nonprofit has strong, sustainable fiscal operations	Monitoring	Better Off	Existing	85%		84%	74%	76%
% of all nonprofits who had fiscal findings who reduced them in the subsequent year	Monitoring	Better Off	New	No Target ⁵				25%
% of coached nonprofits who had fiscal findings who reduced them in the subsequent year	Capacity Building	Better Off	New	No Target ⁵				57%
% of nonprofits who attended a training and report (via survey) they changed their practices based on the training	Capacity Building	Better Off	Existing	No Target ⁵			21%	55%
% of monitors who attended a training who report (via survey) they felt more confident evaluating a nonprofit's financial management practices	Capacity Building	Better Off	New	No Target ⁵				36%

⁷ Survey question changed slightly in FY19. Previously the question asked one general question. In FY19, helpfulness responses related to several resources were averaged.

Appendix F: Standard Monitoring Form FY18-FY19 Summary of Changes

Category	FY18-19 Standard	What's Different	Explanation
3. Audited Financial Statements	<p>a. Completed and complete</p> <p>e. Audit completed within six months of the close of the contractor's fiscal year</p>	<p>Guidance clarifies how monitors should apply the standards: If Contractor has been required to receive a formal audit but has not done so, monitors should mark 3a and 3e as findings; no other standards in this category apply. If Contractor has been required to receive an audit but is still in process (i.e., is late), monitors should mark 3e as a finding; no other standards in this category apply. All other standards in this category apply only when reviewing actual audit documents.</p>	<p>A review of recent monitoring showed variation in how monitors account for a "missing" audit. Additional guidance is needed to ensure that all monitors capture information about the lack of a required audit in the same way.</p>
6. Financial Reports	<p>a. Balance Sheet is current (as of the last three months, at least)</p> <p>c. Current bank reconciliation (as of the last three months, at least)</p> <p>d. Profit and Loss Statement is current (as of the last three months, at least)</p>	<p>The standard for "current" has been changed from four months to three months in all three items. In all cases, guidance reflects that only the most recent YTD documents are needed, and these should be updated within the prior three months.</p>	<p>Contractors should be reconciling and closing books at least quarterly, though more frequently is recommended. Reviewing a balance sheet or profit and loss statement that is four months old does not give monitors a clear and accurate picture of the contractor's current fiscal health.</p>
8. Payroll	<p>c. Documentation that payroll taxes due were actually paid</p>	<p>Guidance updated to reflect that evidence uncovered elsewhere in financial documents showing payroll taxes had not been paid for quarters other than the one being reviewed could be used to apply a finding to this standard. Guidance also notes that failure to</p>	<p>Monitors typically sample two months of payroll during the monitoring, and assess 8c through this sample. However, monitors may occasionally identify a failure to pay payroll tax through other financial documents (e.g., a liability on audited financial statements), and this</p>

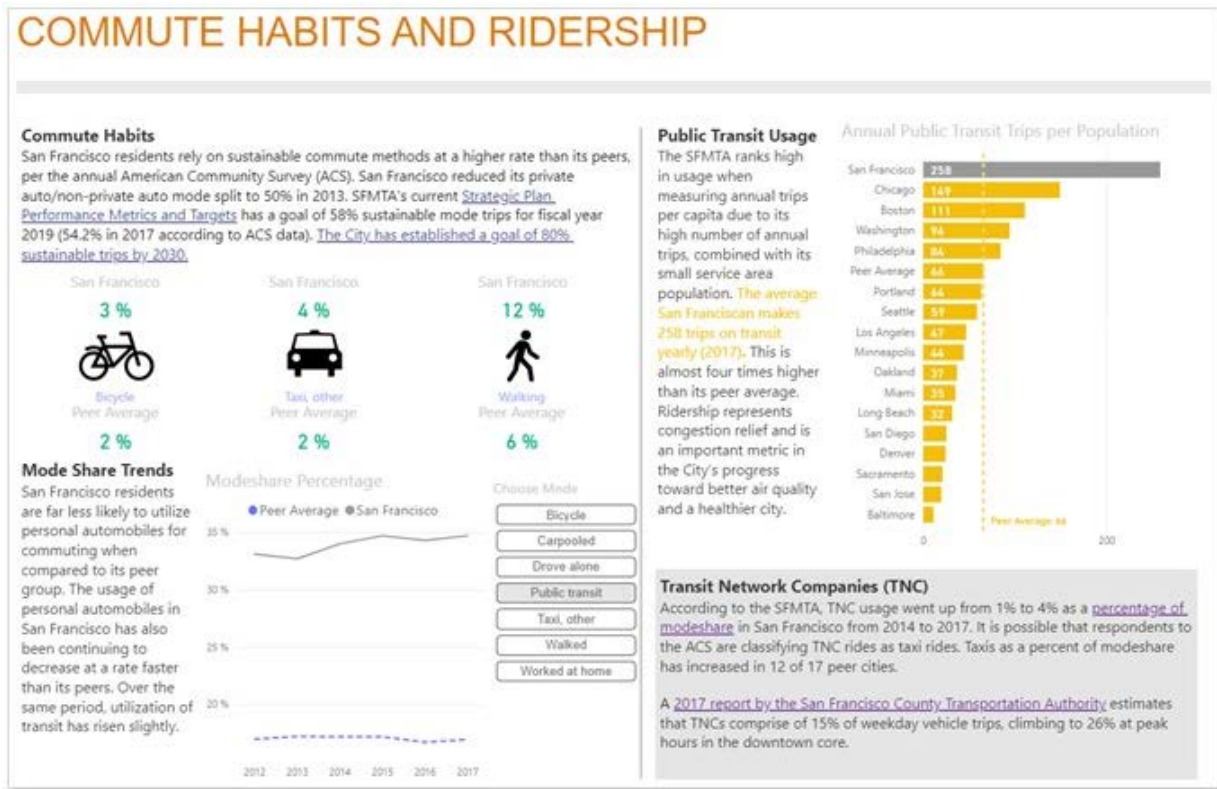
		pay payroll taxes is criteria for placement on Elevated Concern Status.	evidence should also justify a finding. Though monitors won't have to investigate every quarter, any evidence of unpaid payroll tax found in the normal course of monitoring will count as a finding.
9. Board Oversight	a. Minutes show that the Board approved the current agency-wide budget within at least three months of the start of the fiscal year	Standard has been changed to incorporate a timeline requiring a board to approve a budget within the first quarter of a contractor's fiscal year. Previously, there was no time parameter for this standard.	Budgets are best used as planning tools, and should be adopted early in the year in order to support effective program operations. Contractors that delay finalization of a budget past the first quarter typically have difficulty managing cash flow. Adding time parameters for board approval may support a timely budgeting process.
9. Board Oversight	e. If a paid City employee or City commission member is on the Board, Contractor provides documentation showing that board member signed a Conflict of Interest Policy	New standard added. New guidance on how to comply has also been included in the Standard Monitoring Form.	The City requires an extra layer of transparency for board members who are also City employees or commissioners to ensure there is no conflict of interest associated with the use of City funding.
9. Board Oversight	i. Participate in annual giving to agency with either money or in-kind contributions	Best practice has been changed to allow for in-kind contributions to apply when considering board member annual giving practices.	While it is a best practice that board members contribute to the agency financially, this may be more challenging for smaller, developing boards. In-kind contributions may also meet this best practice.
11. Subcontracts	d. Is Contractor a fiscal agent for one or more sponsored programs?	New pilot standard and process added. If the contractor is a fiscal agent or fiscal sponsor, selecting this pilot standard indicates that the contractor is part of the "Fiscal Agent Pilot" (this does not indicate a finding). Fiscal agents should provide the following documentation regarding sponsored programs they oversee: current agency-wide budget; current YTD profit and loss statement; current YTD balance sheet; most recent audit, if one was performed. If the Prime Contractor cannot provide these documents on behalf of the sponsored program, 11c may be a finding.	City departments frequently fund programs via a prime contractor, but the existing monitoring practices do not allow for in-depth review of the financial stability of the sponsored program. This new pilot tests a process for collecting a small number of financial documents from the prime about the sponsored program, but does not expect these documents to meet current City standards. Departments will assess the learnings from this pilot at the close of the FY18-19 monitoring cycle and determine whether and how to improve monitoring of sponsored programs.

From: [Reports_Controller \(CON\)](#)
To: [Calvillo, Angela \(BOS\)](#); [Mchugh, Eileen \(BOS\)](#); [BOS-Supervisors](#); [BOS-Legislative Aides](#); [Elsbernd, Sean \(MYR\)](#); [Fay, Abigail \(MYR\)](#); [Bruss, Andrea \(MYR\)](#); [Philhour, Marjan \(MYR\)](#); [Power, Andres \(MYR\)](#); [Kirkpatrick, Kelly \(MYR\)](#); [Ma, Sally \(MYR\)](#); [Cretan, Jeff \(MYR\)](#); [Lynch, Andy \(MYR\)](#); [Kittler, Sophia \(MYR\)](#); [alubos@sftc.org](#); [pkilkenny@sftc.org](#); [Rose, Harvey \(BUD\)](#); [Campbell, Severin \(BUD\)](#); [Newman, Debra \(BUD\)](#); [Docs_SF \(LIB\)](#); [CON-EVERYONE](#); [MYR-ALL Department Heads](#); [CON-Finance Officers](#); [Wier, Megan \(DPH\)](#); [Jacobson, Michael \(MTA\)](#); [Soltani, Shamsi \(DPH\)](#); [Kronenberg, Chava \(MTA\)](#); [Reeves, Ryan \(MTA\)](#); [Wise, Viktoriya \(MTA\)](#); [Ibarra, Lorenzo \(FIR\)](#); [Fox, Travis \(MTA\)](#); [Kirschbaum, Julie \(MTA\)](#); [Green, Tal \(MTA\)](#); [Green, Tal \(MTA\)](#)
Subject: Issued: Updated Transportation Benchmarking Dashboards
Date: Tuesday, October 29, 2019 10:54:28 AM

Today the Controller’s Office is releasing updated Commute Habits and Ridership, Public Transit Performance, and Traffic Fatalities dashboards on the [Transportation Benchmarking](#) section of the [Performance Scorecards](#) website.

The [Transportation](#) dashboards compare transit metrics in commuter behavior, transit system performance, and safety using data sourced from the National Transit Database, the American Community Survey, the National Highway Traffic Safety Administration, and Vision Zero peers. Updates include most recent data available for all peers, from 2017 for many metrics and 2018 for traffic fatalities. Visit the [Transportation Scorecard](#) for up-to-date San Francisco performance reporting.

Visit <https://sfgov.org/scorecards/benchmarking/transportation> to learn more.



TRAFFIC FATALITIES

Traffic Fatalities

San Francisco adopted Vision Zero in 2014, establishing a goal of zero traffic fatalities. San Francisco has the fourth lowest traffic fatalities per capita among Vision Zero peers that have released 2018 data. The change between 2017 and 2018 is driven by an increase in fatalities across all modes of 4 deaths-per-million-residents. 2017, San Francisco ranked third out of 18 peers. Neither San Francisco nor peer cities who have adopted the Vision Zero goal have met the metric of zero traffic fatalities.

Through September 2019, San Francisco has recorded 22 traffic fatalities compared to 23 traffic fatalities for all of 2018.

Traffic Fatalities per One Million Residents



Traffic Fatality Trends by Mode (2014-present)

The charts below track the number of fatalities by mode (adjusted per one million residents), and the percent change between 2014-2018 for San Francisco and the nine Vision Zero peer cities that reported 2018 data. San Francisco saw a slight increase in per capita fatalities for every mode compared to 2017. San Francisco tracks close the peer average in safety for cycling and walking, but notably performs better than its peer group in automotive fatalities.



Vision Zero

Vision Zero SF is San Francisco's commitment to eliminating traffic deaths on our streets. Through building better and safer streets, educating the public on traffic safety, enforcing traffic laws and adopting policy changes, we can save the lives of all road users.

Vision Zero SF is focused on three key areas:

- Strategic actions** - Actions executed by partner agencies, developed with community groups, advocates, and the public.
- Transformative policies** - Change state law to enable automated enforcement, setting speed limits to advance safety, regulating Transportation Network Companies (TNCs) and pricing Vehicle Miles Traveled (VMT).
- Complementary goals** - Advancing existing city goals, such as Transit First, affordable housing, and climate action, to reduce vehicle trips and severe and fatal crashes.

For more information on Vision Zero SF, refer to the [Vision Zero Action Strategy](#).

This is a send-only email address.

For questions about benchmarking, please contact Natasha Mihal at natasha.mihal@sfgov.org or 415/554-7429.

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From: [Board of Supervisors, \(BOS\)](#)
To: [BOS-Supervisors](#)
Subject: FW: The Department of Elections Begins Opening and Processing Returned Vote-By-Mail Ballots on October 22
Date: Tuesday, October 22, 2019 10:25:00 AM

From: SFVote, (REG) <sfvote@sfgov.org>
Sent: Friday, October 18, 2019 2:36 PM
Subject: The Department of Elections Begins Opening and Processing Returned Vote-By-Mail Ballots on October 22

Department of Elections
City and County of San Francisco
John Arntz, Director

For Immediate Release

SAN FRANCISCO, Friday, October 18, 2019 – The Department of Elections will begin opening and processing accepted vote-by-mail ballot envelopes on Tuesday, October 22.

The United States Postal Service delivers voted vote-by-mail ballots to the Department on a daily basis as soon as the first such ballots have made their way to and from voters. The Department can begin scanning envelopes and conducting the review of voters' signatures required under state election law as soon as ballots are returned by voters. However, the Department may begin opening the envelopes and removing ballot cards in preparation for tabulation 10 business day before Election Day.

Ballot processing is open to public observation, either in person at the Department of Elections' office in City Hall Room 48 or by watching a live streaming on the Department's website at sfelections.org/observe.

"The Department of Elections invites community members to observe the elections processes conducted at our main office in Room 48, City Hall and the warehouse at Pier 31," said Director John Arntz. "For every election, we prepare and provide a Guide to Observing Elections Processes on our website, sfelections.org, so that members of the public can familiarize themselves with various elections activities and associated schedules."

The processing of vote-by-mail ballots involves several steps. As vote-by-mail ballots are returned, Department personnel scan the outside of the envelopes through a mail sorter that records receipt of each ballot and captures the voters' signatures on the envelopes for Department personnel review. During the review, personnel compare the signatures on return envelopes to the signature images from the voters' registration records. The Department notifies voters whose signatures cannot be compared to any on file in several ways, detailing the actions a voter must take before the Department can count the ballot.

In preparation for tabulation, Department personnel remove ballot cards from accepted vote-by-mail envelopes, which have been opened by a high-speed envelope opener. During this process, personnel observe ballot secrecy by keeping the sides of envelopes showing voter information face down. After the ballot cards have been removed, personnel transfer the cards to the Ballot Processing room to be scanned and tabulated for inclusion in the preliminary election results reports on Election Night.

For more information, visit sfelections.org or contact the Department of Elections at (415) 554-4375.

###

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[Learn about the new voting system that San Francisco voters will begin using in the November 5, 2019 election](#)

From: [Board of Supervisors, \(BOS\)](#)
To: [BOS-Supervisors](#)
Subject: FW: CMD Form 201 (x2)
Date: Wednesday, October 23, 2019 8:50:00 AM
Attachments: [DPH 9756.pdf](#)
[DPH 9757.pdf](#)
[image001.png](#)

From: Viterbo-Martinez, Domenic (ADM) <domenic.viterbo-martinez@sfgov.org>
Sent: Monday, October 21, 2019 2:17 PM
To: Carmona, Irene (DPH) <Irene.Carmona@sfdph.org>; Folmar, David (DPH) <david.folmar@sfdph.org>; Hale, Jacquie (DPH) <jacquie.hale@sfdph.org>; Hoffman, Samuel (DPH) <samuel.hoffman@sfdph.org>; Hon, Stephanie (DPH) <stephanie.hon@sfdph.org>; Longhitano, Robert (DPH) <robert.longhitano@sfdph.org>; Rossi, Ron (DPH) <ron.rossi@sfdph.org>; Wu, Cynthia (DPH) <cynthia.wu@sfdph.org>
Cc: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>; Winchester, Tamra (ADM) <tamra.winchester@sfgov.org>
Subject: CMD Form 201 (x2)

Hello, DPH:

Attached are signed copies of the following CMD Form 201 12B waiver requests:

1. 9756 – UCSF MEDICAL CENTER
2. 9757 – ST. MARY'S MEDICAL CENTER

Thank you,



Domenic Viterbo-Martinez, Administrative Assistant

Chapter 12B Equal Benefits Unit

Contract Monitoring Division (CMD)

30 Van Ness Avenue | Suite 200 | San Francisco | CA | 94102

Direct 415-581-2311 | Fax 415-581-2351

Equal Benefits Email CMD.EqualBenefits@sfgov.org

CMD Website www.sfgov.org/cmd

» *The City and County of San Francisco is using a new enterprise management system. All businesses now register, view and submit bids, sign contracts, and update contact/banking/compliance information online! Follow these steps:*

Register as a Bidder

<https://SFSupplierPortal.sfgov.org>

Register compliance with the Chapter 12B Equal Benefits Ordinance

<https://SupplierLaunchPage>

Click Sign In, then click CCSF Certifications and 12B Declaration

Submit a ticket to be converted from a Bidder to a Supplier

<https://Supplier.Management@sfgov.org>



CITY AND COUNTY OF SAN FRANCISCO
CONTRACT MONITORING DIVISION

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

Send completed waiver requests to:
CMD, 30 Van Ness Avenue, Suite 200, San Francisco, CA 94102 or
cmd.waiverrequest@sfgov.org

FOR CMD USE ONLY
Request Number: 9756
2019 AUG 30 PM 2:02
CONTRACT MONITORING DIVISION

Section 1. CCSF Department Information (all fields must be completed)

Department Head Signature: [Signature]
Name of Department: Public Health
Department Address: 1380 Howard Street, Room 421b, San Francisco, CA 94103
Contact Person: Jacquie Hale
Phone Number: (415) 255-3508 E-mail: Jacquie.Hale@SFDPH.org

Section 2. Contractor Information (all fields must be completed)

Contractor Name: Regents of the University of California (UCSF MEDICAL CENTER) (UCSFMEDICA-001)
Bidder/Supplier No.: Supplier #0000009026 - UCSF medical center Contractor Tax ID:
Contractor Address:
Contact Person: Contact Phone No.:

Section 3. Transaction Information (all fields must be completed)

Date Waiver Request Submitted: 9/1/19 Dollar Amount of Contract: \$ 28,000
Contract/Transaction Number: 1000014583 Contract Name: Hospital Preparedness Program grant
Contract/Transaction Start Date: 7/1/19 Contract/Transaction End Date: 6/30/23
9-1-19 TW 9-25-19

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

X Chapter 12B
Chapter 14B Note: Employment and LBE subcontracting requirements will still be in force even when a 14B Waiver Type A or B is granted

Section 5. Waiver Type (a justification must be attached; see Check List on the other side of this form for instructions)

[X] A. Sole Source
B. Emergency (pursuant to Administrative Code §6.60 or §21.15)
C. Public Entity
[check] D. No Potential Contractors Comply (Required) Copy of waiver request sent to Board of Supervisors on: 10-21-19
E. Government Bulk Purchasing Arrangement (Required) Copy of waiver request sent to Board of Supervisors on:
F. Sham/Shell Entity (Required) Copy of waiver request sent to Board of Supervisors on:
G. Subcontracting Goals
H. Local Business Enterprise (LBE) Note: For contracts in excess of \$5 million; see Admin. Code §14B.7(J)(2)

CMD ACTION - For CMD/HRC Use Only
12B Waiver Granted: [check] 14B Waiver Granted:
12B Waiver Denied: 14B Waiver Denied:
Reason for Action: No compliant source has the capacity to provide Public Health Emergency Hospital Preparedness Program training.
CMD or HRC Staff: Tamra Winchester Date: 9-25-19
CMD or HRC Director: [Signature] Date: 10-21-19



CITY AND COUNTY OF SAN FRANCISCO CONTRACT MONITORING DIVISION

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

Send completed waiver requests to:
CMD, 30 Van Ness Avenue, Suite 200, San Francisco, CA 94102 or
cmd.waiverrequest@sfgov.org

FOR CMD USE ONLY	
Request Number:	9757
2019 AUG 30 PM 2:02	
CONTRACT MONITORING DIVISION	

➤ **Section 1. CCSF Department Information (all fields must be completed)**

Department Head Signature: Michelle Hale
 Name of Department: Public Health
 Department Address: 1380 Howard Street, Room 421b, San Francisco, CA 94103
 Contact Person: Jacquie Hale
 Phone Number: (415) 255-3508 E-mail: Jacquie.Hale@SFDPH.org

➤ **Section 2. Contractor Information (all fields must be completed)**

Contractor Name: St. Mary's Medical Center (STMARYSMED-001)
 Bidder/Supplier No.: Supplier #0000010575 Contractor Tax ID: _____
 Contractor Address: _____
 Contact Person: _____ Contact Phone No.: _____

➤ **Section 3. Transaction Information (all fields must be completed)**

Date Waiver Request Submitted: 9/1/19 Dollar Amount of Contract: \$ 16,000
 Contract/Transaction Number: 10000014535 Contract Name: Hospital Preparedness Program grant
 Contract/Transaction Start Date: 9/1/19 Contract/Transaction End Date: 6/30/23

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

Chapter 12B
 Chapter 14B *Note: Employment and LBE subcontracting requirements will still be in force even when a 14B Waiver Type A or B is granted.*

➤ **Section 5. Waiver Type (a justification must be attached; see Check List on the other side of this form for instructions)**

A. Sole Source
 B. Emergency (pursuant to Administrative Code §6.60 or §21.15)
 C. Public Entity
 D. No Potential Contractors Comply (Required) Copy of waiver request sent to Board of Supervisors on: 10-21-19
 E. Government Bulk Purchasing Arrangement..... (Required) Copy of waiver request sent to Board of Supervisors on: _____
 F. Sham/Shell Entity (Required) Copy of waiver request sent to Board of Supervisors on: _____
 G. Subcontracting Goals
 H. Local Business Enterprise (LBE) *Note: For contracts in excess of \$5 million; see Admin. Code §14B.7(J)(2)*

CMD ACTION – For CMD/HRC Use Only			
12B Waiver Granted:	<input checked="" type="checkbox"/>	14B Waiver Granted:	_____
12B Waiver Denied:	_____	14B Waiver Denied:	_____
Reason for Action: <u>No compliant source has the capacity to provide Public Health Emergency Hospital Preparedness Program training.</u>			
CMD or HRC Staff:	<u>Tamra Winchester</u>	Date:	<u>9-25-19</u>
CMD or HRC Director:	<u>[Signature]</u>	Date:	<u>10/21/19</u>

From: [Board of Supervisors, \(BOS\)](#)
To: [BOS-Supervisors](#)
Cc: [Calvillo, Angela \(BOS\)](#); [Somera, Alisa \(BOS\)](#); [Young, Victor \(BOS\)](#)
Subject: FW: Resignation of Commissioner Seat
Date: Tuesday, October 22, 2019 11:27:00 AM

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

From: George Ishikata <george.ishikata@gmail.com>
 Sent: Monday, October 21, 2019 2:43 PM
 To: Karunaratne, Kanishka (MYR) <kanishka.cheng@sfgov.org>; Peacock, Rebecca (MYR) <rebecca.peacock@sfgov.org>; Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
 Cc: dchasteen <dchasteen@gmail.com>; Victor Olivieri <victor.olivieri@gmail.com>
 Subject: Fwd: Resignation of Commissioner Seat

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

Ladies and Gentlemen --

This is to inform you that Commissioner Kim Flaherty, a member of the Veterans Affairs Commission, has resigned her seat on the VAC due to her relocation to Sacramento.

Commissioner Flaherty held Seat 6 of the 12 seats appointed by the Board of Supervisors to the VAC.

Please let me know if you have any questions.

George

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

From: Kim Flaherty <flaherty.kim@gmail.com>
 Date: Mon, Oct 21, 2019 at 9:10 AM
 Subject: Resignation of Commissioner Seat
 To: David Chasteen <dchasteen@gmail.com>, Victor Olivieri <victor.olivieri@gmail.com>, George Ishikata <george.ishikata@gmail.com>

Kimberly Flaherty
 2i613 Argolis Way
 Sacramento, CA 95826

San Francisco Veterans Affairs Commission City Hall, Room 200
 1 Dr. Carl B. Goodlett Place
 San Francisco, CA 94102

Re: Resignation of seat as Commissioner, S.F.V.A.C.

To San Francisco Veterans Affairs Commission President, Vice President, and Secretary,

I am hereby resigning from my seat as a commissioner for the San Francisco Veterans Affairs Commission as I have

relocated my residency from San Francisco to Sacramento, CA.

I am hoping to get involved with veteran issues at the state level once I am settled.

Thank you for giving me the opportunity to serve in San Francisco and I will still be connected to San Francisco when the opportunity arrives.

Sincerely,
Kimberly Flaherty
--
Kim Flaherty

From: [Board of Supervisors, \(BOS\)](#)
To: [BOS-Supervisors](#)
Subject: FW: The Department of Elections Reminds San Franciscans of the November 5 Election Deadlines
Date: Wednesday, October 23, 2019 9:22:00 AM

From: SFVote, (REG) <sfvote@sfgov.org>
Sent: Saturday, October 19, 2019 3:26 PM
Subject: The Department of Elections Reminds San Franciscans of the November 5 Election Deadlines

Department of Elections
City and County of San Francisco
John Arntz, Director

For Immediate Release

SAN FRANCISCO, Saturday, October 19, 2019 – Voting for the November 5 election is underway at the Voting Center in City Hall and by mail. As Election Day nears, the Department of Elections reminds those who have not yet cast their ballots of important deadlines.

Deadline to Register to Vote

Monday, October 21, is the deadline to register to vote or to update registration information for the November 5 election.

Mailed registration applications must be postmarked on or before October 21. Those who register online at registertovote.ca.gov have until midnight on October 21.

Those who are unsure of their registration status are encouraged to check their information at sfelections.org/voterportal or contact the Department of Election at (415) 554-4375.

Conditional Voter Registration Period

Eligible residents who miss the October 21 registration deadline can still vote in the November 5 election. After the registration deadline, San Franciscans can visit the City Hall Voting Center or the San Francisco State University Voting Center (set to open on November 2) during voting hours to register to vote conditionally and cast a provisional ballot.

Deadline to Request to Receive a Ballot by Mail

Tuesday, October 29, is the deadline to request a ballot by mail. Those who have not already applied but wish to vote by mail may do so by calling (415) 554-4375, completing an online application at sfelections.org/voterportal, or completing and submitting the form on the back cover of their Voter Information Pamphlets.

Deadline to Return a Ballot by Mail

Those who plan to mail their ballots must ensure their ballot envelopes will be postmarked by the United States Postal Service (USPS) or date stamped by a delivery company before or on Election Day, Tuesday, November 5, and received by the Department of Elections no later than Friday, November 8. Those who mail their ballots on Election Day using a USPS collection box are advised to check the posted pick-up hours.

Election Day is Tuesday, November 5

All ballots must be cast by the close of polls at 8 p.m. on Election Day to be counted. Voters may confirm their polling place addresses at sfelections.org/voterportal or by checking the back cover of their Voter Information Pamphlets.

Those who prefer to return their vote-by-mail ballots in person may bring the ballots, in sealed and signed return envelopes, to the voting centers, the ballot drop-off stations outside the voting centers, or to any polling place during voting hours on Election Day, Tuesday, November 5.

For more information about the upcoming election, contact the Department of Elections at (415) 554-4375 or svote@sfgov.org, or visit the Department of Elections' office in City Hall, Room 48.

###

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



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

Your feedback is important to us! Please take our [Customer Service Survey](#)

[Learn about the new voting system that San Francisco voters will begin using in the November 5, 2019 election](#)

From: [Board of Supervisors, \(BOS\)](#)
To: [BOS-Supervisors](#)
Subject: FW: My deepest thanks
Date: Wednesday, October 23, 2019 8:47:00 AM

From: Cynthia Tuthill <cyntut@gmail.com>
Sent: Tuesday, October 22, 2019 12:48 PM
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Subject: My deepest thanks

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

THANK YOU for calling the NRA exactly what it is: A domestic terrorist organisation (by the way, one funded and co-opted by Russia). I truly appreciate your taking a stand ... makes me proud to be a Californian!! And I believe that their lawsuit against you will fall apart in light of the Senate findings and the facts. Thank you for your brave stance!

Cynthia Tuthill, PhD
Sent from my iPhone

From: [Board of Supervisors, \(BOS\)](#)
To: [BOS-Supervisors](#)
Subject: FW: NRA
Date: Tuesday, October 22, 2019 11:25:00 AM

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

From: Gerald Haas <glhaas@icloud.com>
Sent: Monday, October 21, 2019 7:11 PM
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Subject: NRA

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

Your designation of the NRA as a „terrorist“ organization is repugnant and incompatible with the founding principles of our Republic. This displays gross ignorance of your purported values and a shameful misunderstanding and misrepresentation of the first and second amendments to the Constitution. No wonder that much of the country laughs at California — except this isn't funny.
Gerald Haas

Sent from my iPad

From: [Board of Supervisors, \(BOS\)](#)
To: [BOS-Supervisors](#)
Subject: FW: NRA
Date: Wednesday, October 23, 2019 8:44:00 AM

From: airevacanne@aol.com <airevacanne@aol.com>
Sent: Tuesday, October 22, 2019 3:30 PM
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>; Airevacanne@aol.com
Subject: NRA

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

To Whom It May Concern;

I wanted to THANK YOU for calling the NRA exactly what it is: A domestic terrorist organization (by the way, one funded and co-opted by Russia). A recent senate subcommittee report quite rightly calls the NRA a Russian Asset. As to terrorism – Nugent, Loesch, Oliver North (now departed and suing the NRA) have all called for murder against American citizens (Nugent – all democrats; Loesch – journalists). They are a terrorist organization, and I hope my state will take your lead. Their lawsuit against you will fall apart in light of the Senate findings and the facts. Thank you for your brave stance!

Most Respectfully;

*Anne L. Worcester, Major (Ret), USAF
Combat Flight Nurse
One Pulse Member
Everytown Member
Moms Demand Gun Sense Member*

From: [Board of Supervisors, \(BOS\)](#)
To: [BOS-Supervisors](#)
Subject: FW: NRA: Terrorists
Date: Tuesday, October 22, 2019 6:52:00 PM

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

From: ssr66 <ssr66@comcast.net>
Sent: Tuesday, October 22, 2019 4:46 PM
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Subject: NRA: Terrorists

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

You all are the light of our nation. Thank you for taking the incredibly brave stance and labelling the NRA a domestic terrorism group. They can never be given sanctuary.

!California pride!

S Resendez

Sent from my iPhone

From: [Board of Supervisors, \(BOS\)](#)
To: [BOS-Supervisors](#)
Subject: FW: The NRA
Date: Wednesday, October 23, 2019 8:49:00 AM

From: TM Reh <ToniMarie16@hotmail.com>
Sent: Tuesday, October 22, 2019 11:32 AM
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Subject: The NRA

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

I wanted to THANK YOU for calling the NRA exactly what it is: A domestic terrorist organisation (by the way, one funded and co-opted by Russia). A recent senate subcommittee report quite rightly calls the NRA a Russian Asset. As to terrorism – Nugent, Loesch, Oliver North (now departed and suing the NRA) have all called for murder against American citizens (Nugent – all democrats; Loesch – journalists). They are a terrorist organisation, and I hope my state will take your lead. Their lawsuit against you will fall apart in light of the Senate findings and the facts Thank you for your brave stance!

From: [Board of Supervisors, \(BOS\)](#)
To: [BOS-Supervisors](#)
Subject: FW: Abortion and other things
Date: Wednesday, October 30, 2019 12:32:00 PM

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

From: Richard Landis <rrlandis@yahoo.com>
Sent: Sunday, October 27, 2019 8:08 PM
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Subject: Abortion and other things

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

How would all of you feel if someone decided to abort you this late after pregnancy? And severing ties because someone is exercising more intelligence than you? You might want to have your speech prepared for the time you stand before God. There is a reason why so many people believe the Democrats, Leftists, Deep State, etc. are a bunch of idiots. You might want to take a hard look in the mirror and have a serious talk yourself and God. I strongly recommend you take to heart and apply James 1:5-6 found in the New Testament.

Sent from my iPad

From: [Board of Supervisors, \(BOS\)](#)
To: [BOS-Supervisors](#)
Subject: FW: SFPD PROTECTS ABUSERS FROM VICTIMS
Date: Wednesday, October 30, 2019 12:31:00 PM

From: Li Chapman <licwa@yahoo.com>
Sent: Saturday, October 26, 2019 7:47 PM
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Subject: SFPD PROTECTS ABUSERS FROM VICTIMS

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

I'm so glad to see supervisors concerned about elder abuse.

The title above comes from the sign I took to the state capitol when representatives for San Francisco's elders and people with disabilities promoted SB338-- to impose specific training and SOPs for public safety officers who respond to abuse of people like us.

I can't bring my little sign to City Hall-- but you'll get the point.

My concern for BOS to look at SFPD's Special Victims Unit (more adept at creating a "special victim" than performing an investigation as we know it) hasn't attracted attention before.

The new statute for investigating abuse of elders and disabled victims was sponsored by CARA, Our local Action Team has on the agenda for the coming year specific changes for SFPD practices.

My objective is for BOS to direct or legislate reforms. I learned that citizen testimony before two committees which I suppose could have oversight, is limited to items already on the agenda.

What will you do to confer with victims like me, and advocates from CARA or other organizations? .

Now supervisors should be concerned that crimes at Laguna Honda could be in the hands of officers who demonstrated indifference to a "threat to public safety," when advocates from Adult Protective Services and the D.A.'s office joined me in warning about a deranged RN with access to hundreds of vulnerable elders at the Jewish Home and Rehab Center, and the Administrator harboring her.

How hard could it be to find a crime when three mandated reporters and the

Ombudsman could tell SFPD that my complaint of sexual battery and a nurse "playing doctor" was substantiated by the facility's own investigation?

This month, the Police Commission directed the Chief and his officials to respond to my pleas to reopen a botched investigation, and confer about practices that leave a victim feeling locked out in the street.

In this case, the victim's career experience involved civil rights investigations of criminal conduct-- sexual assault, kidnapping and rape, indecent exposure, false imprisonment. In other words, I know an incompetent investigation when I see one.

The response of commissioners during three meetings could not have been more encouraging. That I then found myself back in the Black Hole says something about SFPD leadership.

In fact, the only reasonable treatment I experienced in 2018 or this year was with the sensitive, well trained young officers from Central Station who came to my home, and their captain, who identified where I could seek correction after SVU closed the investigation. (Which led me to SFPD's Black Hole.)

The facility Administrator who foiled the SVU investigation could teach cardinals a thing or two about protecting abusers from victims. He prevented reports of abuse from reaching authorities, and derailed inquiries attempted by three police units between January and June 2018.

Instead of rolling over when the Administrator refused access to the perpetrator (his employee), when he concealed her name and stood in her place, when he hired a lawyer to explain how "HIPPA prevents mandated reporters from cooperating with police," why couldn't SFPD have given warning of felony charges?

I'll pursue the danger to public safety, supported by charitable giving and government funds (I found Medicare paid \$19,504 for my misadventure) until I see the deranged RN and the unscrupulous Administrator removed from the medical field. I'm calling on state and federal agencies to enforce their impressive regulations.

What will our city government do to protect vulnerable people from victimization?

Linda Chapman
1316 Larkin Street 94109
516-5063

From: [Board of Supervisors, \(BOS\)](#)
To: [BOS-Supervisors](#)
Subject: FW: Life of Washington Mural
Date: Wednesday, October 30, 2019 12:31:00 PM

From: Zaheer Rizvi <zaheer.rizvi.93@gmail.com>
Sent: Saturday, October 26, 2019 10:50 AM
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Subject: Life of Washington Mural

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

I disagree with your decision to cover up this work of art. Hiding the dark side of american history is no way to confront the challenges of the future. Those who forget history are doomed to repeat it.

From: [Board of Supervisors, \(BOS\)](#)
To: [BOS-Supervisors](#)
Subject: FW: SFCTA Board Meeting Tuesday October 22nd 10am - comments submitted (A.Goodman)
Date: Wednesday, October 23, 2019 8:51:00 AM

From: Aaron Goodman <amgodman@yahoo.com>
Sent: Monday, October 21, 2019 4:54 PM
To: Clerk of the Board Alberto Quintanilla <alberto.quintanilla@sfcta.org>; Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Subject: SFCTA Board Meeting Tuesday October 22nd 10am - comments submitted (A.Goodman)

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

SFCTA

Per the agenda on Tuesday at 10am please see the following comments as I may not be able to attend the meeting in person and as public comment may be short, I wanted to submit more of my thoughts and concerns on the issues.

Draft Minutes October 8th Meeting - Item # 2 Citizens Advisory Report

I would like to support the Chair's issue on the turn-backs on the J line, towards Balboa Park Station. As the Balboa Park Station Area Plan (CAC) prior chair, I would like to remind the SFCTA of the concerns of lacking transit investment, EQUITY, and ideas and concepts for the second largest transit hub in the city.

The BPSACAC was not reinstated, however the need is to have a public body advocating for the concerns of the three outlying districts of D10/D11/D7 which are serviced by this area. There is a number of larger housing projects occurring in these neighborhoods and not providing service via the K/J/M/T lines to Balboa Park Station is a critical concern for many people who rely on the transit service and cross town branches of MUNI to get downtown and other areas of the city.

Item #5 - the alemany closure by caltrains is again a concern voiced prior about alternative means and methods of mass transit due to upcoming closures and route changes. We had suggested trackless trains and alternative shuttle systems and the compounding increase in construction traffic with multiple developments in D10/D11 and D7 will make this situation much worse unless steps are taken to get people out of their cars and onto mass-transit solutions. (Carmegeddeon) is a reality we will see with construction crews, trucks, deliveries, and heavy equipment so providing alternative systems and means becomes critical for SFMTA and MUNI to deliver to the public. Supervisor Yee knows of these concerns on the west side due to multiple projects (Stonestown has now kicked into gear, with SFSU-CSU and Parkmerced [when started?], and we had also suggested entertaining bi-county aid and planning to lessen road impacts on 280 and 101 during this construction phase.

Item #11 - Geneva / San Jose Intersection Study

One of the main constraints is a lacking study of an alternative for platform transfers above the Green Facility and providing a fully modernized site and platforms (plural) so that K/M/J/T lines can transfer directly on adjacent platforms. A simple proposal to link the lines and provide a new light gauge steel structure over the yards and areas with elevated tracks could solve for many of the criss-cross issues we see with the future density and at grade lines. Due to the underground bart line which is not moveable, steps should be taken to look at topography and the T-Line Geneva Harney extension back up to Balboa Park Bart Station to rectify the existing lacking transferability of lines. The Balboa Park Station is a HUB a transit HUB and should be seen as an intermodal facility in planning. The connection to the future HSR at Brisbane and cross swing of transit needed from D10-D11-D7 should indicate the need to plan this area more broadly and conceptually get into motion the efforts to plan for a real hub and interchange of transit lines at this location. With the Balboa Reservoir, CCSF project and multiple projects appearing near Alemany and Ocean/Mission areas the increased population will need routes and alternatives to driving to ensure less traffic vs. current congested areas along Geneva Harney and Mission / Ocean near the I-280 freeway and back ups. Under "Alternatives Considered" the last item stating that the M line sharing platform at the Green Yard facility with the K/J being not possible due to lack of space, is IGNORING the possibilities and need to link the K/J/M/ and future T-Line (Geneva Harney was proposed as an LRV connector) to provide new and robust transit linkages outside the downtown. I would request that the SFCTA keep that promise of equity and design a conceptual linking line that turns a 4-chamber heart (4 lines served) from just staying as a 2-chamber in operation. The Intermodal HUB of Balboa Park Station must and should be considered a critical infrastructural link between D7 and D10 through D11 to lessen auto useage on Ocean Ave and Alemany and Mission and Bayshore corridors. To assist in keeping the promise of equity and better solutions for the future, the statement by Tony Henderson ignores and has not been adequately examined by any independent transit body for concepts and alternatives to solve for this mass transit link/loop in the future.

Please do not ignore this critical component as the developments will need to rely on transit linkages loops and switches including direct transfers between lines, not running across streets and intersections to get to connections, and to ignore the workhorse station of Balboa Park means many people will continue to rely on insufficient transit service, and instead drive. There is always a solution to the problem and even if it is phased in, the solution could drive the SE to SW connector so desperately needed between the future HSR and Brisbane Schlage Lock Developments and Westside and central southern developments of CCSF, Balboa Reservoir, Parkmerced/Stonestown/SFSU-CSU. Bi-county support should be also implemented to get feedback and help drive the solutions of mass-transit across county borders to improve the linkages vs. reliance on auto routes on the peninsula.

Sincerely

Aaron Goodman (D11 Resident)
Prior Chair BPSACAC

From: [Board of Supervisors, \(BOS\)](#)
To: [BOS-Supervisors](#)
Subject: FW: GTZ-SF Letter of Request re Community Pharmacies & State Medical Reimbursements
Date: Wednesday, October 23, 2019 8:49:00 AM
Attachments: [GTZ SF 22OCT19 Letter to BOS re community pharmacy MCAL reimbursement FINAL.pdf](#)

From: Liebi, Courtney D <Courtney.Liebi@ucsf.edu>
Sent: Tuesday, October 22, 2019 11:48 AM
To: Liebi, Courtney (UCSF) <Courtney.Liebi@ucsf.edu>
Subject: GTZ-SF Letter of Request re Community Pharmacies & State Medical Reimbursements

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

Dear Members of the Board of Supervisors,

I write to you today on behalf of the Getting To Zero San Francisco Steering Committee to ask that the Board of Supervisors consider an important and pressing issue regarding healthcare policy - community pharmacies & State medical reimbursements.

Please see the attached letter for a more detailed explanation of this issue and feel free to reach out at any time if you have questions or concerns.

I look forward to hearing your response on this important matter.

Sincerely,
Courtney Liebi, MPP
Coordinator, Getting to Zero San Francisco
On behalf of the Getting to Zero San Francisco Steering Committee
25 Van Ness Ave., Suite 100, San Francisco, CA 94102
415.437.7417
courtney.liebi@ucsf.edu

My pronouns: she/her/hers





October 22, 2019

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

RE: State Medical Reimbursements

Dear President Yee and Members of the Board of Supervisors,

Community pharmacies are central to care of San Francisco citizens, particularly our most vulnerable populations. The goals of Getting to Zero San Francisco - to eliminate new HIV infections, deaths and stigma - is dependent on our community pharmacies which provide life-saving HIV medications and now can provide PrEP without a prescription to prevent HIV.

I am writing on behalf of the Getting to Zero San Francisco Consortium asking you to author a letter to the Governor's Office, and the Department of Health Care Services (DHCS), urging them to rescind the new DHCS' Medi-Cal policy regarding fee-for-service pharmacy reimbursement for covered outpatient drugs, or implement an alternative pricing methodology, which will allow these community based pharmacies to continue to serve San Francisco's vulnerable residents with quality services. We are asking you to join colleagues in other jurisdictions around the state like the Sacramento Board of Supervisors to reconsider the current pricing methodology.

Beginning in February of 2019, the State of California has been reimbursing pharmacies at rates lower than the cost of purchasing drugs for many life-saving medications to treat psychiatric illnesses, HIV and hepatitis including Abilify, Triumeq, Latuda, Atripla, Truvada. The state has also applied these rates retroactively going back until April 1, 2017. As a result, many of these pharmacies are considering ending services to vulnerable Medi-Cal patients across the State, including in San Francisco, and others have begun to close, or are at the brink of bankruptcy.

Community-based pharmacies represent 40% of pharmacies statewide, and are often the primary providers for Medi-Cal patients, as many chains do not contract with local Health Plans. They also often provide individualized care that the larger pharmacies do not: specialized packaging, deliveries to homebound patients and patients experiencing homelessness, prior authorizations, and other individualized services.



San Francisco is a leader in HIV prevention and care, and recently experienced a historical milestone with less than 200 new HIV transmissions in 2018. In order to continue to be a leader, and get closer to San Francisco's, and Getting to Zero's, mutual goals of eliminating new transmission, it is of the utmost importance that our independent, community-based pharmaceutical partners can continue to provide quality service to public health patients.

Sincerely,

A handwritten signature in black ink, appearing to read "Courtney Liebi".

Courtney Liebi, MPP

Coordinator, Getting to Zero San Francisco

On behalf of the Getting to Zero San Francisco Steering Committee

25 Van Ness Ave., Suite 100, San Francisco, CA 94102

415.437.7417

courtney.liebi@ucsf.edu

cc: Angela Calvillo, Clerk of the Board of Supervisors

From: [Board of Supervisors. \(BOS\)](#)
To: [BOS-Supervisors](#)
Subject: FW: Ellen Zhou Helped to Be Framed by Local News/ NYTimes Says Save Local News
Date: Wednesday, October 23, 2019 8:46:00 AM

From: Jackie Wright <wrightnow.biz@gmail.com>
Sent: Tuesday, October 22, 2019 3:13 PM
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>; Brown, Vallie (BOS) <vallie.brown@sfgov.org>; Fewer, Sandra (BOS) <sandra.fewer@sfgov.org>; Haney, Matt (BOS) <matt.haney@sfgov.org>; MandelmanStaff, [BOS] <mandelmanstaff@sfgov.org>; Mar, Gordon (BOS) <gordon.mar@sfgov.org>; Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>; Ronen, Hillary <hillary.ronen@sfgov.org>; Safai, Ahsha (BOS) <ahsha.safai@sfgov.org>; Stefani, Catherine (BOS) <catherine.stefani@sfgov.org>; Walton, Shamann (BOS) <shamann.walton@sfgov.org>; Yee, Norman (BOS) <norman.yee@sfgov.org>
Subject: Ellen Zhou Helped to Be Framed by Local News/ NYTimes Says Save Local News

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

Dear Supervisors,

The infamous Helen Zhou Mayoral Race Billboard is just the tip of the iceberg of racist sentiment in San Francisco and the U.S. We all are shocked and amazed by what we are seeing from The White House to our Sanctuary City.

We see such increasing racism because we don't see each other. There has been a systematic decline in local television stations and radio stations serving in the public interest. **Dr. Jerry Kang, UCLA law professor reported back in 2005/7 that TV news promotes racism:**

Trojan Horses of Race by Dr. Jerry Kang

https://papers.ssrn.com/sol3/papers.cfm?abstract_id=627381

Recent social cognition research - a mixture of social psychology, cognitive psychology, and cognitive neuroscience - has provided stunning results that measure our implicit bias against various social categories. In particular, they reveal that most of us have implicit biases in the form of negative beliefs (stereotypes) and attitudes (prejudice) against racial minorities. This is notwithstanding sincere self-reports to the contrary. **These implicit biases have been demonstrated to have real-world consequence - in how we interpret actions, perform on exams, interact with others, and EVEN SHOOT A GUN.**

Oscar Grant was shot New Year's Day 2009 on BART- Botham Jean shot in his own home a year ago and Atatiana Jefferson shot in her own home weeks ago...And there are many other lives lost before and between these situations that have left families and communities torn apart.

Interview of Dr. Kang:

https://archives.cjr.org/the_water_cooler/jerry_kang_on_tv_news_viruses.php

Since the shift in FCC ruling concerning "serving in the public interest," **Public Affairs Programming Has Been Declining**. Public Service Announcements have gone from 60 seconds, to 30 to now 15 seconds, if they are produced at all.

KTVU recently ended its public affairs show that was hosted for years by Rosy Chu and since by Lisa Yokota.

ABC 7 has downsized its public affairs department that has folded into the Marketing Department. How is public interest served in the "MARKETING Department." It isn't. It evolves into "pay to play." **Nonprofits are going to have to come up with the budget or get underwriting to be on the public airwaves that stations use to make billions of dollars**. In some cases it's already happening.

Media companies supposedly gave back to the community by giving air time that already belonged to the people. Very rarely, if ever did or do media companies financially invest in community. They gave away what they do not own and now they will be asking the community to pay.

The lack of diverse voices creates an atmosphere of racism.

This October 21st New York Times Article by Vivian Wang talks about how New York State is taking legislative action to save local news.

<https://www.nytimes.com/2019/10/21/nyregion/verizon-news-cable-ny.html?action=click&module=News&pgtype=Homepage>

There is a reference to "Public Affairs Programming."

As we consider cable and broadcast responsibility, we should also include the local newspapers. I have come across so many good stories that never make it into even the back pages of our local newspapers. If an analysis were to be done, the findings would be that the majority of stories about minorities in newspapers, too, are negative- mostly crime with a trickle of positive news... we all know the trickle-down affect doesn't.

The ask: In your role as legislators be mindful that the public is no longer being served by our major media companies. Meet with their leaders and encourage better service in the

public interest. Have them produce an independent analysis of where they are now when it comes to balanced reporting on minority communities and actions they will take to improve.

If self governing is not working which it has not worked, consider even in the early stages of talks, what legal strategies should be in place for media companies to give a broader diverse view of San Francisco. Use your offices' social media and e-newsletters etc. to promote the good happenings in San Francisco neighborhoods that never see the light of media day.

At the end of the day, there is no democracy without "Freedom of the Press." It is the Fourth Estate that keeps society functional. From Jamal Khashoggi to the Capital Gazette, the attack on media since 2016 has increased. It's time to affirm and protect what makes this country great while calling the press to its highest responsibility.

Sincerely,

Jackie Wright
415 525 0410

Jackie Wright

www.wrightnow.biz

Wright Enterprises

San Francisco ~ Dallas

415 525 0410

jackiewright@wrightnow.biz

San Francisco Chamber of Commerce Leadership San Francisco '96

Writer~Director~Producer of veterans' themed "Love Separated in War...Love Reunited in Honor,"

recipient of the top Houston International Film Festival's 2018 "Gold Remi Award" for Best ShortDocumentary: <https://www.imdb.com/title/tt6679790/> <https://vimeo.com/236990657>.

Nominated Best Short Film @ [The San Diego Black Film Festival](#).

Honored if You'd, Connect with me on Twitter:

<https://twitter.com/wrightenternow>

<https://www.linkedin.com/in/wrightenterprises>

From: [Board of Supervisors, \(BOS\)](#)
To: [BOS-Supervisors](#)
Subject: FW: Concerns about Muni Interim Director
Date: Tuesday, October 22, 2019 4:13:00 PM

From: Equitable Hire Concerns <equitablehireconcerns@gmail.com>
Sent: Wednesday, October 9, 2019 4:58 PM
To: MTABoard@sfmta.com; Breed, Mayor London (MYR) <mayorlondonbreed@sfgov.org>
Cc: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Subject: Concerns about Muni Interim Director

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

Dear Mayor and SFMTA Board:

All MTA staff received an email that about a new chief of staff and a new deputy chief of staff.

I'm concerned with the direction Muni is taking with the current interim director. He is continuing the same biased, elitist hiring practices of the previous director Ed Reiskin who left in July of this year.

The interim director's role is to make sure that the agency is stabilized until a new director is found. He seems to be using the opportunity to:

- * Reward staff in his department Sustainable Streets
- * Disrupt and undermine growing concerns of African American employees
- * Gather insider information for the director role or to influence who is hired as director.

Email was sent to all staff from the board secretary on 7/10. The email announced Tom Maguire as interim director.

The following has happened since the appointment:

*** Reward staff in his department**

We received another email on Monday announcing a new chief of staff and deputy chief of staff. Apparently emails were only sent to managers asking for resumes for the chief of staff position. ANYONE CAN SERVE AS A CHIEF OF STAFF. Why didn't he send this to all staff like everything else? The answer is that he already knew who he wanted and the request for resumes was just a farce to cover up the fact that the person he chose is one of the leaders of ChangeSFMTA a group that openly pushed

for issues that directly benefit white, middle class women who attended the same elite universities that he and his staff attended. He doesn't want to have to address the growing concerns of Black employees. He only wants to disrupt and dismantle it so that his team of predominantly non- Black employees can continue with unfair hiring practices, nepotism, favoritism, and rewarding one another with increasingly higher paying jobs.

*** Disrupt and undermine growing concerns of African American employees**

It's my understanding that he's met with Black employees who are concerned about the growing anti-Black atmosphere at Muni. Blacks are disproportionately fired and disciplined at Muni, and the number of African Americans at MTA hq is diminishing quickly. No one cares, including the interim director. He met with Black employees and then appointed a chief of staff under the premise of Diversity, Equity, and Inclusion -but she has absolutely no background or qualifications in this area. In fact the role given to her appears to be the exact same role given to Dante King who replaced Dolores Blanding. His title is Leader of Cultural Change, Equity, Employee Experience and Engagement. WHY WAS A CHIEF OF STAFF HIRED WHO DOES WHAT DANTE WAS HIRED TO DO? Where is the concern and accountability?

He also appointed a former intern as deputy chief of staff who has only worked here since 2018. Why? Because he feels that this employee is the only worthy Black person at Muni because he attended a prestigious college (Stanford) and he is not a Black person whose heritage is from formerly enslaved people in the United States. Judging from the low number of Black people in Tom Maguire's former department (Sustainable Streets) it seems like he has a low opinion of African Americans and doesn't respect us enough to even be bothered hearing our concerns or addressing issues that have been pointed out about hiring in his department and Muni. He is openly disdainful of Black employees and he seems to hire and promote through a filter of his disdain.

*** Gather insider information for the director role or to influence who is hired as director.**

At least four staff people reported that he is openly lobbying for the director position during senior management meetings. HE IS INTERIM. He should not be campaigning or lobbying for the position or to influence the position. He openly asked managers what they would like to see in a director.

HE IS FIELDING QUESTIONS TO INFLUENCE THE OUTCOME! Where is the concern? This is disconcerting and unethical and impacts the hiring process.

It is obvious that some people at Muni support anti-Black sentiments and it is evident in continued hiring practices, management attitudes, comments that are said to Black employees, disrespectful treatment of Black employees, and the failure of management or the board to address it openly.

It is an unsafe environment to share concerns as Black employees are systematically and unfairly tracked, disciplined, harassed, targeted, and punished for speaking out.

I am concerned with what is going on. The board should know about how corrupt and broken Muni is and continues to be.

There doesn't seem to be any oversight, direction, employee input, or communication about the director hiring process to Muni employees, just more layers over a broken system.

I implore the board and Mayor Breed to take the concerns of Black employees seriously and to create clear and open channels of communication regarding the hiring process and progress for the next director.

I'm also suggesting an EEO investigation regarding the anti-Black atmosphere at MTA and a moratorium on administrative and managerial hires and promotions, and a moratorium on all internal appointments from the interim director.

From,
Concerned Muni Employees

From: [Board of Supervisors, \(BOS\)](#)
To: [BOS-Supervisors](#)
Subject: FW: 5G/Cellular
Date: Tuesday, October 22, 2019 10:15:00 AM

From: Amanda Malmquist <amanda.malmquist@gmail.com>
Sent: Monday, October 21, 2019 4:51 PM
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>; Somera, Alisa (BOS) <alisa.somera@sfgov.org>; Nevin, Peggy (BOS) <peggy.nevin@sfgov.org>; Laxamana, Junko (BOS) <junko.laxamana@sfgov.org>; Ng, Wilson (BOS) <wilson.l.ng@sfgov.org>; Young, Victor (BOS) <victor.young@sfgov.org>; Major, Erica (BOS) <erica.major@sfgov.org>; Wong, Linda (BOS) <linda.wong@sfgov.org>; Carroll, John (BOS) <john.carroll@sfgov.org>; Leger, Cheryl (BOS) <cheryl.leger@sfgov.org>; Jalipa, Brent (BOS) <brent.jalipa@sfgov.org>; Lew, Lisa (BOS) <lisa.lew@sfgov.org>; Wong, Jocelyn (BOS) <jocelyn.wong@sfgov.org>
Subject: 5G/Cellular

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

October 21, 2019

Dear San Francisco Supervisors,

Please take residents' rights and needs into consideration with the impending cell tower rollout for 5G in San Francisco. To start, rescind Ordinance 190-19 (which approves up to four cell phone towers on one utility pole as close as six feet from a resident's window!), hire a 3rd party to research the safety of the cell towers, and replace the ordinance with one that includes a public process that allows the government and the public to influence where cell phone tower facilities are sited to mitigate any harm they might cause.

5G is a new technology that uses microwave radiation, has absolutely no data on safety, and is *uninsurable* for health effects from the radiation this technology emits. We do not consent to being subjected to an experimental technology and should have a say in the location of tower and antenna installations.

As a homeowner in Cow Hollow, our home value is important – and part of that value is the beauty and charm of our neighborhood. We do not want cell antennas creating visual blight on utility poles and lamp posts near our beautiful homes. Additionally, cell towers increase fire risk (Malibu fires in 2007 were attributed to cellular towers and we recently saw a cell tower start a fire in Clovis Ca among many others) that we cannot afford in our already high fire risk city.

San Francisco has a long history of standing up for what is right in the face of greedy corporate interests. You owe it to the residents who elected you to stand up to the big telecom companies. We need to send a clear message that we will not let Big Telecom steamroll our communities with ugly, experimental technology that will intrusively tower over our beautiful homes (some of which, like mine, are more than a 100 years old!).

I encourage you to visit the Environmental Health Trust's site for more information on 5G: the history of corruption and collusion between the powerful telecom industry and the FCC (and other governing and regulatory bodies), and the impact of non-ionizing radiation used in 5G (and previous generations of cell tech) on our environment, wildlife, and human

health (supported by thousands of peer reviewed published study data) : www.ehtrust.org

I'm sure you will agree with me that the information is eye-opening.

Thank you for your support!

Best regards,

Amanda Malmquist Conrad

Homeowner in Cow Hollow, San Francisco

Wife, and Mother to a Toddler

From: [Linda Glick](#)
To: [Peskin, Aaron \(BOS\)](#); [Safai, Ahsha \(BOS\)](#); [Haney, Matt \(BOS\)](#); [Major, Erica \(BOS\)](#)
Cc: [Board of Supervisors, \(BOS\)](#); [Stefani, Catherine \(BOS\)](#); [Mar, Gordon \(BOS\)](#); [Ronen, Hillary](#); [Yee, Norman \(BOS\)](#); [Mandelman, Rafael \(BOS\)](#); [Fewer, Sandra \(BOS\)](#); [Brown, Vallie \(BOS\)](#)
Subject: : 3333 California Street, Record Number: 2015-014028CUA/PCA/MAP/DVA
Date: Wednesday, October 16, 2019 3:08:28 PM

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

I am a resident of Laurel Heights and endorse housing on the 3333 California site. However I do **NOT** endorse the developer's plan which will impact our neighborhood. The factors to which I am opposed are:

- The inclusion of retail space.
- The elimination of the open/green space look and feel of the existing property.

Retail space:

The neighborhood is currently supported by a combination of local and chain merchants who can absorb more traffic. **Why would we build more retail space when there are existing vacancies on California and Sacramento Streets?** Also big box retailers like Target, Trader Joe's, Best Buy and soon a Wholefoods are all within walking district. We could be faced with very undesirable and unneeded retail tenants as District 2 does not have a 'no chain' ordinance and 'flexible retail' would offer no neighborhood input.

The EIR failed to evaluate impacts on traffic, noise and air quality from multiple, flexible retail uses sharing the same retail space because the EIR only evaluated single use retail and restaurant uses. The community is not given notice of Flexible Retail uses rentals. Flexible Retail is not allowed anywhere else in District 2 or in the Sacramento or Fillmore Street commercial districts.

Green Space:

One of the characteristics of San Francisco is the inclusion of green space among its building and as part of the local neighborhoods. One of the architectural features of the existing 3333 California building is the landscaping and how the building was designed to integrate the building with the landscape. While the developer feels the existing design with its brick retaining walls does 'invite' in the neighborhood, he is mistaken. All one has to do is observe the neighborhood's continual use of the terraced seating on the east side of the building, the green space at Euclid and Laurel and the sidewalk traffic from Laurel to Walnut to understand that green space is an integral part of the community.

Unfortunately the debate about 3333 California has become an 'either/or' one. I propose that we seek a 'both/and' solution: one that provides much needed housing and also preserves our local retail environment and much of the green space and trees.

Thank you for your consideration. Regards, Linda S Glick

Sent from [Mail](#) for Windows 10

From: [victoria.underwood](#)
To: [Major, Erica \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [Safai, Ahsha \(BOS\)](#); [Haney, Matt \(BOS\)](#); [Board of Supervisors, \(BOS\)](#); [Mar, Gordon \(BOS\)](#); [Ronen, Hillary](#); [Yee, Norman \(BOS\)](#); [Mandelman, Rafael \(BOS\)](#); [Fewer, Sandra \(BOS\)](#); [Brown, Vallie \(BOS\)](#); [Stefani, Catherine \(BOS\)](#); [Walton, Shamann \(BOS\)](#); [laurelheights2016@gmail.com](#)
Subject: 3333 California Street – Land Use & Zoning Subjects Files Nos. 190844 and 190845
Date: Wednesday, October 16, 2019 11:43:31 AM
Attachments: [3333 California Street - Land Use Public Hearing - 10-21-2019.docx](#)

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

Dear Commissioners,

Attached please find my comments with respect to the upcoming hearing regarding the above-referenced proposed redevelopment site and proposed use and zoning changes.

Thank you for your review in advance.

Victoria Underwood

October 14, 2019

Angela Calvillo, Clerk of the Board
Land Use and Transportation Committee
City Hall
1 Dr. Carlton B Goodlett Place, Room 244
San Francisco, CA 94102

Re: Laurel Heights Partners, LLC Developer
3333 California Street - Land Use & Zoning
Subjects Files Nos. 190844 and 190845

Dear Committee Members:

Our District Supervisor along with the Project Developer have introduced new land use and zoning changes for your approval. The Community has by and large continued to object to the massive scope of the Developer's Proposed Project, so much so, that the LHIA submitted a Community Preservation Lookalike Alternative Variant Plan and a Variant 2 Plan for serious review and consideration to the City Planning. Neither of the two Variant plans includes office or retail but does provide the same number of residential housing units the Developer has agreed to build (744). I am not a member of the LHIA. However, I support the referenced plans and other efforts put forth by the LHIA to also Preserve the Historical Fireman's Fund Building and designed site landscaping.

Supervisor Stefani has introduced zoning changes that the Community does not embrace because Flexible Retail is not permitted in an NC-S District (Planning Code Section 713), District 2, or in the Sacramento Street Neighborhood Commercial District (Planning Code Article 7).

"Flexible Retail Legislation" File 180806 under Katy Tang was drafted principally as a permitted use in **District 4**.

Under the Flexible Retail, any business that applies for a Flexible Retail Use would need to have at least 2 of the uses listed at any given time. There would be a grace period of 60 days to allow a business to search for another business tenant that falls under the Flexible Retail use definition. But, if a new tenant is not identified within this period, the Flexible Retail Use is abandoned, and the business would re-establish its underlining use. There is no reason to include this in the Redevelopment.

Not only would it **NOT** require neighborhood notifications it would increase the traffic to the site. The retail component of this massive redevelopment was sold to the community as a must have to provide for the demand of the proposed 744 new residential units into the existing community. We have never bought into that thought process as I will explain.

We don't support retail/commercial/office as part of this Redevelopment Project because we believe those 744 residential units will bring much needed struggling independent and small businesses a steady flow of patrons and revitalize the area as a result.

Laurel Village has four financial institutions in one strip center; WFB, Union Bank, Old Republic Bank, Bank of America, and a Charles Schwab Financial Investment Services Office across the street. There are two beauty supply retailers i.e., Sephora and Mercury. Then there is Walgreens that also sells more and more high-value retail make-up and beauty products. They too sell products like those in Laurel Village. We have Susie's Cupcakes that sells cupcakes and cakes but so do Bryan's Market and Cal-Mart. We are lucky enough to have Books Inc., Chico's, an ACE Hardware for all the home supplies (along with the card store Papyrus), gift cards and wrapping paper, school and holiday supplies. We recently lost two restaurants; Osteria at Sacramento and Presidio and Beautiful, the endcap tenant at Laurel Village at Laurel and California. We have Peets and Starbucks and two family-style restaurants.

Whole Foods went in at the Target Center a block away from the Redevelopment site and Trader Joes is even closer and one of the most profitable stores they have. We need to stimulate the independent and small businesses that are here like the Vogue Movie Theater, the interior designers and specialty firms like Sue Fisher King, antique shops and the restaurants and other shops on Sacramento and Presidio Avenue. There are more restaurants east on California and on Fillmore. The proposed office and retail will always be questionable as these services go more toward virtual in the future. Such a change to the allowable zoning uses will making it worse for the neighborhoods surrounding the site.

The Developer should not be able to add the types of retail uses under these descriptions and thereby avoid public notice and neighborhood comments in the process as the Legislation was written. **This is not something District 2 constituents and, more specifically, our neighborhood wants.**

We have already objected to the following uses proposed by our District Supervisor because they do not reflect the nature or hours of operation in our neighborhood.

The EIR failed to evaluate impacts on traffic, noise and air quality from multiple, flexible retail uses sharing the same retail space because the EIR only evaluated single use retail. The Flexible Retail is not allowed anywhere else in District 2 or in the Sacramento or Fillmore Street commercial districts. The EIR also did not evaluate Social Service or Philanthropic Facilities which is include public uses. We ask that you reject it for District 2. Period. Especially, for this Redevelopment Project which, as proposed is too large and disruptive to the neighborhoods that surround it already.

LIMIT HOURS OF RETAIL OPERATION TO 6 AM TO NO LATER THAN 11 PM. DO NOT ALLOW ANY BUSINESS/RETAIL TO OPERATE UNTIL 11:00 PM (no exceptions)

PROHIBIT OUTDOOR AMPLIFIED SOUND

PROHIBIT THE FOLLOWING NON-RESIDENTIAL USES:

**Entertainment,
Nighttime Adult
Business**

**Massage
Establishment
Massage, Foot,
Chair**

Tattoo Parlors

**Internet gambling or other
gambling Amusement Game
Arcade Restaurant,**

Fast Foods

Student Housing

Motel

**Short term residential
occupancy of 60 days or less
such as Air B&B**

**Shared Work-Space, i.e.
“WeWork” or equivalent**

Homeless Navigation Center

It is not my suggestion that the Developer would embark on such a major project only to backfill the retail component with these types of uses but we want to ensure that no one can operate any of the above-referenced uses at this site. Additionally, adding Flexible Retail uses will introduce more retail into the site and to make it more of a destination and change the occupancy which was never intended; not to mention these are not value-added uses in our neighborhoods.

The suggestion that such zoning is even being introduced makes me wonder what level of standing the Developer may be thinking for these added retail uses into our mostly residential neighborhood. The Project will house seniors and families with children. This site is directly across the street from the JCC Senior Living Residential Facility and their Pre-School Daycare. Why would these uses even be considered something we'd want in our neighborhood?

We assume that the Developer's interest in building at this location is based on it being strategically located next to San Francisco's old-money neighborhoods and political leaders which supply plenty of demand for the retail component. That too is a double-edged sword to be met with caution as not to draw away customers away from other areas from Fillmore Street to downtown or outprice the average resident in the neighborhood from shopping in their own neighborhood.

Small businesses are failing because rents are so high. That cost gets passed through to the customers. The result is that only those who can afford to patron those businesses do. Business owners aren't short of available customers to purchase goods and services; just those who can afford and sustain repeat business and still pay the operating costs which surely will not decline. We need the residential units to infuse the neighborhood; not more retail and commercial.

We supported housing but not retail. We urge the City Agencies to strike a balance here in a neighborhood that is primarily residential with struggling small and independent businesses on California and Sacramento Streets and on Presidio Avenue. Laurel Village is next to the Redevelopment site at northwest corner of the Project and Geary Street, with every imaginable major retail and commercial service you can think of one to two blocks away from the Project from Euclid. There are also four major hospitals within one block of Geary Street in the immediate area. There are restaurants that exist now that can benefit with no new shopping areas being built. Building more will just reduce the chances for successful retailing.

Affordable Housing has been a frustrating subject. The Academy of Art School was one of the abusers of gobbling up housing. They absorbed buildings and gobbling up hotels and apartment buildings, charging high housing costs to student families, taking much needed housing off the market which would have otherwise been available to residents in San Francisco.

Then, the Air BNB craze. This has creating a revolving door in neighborhood communities like ours. This has taken much needed housing units off the availability market. These apartments and condos are needed for live-work residents which has only exacerbated the housing crisis in San Francisco. Instead owners move outside the City or wherever and sign up with Air BNB. The hotels lose and the City loses. And, the community loses. It's not about building more, it's about properly and thoughtfully managing the product you have.

Relative to the drafted Development Agreement, there are public concerns which include, but are not limited to, what looks like to the lay person at least, that the Development Agreement that would allow the developer to build 386 MR housing units and then renege on its responsibility to build the affordable and senior housing by transferring the Walnut Parcel and to the City. There should not be an out on this.

Community support is high when residents believe affordable housing will be built. And, when it turns out to be a bait and switch for the community, bad feels continue long past the completion of a development project.

Please keep in mind, there will be a number of other redevelopment projects to be underway around the same time as the 3333 California Project. The TMG CPMC Redevelopment Project consisting of **240 new high-end homes** across **37 buildings** has a new start date of Spring 2020. Demolition is scheduled to start just as UCSF moves

out of 3333 California. All the housing units in this project are 100% at Market Rate, no retail/office and parking for all residents inside the Project. No street parking needed or taken. This Project is two blocks away from 3333 California Street and will impact traffic on California Street.

There is a Mixed-Use Project on Sacramento within the same block on the backside of CPMC that will start 2021 or early 2022. The Project includes demolition of the three existing buildings including an off-street parking garage on the project site, and construction of a four-story, 40-foot tall (an increase of 7 feet from the existing building), mixed-use building containing retail/commercial use, medical offices and 18 residential units comprised of 12 two-bedroom units, and 6 one-bedroom units. **Zero- Affordable Housing Units.**

- 64 parking spaces on three below-grade levels consisting of 45 short-term public parking spaces on the first and second levels (13 retail spaces and 32 medical spaces)
- **6,555 square feet of New Retail Space**
- 18 residential parking spaces on the third level (one per unit), and one car share space.
- The garage would also provide 21 Class 1 bicycle parking spaces and 14 Class 2 bicycle parking spaces on Sacramento Street. The Project includes a dwelling unit mix consisting of 12 two-bedroom units, and 6 one-bedroom units.
- Includes approximately 2,700 gross square feet of common open space via the ground floor rear yard, and 53 square feet of a private deck.
- The garage would also provide 21 Class 1 bicycle parking spaces and 14 Class 2 bicycle parking spaces on Sacramento Street.
- The project includes a dwelling unit mix consisting of 12 two-bedroom units, and 6 one-bedroom units.

The former Copper Penny site at 2670 Geary should also be starting in late 2020 or early 2021. This site is at the high-traffic corner of Geary and Masonic which runs behind 3333 California Street. The site design has been supersized to 10 stories with 95 apartments of different sizes, a 16-car garage and 22 units out of the 95 will be BMR.

It will be up to 3333 California to deliver on the affordable/senior housing component and not get to do in lieu of fees or a transfer of the Walnut Parcel to the City of San Francisco.

Former District 2 Supervisor and Mayor, Mark Farrell, was quoted as saying in the S.F. Business Times at the time that, "Developers will need to show that their plans do not further clog California Street traffic. It's going to be monumental over time. It's a

combination of being exciting and a burden that it happens in the right way." We concur! All these projects are going to cripple all the main arteries in our area. And, there will be frustrated drivers peeling down streets trying to get away or trying to find new ways to commute. Is anyone even remotely thinking about the residents who live in the immediate area of all the upcoming projects or drive through it?

The LHIA presented two Community Preservation Lookalike Alternative Variant Plans that would save the existing green spaces at Presidio/Pine/Masonic and Euclid/Masonic intersections, along with the right-most lanes that reduce backed up traffic now during commute times, and would save existing mature street trees and limit the removal of on-site trees to building three; not 13 buildings on this site. The community surrounding this site believes that less is more and that **MORE** is just **MORE** and comes at a terrible price in an established 115-year residential neighborhood.

Taxpayers are invested in the communities and neighborhoods in which they live and have an expectation that the City's governing agencies will plan well, utilize taxes revenues in a smart, productive, responsible and thoughtful way. The hope is that the City will not look at development in a one size fits all or that one project should be targeted to carry more of the burden than another. And, that the City Government will understand and share the crucial concerns relating to these sorts of land use and zoning proposals to **not** interfere with the framework of existing neighborhoods or the quality of life enjoyed by existing residents. We continue to ask the City to hit pause and take a serious look at what LHIA has proposed for this site.

Thank you for your time and serious consideration of all neighborhood comments. Unfortunately, so far, too many that stand up at these Hearings are either paid to do so or don't live in the immediate neighborhood and, therefore, have no vested interest in the outcome.

When considering the future, please remember the neighborhoods that currently thrive and exist around this site.

Respectfully submitted,

Victoria Underwood
510 Presidio Avenue (@California Street)
San Francisco, CA 94115

Victoria.underwood@att.net

Cc:

Erica.major@sfgov.org

Aaron.Peskin@sfgov.org

Ahsha.Safai@sfgov.org

Matt.Haney@sfgov.org

Board.of.Supervisors@sfgov.org

Gordon.Mar@sfgov.org

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Vallie.Brown@sfgov.org

Catherine.Stefani@sfgov.org

Shamann.Walton@sfgov.org

laurelheights2016@gmail.com

From: [Bill Cutler](#)
To: [Peskin, Aaron \(BOS\)](#); [Safai, Ahsha \(BOS\)](#); [Haney, Matt \(BOS\)](#); [Major, Erica \(BOS\)](#); [Board of Supervisors, \(BOS\)](#); [Stefani, Catherine \(BOS\)](#); [Mar, Gordon \(BOS\)](#); [Ronen, Hillary](#); [Yee, Norman \(BOS\)](#); [Mandelman, Rafael \(BOS\)](#); [Fewer, Sandra \(BOS\)](#); [Brown, Vallie \(BOS\)](#); [Walton, Shamann \(BOS\)](#)
Subject: 3333 California Street, Mixed-Use Project
Date: Wednesday, October 16, 2019 4:00:58 PM

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

Dear Land Use Committee:

My name is Bill Cutler. My wife and I have lived in Laurel Heights on California Street, one block from the site of the proposed real estate development, for over 45 years. We've seen many big changes to our neighborhood—some positive, and some negative—but this Prado proposal, which violates the zoning laws and the character of the district, is by far, the most disturbing.

We recognize the pressing need for more affordable housing in San Francisco, and support construction of housing on this site, but the current proposal, which Prado wants 7-15 years to complete, includes unnecessary retail, threatens the quality of life, mars the beauty of Laurel Hill, and destroys the majority of 185 old growth trees that we can't afford to lose in an era of toxic air and climate change. This project should be redesigned to keep buildings off the green space and protect the mature trees, including 15 healthy New Zealand Christmas trees that line California Street from Presidio Avenue to Laurel Village.

Prado changes what should be a residential development into a full scale retail destination with 16 new businesses. Their proposal for "flexible retail" allows almost an unlimited range of commercial uses and their definition of what is permitted is left deliberately vague. The EIR did not evaluate impacts on traffic, noise, or air quality from multiple, flexible retail uses sharing the same retail space. The EIR only evaluated single use restaurant and retail uses. The local community was never told about flexible retail being included, and flexible retail is not allowed anywhere else in District 2, and is not even allowed in the Sacramento and Fillmore Street commercial districts.

More importantly, Laurel Village, which borders the development, already has two world class supermarkets, Cal-Mart and Bryan's, Starbucks and Peet's coffee, a liquor store, Ace Hardware, Rigolo Cafe and several other restaurants, 3 banks, (Bank of America, Wells Fargo and First Republic), Walgreen's Pharmacy, multiple doctors, dentists, and psychotherapy offices, Sephora and Bluemercury beauty shores, a GAP, several boutiques and a variety of other businesses. In addition, Sacramento Street, which is one block away from the development, has numerous restaurants, including The Magic Flute, Spruce, Sociale, Cafe Luna, The Vogue movie theater, 3 dry cleaners, multiple boutiques, antique shops, nail salons, hair salons, a automotive repair shop, several liquor stores, a shoe repair shop, and many other businesses, all within a short walking distance of Laurel Hill.

We don't need more retail in Laurel Heights. We are inundated with retail right now and many are being forced out of business. Two long term establishments, Noah's Bagels and Beautifull!, have already been forced out of Laurel Village due to high rent increases and too much competition.

What we need is affordable housing—built without changing existing zoning laws, without 10 story

buildings, without over 100,000 square feet of additional retail, office and commercial space. We should be using this construction primarily for affordable housing.

The high density of the proposed project will also increase traffic flow, and contribute to the loss of parking, in a neighborhood where it's already almost impossible to find adequate street parking, even for area residents with G-Stickers. For example, the project will take away 200 non-metered parking spaces which surround the 10 acre site on Euclid and Laurel Streets for the entire 7-15 years of construction. That's parking that residents, as well as businesses in Laurel Village need desperately, and that severe impact on our community is not addressed anywhere in the EIR.

But more disturbing is the effect Prado's plan will have on the local Fire Department, Station #10, located on Presidio Avenue, one block from the proposed development. I recently spoke to the fire fighters who work there, and they were taken by surprise when I asked them if they had an opinion on the new project because they had never even heard of it. This is in spite of the fact that they will be the ones responsible for protecting the 744 new housing units, the new retail, and the all new buildings which are proposed for the site.

The fire fighters also explained that the City has put in speed bumps on almost every block surrounding their firehouse, preventing them from getting around quickly enough to respond to emergencies in a timely manner right now—and this is all before the right hand turn lanes from Presidio onto Masonic and from Masonic onto Euclid are eliminated and bulb-outs replace them, forcing even more traffic jams than exist now in an already congested area. Once Prado adds a new driveway on Presidio that will further block traffic flow, the situation, already far from ideal, will be even worse. At a recent hearing, Prado claimed that the SF Fire Department has signed off on the development, but the local fire fighters of Station #10 were never consulted. We constantly hear about the importance of our first responders and then we leave them out of the conversation when it really matters. I promised to keep the fire fighters informed and to bring up their issues.

Finally, the crush of Google busses, Ubers, and Lyfts clog both Presidio Avenue and California Streets every weekday morning and evening right now. Lyon Street, which borders our building, and has always been a side street, is now being used as a major thoroughfare, since traffic is so heavy on Presidio and California, drivers have little choice. The new changes proposed by Prado, show a lack of understanding of existing traffic conditions, and are a bad idea that will make the situation worse.

Fortunately, there's a much better way to address the need for a development at Laurel Hill that meets both the housing demands and still protects the historic building and beautiful landscaping that surrounds it. It's the Community Preservation Lookalike Variant (or CPLV). It provides the same number of residential housing units as Prado, preserves both the present childcare center and the existing cafe, does not include major retail that would only negatively compete with Laurel Village, and matches the surrounding neighborhood for character, style, and scale. The CPLV can be built in 4 years, not 7-15. It's the ideal solution—providing housing without destroying what makes Laurel Heights one of the more desirable places to live in San Francisco.

Please consider supporting our plan. Thank you.

—Bill Cutler and Judy Doane

3101 California Street, Apt. 7
San Francisco, CA 94115

billcutler@aol.com
judydoane@aol.com

From: [Anne Harvey](#)
To: [Major, Erica \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [Safai, Ahsha \(BOS\)](#); [Haney, Matt \(BOS\)](#)
Cc: [Board of Supervisors, \(BOS\)](#); [Stefani, Catherine \(BOS\)](#); [Mar, Gordon \(BOS\)](#); [Ronen, Hillary](#); [Yee, Norman \(BOS\)](#); [Mandelman, Rafael \(BOS\)](#); [Fewer, Sandra \(BOS\)](#); [Brown, Vallie \(BOS\)](#); [Walton, Shamann \(BOS\)](#)
Subject: 3333 California Street, Record Number 2015-014028CUA/PCA/MAP/DVA, Hearing Date October 21, 2019 by Land Use Committee of BOS
Date: Wednesday, October 16, 2019 5:00:46 PM

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

October 16, 2019

Dear Landuse Committee of the SF Board of Supervisors:

My family and I have lived in District 2 Cow Hollow, since 1988. Today I am writing to you about the above project because I will not be able to personally come to the hearing on on October 21.

To us the above site, 3333 California Street is very important. I view it as a resource and a great opportunity for the City to create wonderful family oriented housing. The location is fabulous in terms of beauty, walkability, and public transit to all parts of the city. There are already many retail businesses for food and retail shopping in the area.

I want to see housing there, but I strongly oppose the developer's project and SUPPORT the Community Alternatives put forth by the Laurel Heights Improvement Association.

There are many reasons for this. The community alternatives save beautiful green space, and retail adjacent to Laurel Village is a very bad idea. Also the 15 year construction period is idiotic and would jeopardize Laurel Village merchants such as Cal Mart and Bryan's. Please have the project redesigned to be like one of the community alternatives.

Anne Harve 415 9315678

From: [Lawrence Lai](#)
To: [Board of Supervisors \(BOS\)](#); [Stefani, Catherine \(BOS\)](#); [Mar, Gordon \(BOS\)](#); [Ronen, Hillary](#); [Yee, Norman \(BOS\)](#); [Fewer, Sandra \(BOS\)](#); [Brown, Vallie \(BOS\)](#); [Walton, Shamann \(BOS\)](#); [Mandelman, Rafael \(BOS\)](#)
Subject: 3333 California Street, Record Number: 2015-014028CUA/PCA/MAP/DVA
Date: Wednesday, October 16, 2019 4:10:37 PM
Attachments: [3333CalifBOS.docx](#)

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

I am the owner of a duplex at the corner of Mayfair Drive and Laurel Street which is adjacent to the proposed project.

I strongly oppose the developer's project and support the community alternatives (Community Full Preservation Lookalike Variant, Community Full Preservation Alternative Variant 2) both of which allow for 744 units including 185 units of affordable senior housing - and are better because they do not build on the historic green space and will be built in a shorter period of time because they involve less excavation and demolition.

I am opposed to the destruction of the many old growth and mature trees on the site which add to the beauty and ambiance of the Laurel Village area. The natural beauty of the trees and grass add to and enhance the neighborhood.

I oppose the addition of retail shops along California Street. This would add more traffic to an area that already has sufficient retail in the area to serve the community.

The 7-15 year construction period proposed by developer would have an adverse affect on the neighborhood, specifically for shoppers that patronize Laurel Village and for people that live near the project.

I support the two community alternatives, the Lookalike Variant or Community Full Preservation Alternative Variant 2 because of the same number of residential units (744) developed in less than 4 years with more residential gross square feet than the developer's proposal, the compliance with RM-1 zoning, being historically compatible and responsive to the neighborhood.

Regards,

Lawrence Lai

Date: October 16, 2019

Reference: 3333 California Street, Record Number: 2015-014028CUA/PCA/MAP/DVA

To Board of Supervisors:

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Regards,

Lawrence Lai

From: [Barbara Cahrssen](#)
To: [Board of Supervisors, \(BOS\)](#)
Subject: 3333 California Street
Date: Wednesday, October 16, 2019 4:11:32 PM

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

Dear Folks

I live on Pine Street, between Baker and Lyon and will be greatly impacted by the developer's plan for the use of the property located at 3333 California Street.

**I STRONGLY OPPOSE THE DEVELOPER'S PROJECT AND SUPPORT
THE COMMUNITY ALTERNATIVES**

I support the Community Alternative Plans which build the same number of housing units as the developer's plans - 744 units including 185 units of affordable senior housing - and are better because they do not impact the historic green space as much and will be built in a shorter period of time because they involve less excavation and demolition

THE COMMUNITY PLANS SAVE THE BEAUTIFUL GREEN SPACE

I oppose the mindless destruction of 200 trees; 185 on the site and the 15 mature trees on the sidewalk along California St. These trees are in good shape, house many local birds and provide necessary shade on the south side of the street.

I oppose the needless destruction of the natural green space everyone loves. New residents will like the green space better than the developer's shadowed hardscape pathways proposed by the developers.

RETAIL IS NOT NEEDED ADJACENT TO LAUREL VILLAGE

I oppose adding retail uses to the site; there is adequate retail in Laurel Village, Sacramento Street, Trader Joe's and Geary St. Stores are closing everywhere in the neighborhood. Let us support those businesses which have long served the neighborhood so well.

**THE 15-YEAR CONSTRUCTION PERIOD WOULD JEOPARDIZE
LAUREL VILLAGE**

The prolonged construction time would jeopardize the survival of Laurel Village and its cherished independent quality groceries of Cal-Mart and Bryan's. The traffic in the neighborhood would be impacted for such a long time and that is unfair to the local residents and present active local community.

And of course, I do not want any non residential activities at this site.

In addition, the developer should be able to build in 7 years and not drag the project out for 15 years and make the project phasing definite and ensure that senior affordable housing is constructed by the developer per the phasing schedule.

Barbara Cahrssen
2970 Pine Street

From: [Janet Frisbie](#)
To: [Peskin, Aaron \(BOS\)](#); [Safai, Ahsha \(BOS\)](#); [Haney, Matt \(BOS\)](#); [Major, Erica \(BOS\)](#)
Cc: [Board of Supervisors, \(BOS\)](#); [Stefani, Catherine \(BOS\)](#); [Mar, Gordon \(BOS\)](#); [Ronen, Hillary](#); [Yee, Norman \(BOS\)](#); [Mandelman, Rafael \(BOS\)](#); [Fewer, Sandra \(BOS\)](#); [Brown, Vallie \(BOS\)](#); [Walton, Shamann \(BOS\)](#); LaurelHeights2016@gmail.com; [Dick Frisbie](#)
Subject: 3333California Street, Record Number 2015-014028CUA/PCA/MAP/DVA
Date: Wednesday, October 16, 2019 4:58:16 PM

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

I live in Laurel Heights and have been reviewing some of the documents and information re. 3333 California Street and would like to mention a few areas that I see as problems or potential problems.

I strongly oppose the developers plan for this project for the following reasons:

1.) The two Community Alternative Plans build the same number of housing units without destroying the historic building and grounds. I especially like the way the Community Alternative connects the north and south sides of the property. Their design has an entry/exit that does not destroy the exterior look of the building. Rather, this entry will open up to a beautiful Center Court/Light Court before continuing on to thee it. This is a much better solution than the 40 foot gap right through the middle of the building submitted by the developer.

2.) The neighborhoods surrounding the site have always wanted it to be Residential. And San Francisco is in dire need of housing, especially affordable housing. Can we really wait 15 years for the developer to finish this project? The Community Alternative will be completed in about 4 years.

3.) I oppose the needless destruction of the green space replacing it with concreted open space. And to move the children's outdoor play area to a "shadowed" area is not a good practice.

4.) I also oppose the needless destruction of 200 healthy, mature trees. As Rachel Gordon, a spokesperson for the Department of Public Works has said, "The City never wants to remove a tree unless it is absolutely necessary for **public safety**." So why take out 200 healthy trees? It's not for public safety. Are they being removed for the convenience of the developer? We need trees to absorb carbon dioxide to slow climate change.

5.) Additional retail is not necessary as evidenced by all the empty storefronts on Sacramento Street. And **flexible retail must not be allowed**. This was not evaluated in the EIR and could have an extremely detrimental effect on the surrounding neighborhoods. Specifically, the following non-residential uses should be prohibited:

- * entertainment, nighttime adult business
- * massage establishment
- * internet gambling
- * game arcade restaurant, fast food
- * public facilities
- * service, fringe financial

- * student housing
- * tattoo parlors
- * motel
- * short term residential occupancy of 60 days or less such as Air B&B
- * shared work space, I.e. We Work
- * homeless navigation center

In addition, retail hours of operation should be limited and outdoor amplified sound prohibited.

Kindly evaluate the Community Alternative Plans. You will find that in addition to providing the same number of housing units as the developer, this 10.25 acre site will not be deforested and left with concrete instead of green space. The Community Alternative Plans are thoughtful, relevant and balanced preserving the best attributes of the original and historically significant site.

I hope you will see that there are valid concerns that the developers plan needs to be modified for the continued legacy of the California State Historical status.

There are also areas of the plan where compromise can occur. Please show the residents of the surrounding neighborhoods that you understand and appreciate the importance and scope of this project.

We are looking to you to help us protect the historical elements of this site. At the same time these 10plus acres must be developed properly balancing the needs of The City and the needs of the current and future residents.

I support modifications of the developers plan and compromise for the best solution.

Respectfully, Janet Frisbie

Sent from my iPad

From: [Richard Frisbie](#)
To: [Peskin, Aaron \(BOS\)](#); [Haney, Matt \(BOS\)](#); [Safai, Ahsha \(BOS\)](#); [Major, Erica \(BOS\)](#)
Cc: [Board of Supervisors, \(BOS\)](#); [Stefani, Catherine \(BOS\)](#); [Mar, Gordon \(BOS\)](#); [Ronen, Hillary](#); [Yee, Norman \(BOS\)](#); [Mandelman, Rafael \(BOS\)](#); [Fewer, Sandra \(BOS\)](#); [Brown, Vallie \(BOS\)](#); [Walton, Shamann \(BOS\)](#); [Laurel Heights Email: Janet Wennergren Frisbie](#)
Subject: Comments and Concerns About 3333 California St. Development Agreement and Special Use District for October 21, Land Use Committee Hearings
Date: Wednesday, October 16, 2019 1:43:51 PM
Attachments: [MY KEY CONCERNS for Oct. 21 LUC.docx](#)
[Further THOUGHTS on 3333.docx](#)
[BULLET POINTS OF COMMUNITY SUPPORTED DEVELOPMENT PLAN.docx](#)
[FLEXIBLE RETAIL LEGISLATION 20190830221740.pdf](#)
[Questions about Escrow Account in 3333 DEV. AGMT.docx](#)
[COMMUNITY PRESERVATION LOOKALIKE VARIANT NARRATIVE w Drawing Table Bldg Summary.docx](#)
[CFPA VARIANT 2 NARRATIVE w Building Layout and Table.docx](#)

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

I would ask that: The Land Use Committee take a serious look at both new Variants presented by the Community-see attached.

Both the Community Preservation Lookalike Variant (CPLV) and the Community Full Preservation Alternative Variant 2 (CFPAV2) are deserving of a detailed review. These documents are attached.

We believe the two latest Variants are the basis for a credible and effective compromise between the

Community and the developer but there needs to be sufficient time for this to take place.

These two Community plans offer an opportunity to bring all the Stakeholders together.

I would ask that: the 7-15 year entitlement period be scaled back to something a little more human.

The basis for this extended period appears to be preparing, phasing, financing and market conditions,

the latter two are essentially about profit.

Nowhere are the human aspects discussed. What about the neighbors who live around the site? How is

their peace of mind, quality of life and essential well-being factored into the decision? What is San Francisco's commitment to balancing efficiency against humanity? Or is this simply someone else's problem.

I believe it is grossly unfair asking the Community to support an uncertain, open-ended long-term development period. We deserve certainty.

I would ask that: no retail be approved for 3333 California Street. It is unwanted and unneeded and threatens the very livelihood of our existing small and family owned businesses.

One only need walk along Sacramento Street, Presidio Avenue and even Laurel Village to see the empty

storefronts and to appreciate the increasing stress that the "Amazon" effect is creating.

The Board of Supervisors got it wrong on the Uber/Lyft impact and the damage is obvious to everyone in San Francisco, so much so that it is on the November 5 election.

Let's not fail again and replicate this shortsightedness by failing to recognize the Amazon effect.

And Flexible Retail is the worst of all. The types of businesses it permits is hardly appropriate for a development that extols its neighborhood friendliness, family orientation, senior friendly intent.

The developer has even wrapped himself in the name of Laurel Hill Partners to feed off the quality of the

area.

The Law of Unintended Consequences states that **"if it can happen, it will happen."**

What prevents a future unscrupulous landlord opening an internet gambling site, or a massage parlor

that exceeds the term, or a marijuana dispensary, or.....under the guise of Flexible Retail?

It has happened in a San Francisco neighborhood already. Internet gambling was touted as a "computer

learning center"; the massage parlor "branched out";

And then it became a Public Safety problem involving SFPD.

Are these appropriate businesses to be sitting side-by-side with a senior housing project AND a childcare center? Potentially sharing the very same building.

Can anyone guarantee this won't happen?

Is this the future of San Francisco?

I stand by our Community credo "Build Housing and Build It Now!"

Respectfully,

Richard Frisbie

Attachments:

1. Key Concerns for Oct. 21 LUC Hearing
2. Further Thoughts on 3333 California St.
- 3.3. Key Points of Community Supported Development Plans
4. Flexible Retail
5. Questions About Escrow Account for Affordable Senior Housing-remain unanswered by the City.
6. Community Preservation Lookalike Variant Plan
7. Community Full Preservation Alternative Variant 2 Plan

KEY CONCERNS FOR OCTOBER 21 LAND USE COMMITTEE HEARING

City Hall, Room 263

**3333 California Street, Record Number: 2015-
014028CUA/PCA/MAP/DVA**

I live in Laurel Heights.

I STRONGLY OPPOSE THE DEVELOPER'S PROJECT AND SUPPORT THE COMMUNITY ALTERNATIVES

I support the Community Alternative Plans that build the same number of housing units as the developer's plans - 744 units including 185 units of affordable senior housing - and are better because they do not build on the historic green space and will be built in a shorter period of time because they involve less excavation and demolition

THE COMMUNITY PLANS SAVE THE BEAUTIFUL GREEN SPACE

I oppose the mindless destruction of 200 trees; 185 on the site and the 15 mature trees on the sidewalk along California St.

I oppose the needless destruction of the natural green space everyone loves. New residents will like the green space better than the developer's shadowed hardscape pathways

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I oppose adding retail uses to the site; there is adequate retail in Laurel Village, Sacramento Street, Trader Joe's and Geary St.

THE 15-YEAR CONSTRUCTION PERIOD WOULD JEOPARDIZE LAUREL VILLAGE

The prolonged construction time would jeopardize the survival of Laurel Village and its cherished independent quality groceries of Cal-Mart and Bryan's

Make the applicant build in 7 years and not drag the project out for 15 years and make the project phasing definite and ensure that senior affordable housing is constructed by the developer per the phasing schedule.

PLEASE ORDER THE PROJECT REDESIGNED LIKE ONE OF THE COMMUNITY ALTERNATIVES

Community Preservation Lookalike Variant or Community Full Preservation Alternative Variant 2.

The **Community Preservation Lookalike shown below** utilizes the developer's site plan, including exact topography and elevations, with modest changes that retain the key historic characteristics by moving the buildings off the green space and not cutting a 40-foot gap all the way through the main building.

Developers Variant
7/3/2019



Community Preservation Lookalike
Variant



One can easily see that the Community Lookalike Variant follows the Developer's Variant closely while still retaining key characteristics sought by the Community.

A thoughtful and comprehensive compromise alternative that provides the same amount of housing, preserves green space and trees, meets the Secretary of the Interior Standards for historic properties.

The **Community Full Preservation Alternative Variant 2** shown below also has 744 units including 185 units of affordable housing but does not demolish major portions of the main building.

Community Full Preservation Alternative
Variant 2



Both of these alternatives do not remove the significant street trees along California Street and retain more on-site Redwoods and trees on the historically significant Eckbo Terrace.

So, forge a reasonable compromise. **[NOTE -THE CITY DELIBERATELY MISINTERPRETED THE COMMUNITY ALTERNATIVES IN THE EIR, MADE UNREASONABLE ASSUMPTIONS ABOUT THEM AND PRESENTED A DISTORTED AND INACCURATE EVALUATION OF THEM-WATCH FOR FURTHER TALKING POINTS ON THIS]**

LOOPHOLES IN THE DEVELOPMENT AGREEMENT DO NOT REQUIRE THE APPLICANT TO BUILD THE SENIOR AFFORDABLE HOUSING

Remove the loopholes in the Development Agreement that would allow the developer to build 386 market rate units and then renege on his responsibility to build the affordable senior housing by transferring the Walnut Land to the City.

REMOVE FLEXIBLE RETAIL, WHICH THE EIR DID NOT EVALUATE

The EIR failed to evaluate impacts on traffic, noise and air quality from multiple, flexible retail uses sharing the same retail space because the EIR only evaluated single use retail and restaurant uses. The community is not given notice of Flexible Retail uses going in. Flexible Retail is not allowed anywhere else in District 2 or in the Sacramento or Fillmore Street commercial districts. The EIR also did not evaluate Social Service or Philanthropic Facilities which include public uses.

LIMIT HOURS OF RETAIL OPERATION TO 6 AM TO 11 PM, DO NOT ALLOW RETAIL TO OPERATE UNTIL 2 AM

PROHIBIT OUTDOOR AMPLIFIED SOUND

PROHIBIT THE FOLLOWING NON-RESIDENTIAL USES:

Entertainment, Nighttime Adult Business
Massage Establishment Massage,
Foot, Chair
Internet gambling or other gambling Amusement
Game Arcade Restaurant, Fast Foods
Public Facilities
Service, Fringe Financial
Student Housing
Tattoo Parlors
Motel
Short term residential occupancy of 60 days or less
such as Air B&B
Shared Work Space, ie. WeWork
Homeless Navigation Center

Further THOUGHTS on 3333 California St.

The Community rejects the conclusions of the Planning Commission Hearing on September 5. The Planning Commission has a majority of members appointed by the Mayor and the Mayor is beholden to the developers. Essentially it is a rubber stamp.

Statistics show that the Planning Commission approves approx. 90% of the developers' submissions! A truly independent body!

However, we expect to have much more support at the Board of Supervisors and its important that everyone keeps reminding our Supervisor, Catherine Stefani, about her promise to introduce amendments to both the Special Use District and to the Development Agreement going forward.

AND, only the Board of Supervisors can actually approve the project.

KEY POINTS:

We need changes to this project-it is far too disruptive and destructive.

Recommend that the Planning Department analyze the two Community Alternatives in detail in order to make major improvements to the developer's proposed plan.

Change the project to keep buildings off the green space. Protect the green space and mature trees

Reduce the construction to 7 years fixed, not the 7-15 years requested. Also, the Development Agreement is so poorly written that 15 years is not a fixed limit! The Community Alternatives call for Housing NOW, not in 7-15 years.

Eliminate the unwanted and unneeded retail proposed. All it will do is further degrade Sacramento St. and Laurel Village. Our neighborhoods are already well served.

The retail proposed, Flexible Retail, mandates at least two (and up to five) different types of businesses sharing a common premise. The businesses can change with no requirement that the public be notified.

Flexible Retail allows almost an unlimited range of businesses as the definitions are deliberately vague.

Prohibit outdoor amplified sound or nighttime entertainment-which is allowed by Flexible Retail.

BENEFITS OF THE COMMUNITY'S PLANS

The Community's plans preserve an important California Listed Historic Resource.

The Community's plans protect needed and neighborhood utilized green space, as well as old growth trees.

The Community's plans support neighborhood character consistent with a residential neighborhood.

The Community Alternatives protect small & family owned businesses at Laurel Village and protects the future of Cal Mart and Bryan's.

The Community's plans minimize traffic and encourages the use of public transit.

The Community's plans provide affordable senior housing.

The Community's plans protect the environment and minimizes Greenhouse Gases, generating far less Greenhouse Gases.

The Community's plans eliminate retail and the 8,500 retail related auto trips which results in a savings of 4,000 tons per year of Greenhouse Gases.

The Community's plans are supported by members of the neighboring communities.

KEY POINTS OF COMMUNITY SUPPORTED DEVELOPMENT PLAN

- Housing numbers equal to the Developer's proposed plan(744)
- Housing NOW, not in 7-15 years.
- Protects small & family owned businesses at Laurel Village.
- Ensures the future of Cal Mart and Bryan's.
- Protects the NCD along Sacramento St. and Presidio Ave.
- Fulfills the project's Program Objectives within existing zoning and Resolution 4109 criteria.
- Protects needed and neighborhood utilized green space.
- Supports neighborhood character consistent with a residential neighborhood.
- Preserves a California Listed Historic Resource.
- Minimizes traffic and encourages the use of public transit.
- Provides affordable senior housing.
- Protects the environment and minimizes Greenhouse Gases by 70%.
- Eliminates over 4,000 tons per year of Greenhouse Gases.



FLEXIBLE RETAIL

FREQUENTLY ASKED QUESTIONS, SCREENING FORM, AND AFFIDAVIT PACKET

Flexible Retail is a new land use category defined in Section 102 of the Planning Code.

Español: Si desea ayuda sobre cómo llenar esta solicitud en español, por favor llame al 415.575.9010. Tenga en cuenta que el Departamento de Planificación requerirá al menos un día hábil para responder

中文: 如果您希望獲得使用中文填寫這份申請表的幫助, 請致電415.575.9010。請注意, 規劃部門需要至少一個工作日來回應。

Tagalog: Kung gusto mo ng tulong sa pagkumpleto ng application na ito sa Filipino, paki tawagan ang 415.575.9010. Paki tandaan na mangangailangan ang Planning Department ng hindi kukulangin sa isang araw na pantrabaho para makasagot.

WHAT IS "FLEXIBLE RETAIL"?

Flexible Retail is a new land use category defined in Section 102 of the Planning Code. A parcel whose legal use is "Flexible Retail" may be able to operate all of the following uses on-site: Arts Activities, Limited Restaurant, General Retail Sales and Service, Personal Service, Retail Professional Service, and Trade Shop.



FLEXIBLE RETAIL USES MUST FOLLOW CERTAIN CONDITIONS. NAMELY:



- **A parcel must be located in Supervisorial Districts 1, 4, 5, 10 or 11 and zoned NCD, NCT or NCS.** If you are unsure of whether your parcel falls into one of these zoning districts please check your property's information here: <http://propertymap.sfplanning.org> or stop by the Planning Information Center on the 1st floor of 1660 Mission Street where our staff may assist you in identifying your zoning.
- **Any business operating as a Flexible Retail Use must operate at least two separate and distinct uses on-site at all times.** This means the site must contain at least two of the types of uses contained within the "Flexible Retail" category (e.g. an apparel shop and a café, which would be General Retail and Limited Restaurant uses).
- **Any parcel operating as "Flexible Retail" must adhere to all underlying zoning controls.** This means that if any of the uses contained within the "Flexible Retail" category are not permitted, require special approval, or require Neighborhood Notification in the underlying zoning district, those limitations continue to apply. For example, many areas of the city require Neighborhood Notification to establish a Limited Restaurant. If a Flexible Retail business would like to establish a Limited Restaurant and the zoning district requires Neighborhood Notification for such use, the business must undergo Neighborhood Notification in order to establish the Limited Restaurant under their Flexible Retail use.



KATY TANG

Flexible Retail Legislation File 180806

Legislative Goal: *Provide business owners the opportunity to share space with other types of businesses and switch between an identified set of uses without requiring additional Planning Department permits. As it gets more challenging for businesses to open or remain in San Francisco due to high rents and online commerce, this legislation serves as one tool to address the issue of storefront vacancies in our commercial corridors.*

Legislation Details:

- Creates new “Flexible Retail” use under Planning Code
- Flexible Retail would be principally permitted in District 4 (*legislation will be expanded to include other districts per amendments at Land Use Committee on Oct. 29th and underlying zoning would apply in each district*)
- Under the new Flexible Retail use, there can be any combination of the following use categories within a ground-floor space and these can be operated by one or more business operators:
 - Arts Activities
 - Limited Restaurant
 - General Retail Sales and Services
 - Personal Service
 - Retail Professional Service
 - Trade Shop
- *Notes:*
 - Flexible Retail would not require neighborhood notification under Planning Code Section 311. However, a Conditional Use Authorization (CUA) is still required in neighborhoods where the zoning requires a CUA.
 - Permits and inspections from other city departments (such as Department of Public Health, Department of Building Inspection, or liquor license from the state) would still be required for Limited Restaurant use.



1 SEC. 713. NC-S – NEIGHBORHOOD COMMERCIAL SHOPPING CENTER
 2 DISTRICT.

3 * * * *

4 Table 713. NEIGHBORHOOD COMMERCIAL SHOPPING CENTER DISTRICT NC-S
 5 ZONING CONTROL TABLE

6 * * * *

Zoning Category	§ References	Controls		
NON-RESIDENTIAL STANDARDS				
* * * *				
Entertainment, Arts and Recreation Use Category				
Entertainment, Arts and Recreation Uses*	§ 102	NP	NP	NP
Amusement Game Arcade	§ 102	C	NP	NP
<i>Arts Activities</i>	<u>§ 102</u>	<u>NP(6)</u>	<u>NP(7)</u>	<u>NP(7)</u>
* * * *				
Sales and Service Use Category				
* * * *				
Cannabis Retail	§§ 102, 202.2(a)	C	C	NP
<i>Flexible Retail</i>	<u>§ 102</u>	<u>NP (6)</u>	<u>NP</u>	<u>NP</u>
* * * *				

21 * * * *

22 (6) P in the geographic area described as Flexible Retail Zones in Section 202.9.

23 (7) C in the geographic area described as Flexible Retail Zones in Section 202.9.

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4 SEC. 724. SACRAMENTO STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

5 * * * *

6 Table 724. SACRAMENTO STREET NEIGHBORHOOD COMMERCIAL DISTRICT
7 ZONING CONTROL TABLE

8 * * * *

Zoning Category	§ References	Controls		
NON-RESIDENTIAL STANDARDS AND USES				
* * * *				
Sales and Service Use Category				
* * * *				
Cannabis Retail	§§ 102, 202.2(a)	C	C	NP
<i>Flexible Retail</i>	<i>§ 102</i>	<i>NP</i>	<i>NP</i>	<i>NP</i>
* * * *				

17 * * * *

18
19 SEC. 725. UNION STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

20 * * * *

21 Table 725. UNION STREET NEIGHBORHOOD COMMERCIAL DISTRICT
22 ZONING CONTROL TABLE

23 * * * *

Zoning Category	§ References	Controls		
NON-RESIDENTIAL STANDARDS AND USES				

Sales and Service Use Category				

Cannabis Retail	§§ 102, 202.2(a)	C	C	NP
<i>Flexible Retail</i>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>

SEC. 760. FILLMORE STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.

Table 760. FILLMORE STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT ZONING CONTROL TABLE

Zoning Category	§ References	Controls		
NON-RESIDENTIAL STANDARDS AND USES				

Sales and Service Use Category				

Cannabis Retail	§§ 102, 202.2(a)	C	C	NP
<i>Flexible Retail</i>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>

QUESTIONS ABOUT ESCROW ACCOUNT FOR AFFORDABLE SENIOR HOUSING

"I have some questions about the escrow account which the City believes protects the senior affordable housing. At this point I do not share that same level of confidence. Here's one of the first axioms taught at the elite business schools "You can't contract away bad faith."

My questions are:

1. Is the escrow fee based on NPV, Net Present Value? If so, what inflation rate has been incorporated in the calculation? And, over what period of time?

Twelve years was mentioned as well as 5% per annum increase in construction cost which means in 12 years construction costs would have risen by approx 80 percent.

2. The escrow is \$199 per square foot. What is the square feet that this applies to?

If it's the total residential gsf of the project, approx. 9777,000 gsf, the escrow account would eventually grow, with inflation, to approx. \$97,000,000 by the time the Walnut Building is occupied. Although per your previous email the in lieu fee would range from \$58.5-64.4mm so apparently no inflation is considered.

3. The developer shows the Walnut development cost at \$113.2mm which is double the "in lieu fee" you provided previously and well above the maximum potential value of the escrow account. Please explain why the city will be subsidizing the developer's failure to build the affordable housing.

4. How is the annual escrow amount calculated and when does it begin to be paid?

I would hope it begin at date of permit approval but I doubt it does. The point being that the longer it takes to initiate the escrow the less funds in the accounts at any point in time that the developer opts out of the affordable senior housing.

I know you believe this unlikely but history repeats itself and we are seeing it live and in color as we speak! Think Lucky Penny.

5. So, my fundamental question is what is the estimated amount in the escrow account at the end of each year of the project beginning in 2021?

It is inconceivable that the City has not prepared such a chart so we look forward to receiving a copy.

From this Table or Chart it will be easy to determine whether the escrow account has any chance of fulfilling the potential shortfall to construct the Walnut Building should the developers default on the senior affordable housing. (\$113.2mm plus whatever the cost to the city from the Baseball Arbitration.)

If the escrow does not generate enough monies to do this then the Development Agreement is toothless and one more gift to the developers.

According to Turner & Townsend it costs \$ 330 per square foot to construct multi unit housing (sounds low) in San Francisco. I assume the Walnut Building being for seniors will probably have an added cost component.

By year 12 the \$330 per square foot will have increased to at least \$860 per square foot (with no component added for the complexity of senior housing) or \$126,927,400 to construct the presently configured Walnut Building which represents a \$30,000,000

shortfall IF the escrow is based on the entire residential gsf of the project and is being paid in from Day One. And without any amount applied from the Baseball Arbitration determination.

So the developers can default on the affordable senior housing and the escrow appears to represent a completely inadequate compensation for either (a) not paying the full "fee out" at the outset OR (b) walking away and leaving behind an escrow account which woefully under-funds the City's obligations.

And the earlier they walk away the lower the escrow account unless fully paid up from Day One.

It is not at all obvious how this is a good deal for the City. It looks to be a windfall for the developers. One might think Trump was part of the developers' negotiating team.

COMMUNITY PRESERVATION LOOKALIKE VARIANT

OVERVIEW

The Community Preservation Lookalike Variant, CPLV, would construct the same number of new housing units as the developer's proposed variant (744 units) and would be completed in approx. five years rather than the 7-15 years requested by the developer to complete his proposals. In addition, the Community Preservation Lookalike Variant would increase the residential gross square feet by approx. 20,000gsf more than the developer's proposal.

The Community Preservation Lookalike Variant would preserve the key character-defining features of the main building and its integrated landscaping, which are listed in the California Register of Historical Resources pursuant to Section 4851(a)(2) of the California Code of Regulations.

The Community Preservation Lookalike Variant utilizes approximately 90 percent of the developers' proposed buildings, designs and locations as can be seen below.

Figure 4: Community Preservation Lookalike Variant



	DEVELOPER VARIANT 7/3/2019	COMMUNITY PRESERVATION VARIANT "Developer Lookalike"
	Residential GSF	Residential GSF
BUILDING		
Masonic	83,505	N/A
Euclid	184,170	144,870
Laurel Townhomes	55,300	34,935
Mayfair	46,680	46,680
Plaza A	66,755	81,571
Plaza B	72,035	83,215
Walnut	147,590	336,350
Main Building-Note 1	N/A	268,365
Center A	89,735	N/A
Center B	231,667	N/A
TOTAL Residential GSF	977,437	995,986

The major differences are that the Community Preservation Lookalike Variant:

1. Would preserve the key Historic defining characteristics of the site as noted above.
2. Would create an All-Residential development with the retention of the existing café, childcare facility and office space in the Main Building noted below.
3. Would excavate only for a single, approximately two underground parking garage, whereas the developer proposes to excavate for four new under-ground parking garages spread across the site, some consisting of three levels.
4. Would eliminate the Masonic Building to preserve the Historic Eckbo Terrace and also provide a location for the childcare play area in sunlight as opposed to being placed in the heavily shadowed area alongside the Credit Union, as proposed in the developer's plan.
5. Would make modifications to the Euclid Building by removing approximately 30 ft. from the southside of the proposed building to move it off the historically significant green space.
6. Would eliminate two Laurel St. Townhomes from Euclid Green in order to fully preserve the historically significant green space at the top of Laurel Hill.

For a summary of changes that the Community Preservation Lookalike Variant would implement see "Summary of Building Changes" at the end of the document.

Furthermore, the Community Preservation Lookalike Variant would:

(1) convert the interior of the main building to residential use while retaining the existing 1,500 gs cafe, 11,500 gsf childcare center, and 5,000 gsf of the existing office space (at the developer's option, this existing office space could be converted to residential use),

(2) construct three new residential buildings (the Plaza A, Plaza B and Walnut) along

California Street where parking lots are now located; the new Mayfair Building near the intersection of Mayfair Drive and Laurel; five new townhomes along Laurel St north of Euclid Green; and the new Euclid Building with modifications along Euclid Avenue;

(3) provide affordable senior housing on-site with additional affordable housing on-site as determined by the Board of Supervisors,

(4) propose that all freight-loading and unloading be conducted in the underground freight loading areas accessed from Presidio Ave. and Mayfair Ave.

(5) propose that all passenger-loading and unloading be conducted inside the site in turnarounds or in the underground parking garage,

(6) retain the historically significant landscaping designed by the renowned landscape architects of Eckbo, Royston & Williams which is integrated with the window-walled main building, including the Eckbo Terrace, the existing landscaped green spaces along Euclid and Presidio Avenues and some of Laurel Street, all of which would be designated as community benefits in the development agreement,

(7) maintain public vistas of the downtown and Golden Gate Bridge from the landscaping and main building as well as maintain the historically significant main building and integrated landscaping.

(9) provide units in the Walnut Building for affordable senior housing.

(9) the Community Preservation Lookalike Variant would use all the new space for residential use and would not rezone the site for approximately 34,496 gsf of retail uses, as the developer proposes.

THE COMMUNITY PRESERVATION LOOKALIKE VARIANT WOULD PROVIDE THE SAME AMOUNT OF NEW HOUSING UNITS(744) IN APPROX. FIVE YEARS WITHOUT DESTROYING A HISTORICALLY SIGNIFICANT RESOURCE.

The Community Preservation Lookalike Variant would preserve all the key character-defining features of the main building and integrated landscaping, which are listed in the California Register of Historical Resources pursuant to Section 4851(a)(2) of the California Code of Regulations. (Ex. A, confirmation of listing). The window-walled main building would be converted to primarily residential use.

The Community Preservation Lookalike Variant would have the same number of residential units as the developer's proposed variant (744 units) and would be constructed in less than four years because the existing main building would be converted to residential use at the same time as the new residential buildings are constructed, to the greatest extent feasible pursuant to staging.

The Community Preservation Lookalike Variant would entail far less excavation, as it would have approximately two levels of parking in a single new underground garage. In contrast, the developer's variant proposes to construct four new underground parking garages, to provide a total of 873 parking spaces. The CPLV would excavate only under the existing parking lots along California St. for garages - the easiest, least disruptive, quickest most efficient excavation- whereas the developer would carry out major excavation in all quadrants of the site including major excavations on Masonic, on Euclid including the excavation of major portions of Laurel Hill as well as under the parking lots along California St.

The Community Preservation Lookalike Variant would preserve the existing Eckbo Terrace and the green landscaped areas along Euclid and Presidio Avenues as well as partly along Laurel Street. The existing Eckbo Terrace would be designated as Privately-Owned, Publicly-Accessible Open Space in recorded deed restrictions and would be open to the public. The new ground level Walnut Passage will run through the first floor of the main building, opening up into a larger landscaped Center Court mid-building, and lead onto the Walnut Walk alongside Eckbo Terrace and thence onto Masonic Avenue and

would be open to the public and marked with signage identifying it as a public thoroughway.

The character-defining features of the existing main building that the Community Preservation Lookalike Variant would retain include all of the following:

- Plan of the building open along Eckbo Terrace and to views of the distant city.

- Horizontality of massing.

- Horizontal lines of projecting edges of concrete floors.

- Horizontal bands of nearly identical compatible window units.

- Uninterrupted glass walls.

- Brick accents and trim

- Wrought iron deck railings that match gates in landscaping.

The character-defining features of the existing landscape that the Community Preservation Lookalike Variant would preserve include all of the following:

- In the Eckbo Terrace, which was designed to integrate the architecture of the building with the site and with the broader setting (through views of San Francisco), key character-defining features include its biomorphic-shaped lawn surrounded by a paved terrace and patio (paved with exposed aggregate concrete divided into panels by rows of brick), brick retaining wall and large planting bed around the east and north sides of the paved patio, custom-designed wood benches, and the three circular tree beds constructed of modular sections of concrete.

All passenger loading, pick-ups and drop-offs are proposed to be internal to the site, and turnarounds will be provided in front of the main building. All freight loading and unloading is proposed to be conducted in the underground freight loading areas accessed from Presidio Avenue and Mayfair.

In the Community Preservation Lookalike Variant, the Masonic Building and two Laurel Townhomes are eliminated and the Walnut building re-designed. The Euclid building, reduced in size to preserve the Euclid Green area, the remaining five Laurel Townhomes, the Mayfair building, Plaza A and Plaza B utilize the developer's footprint and architectural design throughout. The Main Building utilizes Levels 1-4 of the developer's architectural design and adds one setback story at Level 5 consistent with the Secretary of the Interior Standards for the treatment of historic properties, thereby retaining the historic characteristics of the main building and integrated landscaping. Contrary to the developer, the Community Preservation Lookalike Variant does not sever the Main Building with a full height 40 ft gap, thereby creating two separate structures.

As noted previously, the Community Preservation Lookalike Variant creates a ground-level Walnut Passage while fully retaining the historic characteristics of the building.

The Main building, Walnut, Plaza A and Plaza B will have direct access to the underground parking garage. The Laurel Townhomes have their own organic parking. For the Mayfair and Euclid Buildings, parking will be provided in the new underground parking garage constructed under the California Street Front and Back Buildings.

Truck loading and unloading for the buildings along California St. as well as the Main and Mayfair buildings would occur in the underground garage accessed from Presidio Avenue and Mayfair Avenue.

SUMMARY OF BUILDING CHANGES

The Community Preservation Lookalike Variant generally utilizes the developer's footprint and

architectural design, unit configuration layouts, sizes, elevations, topography etc. except for the Masonic Building (which is not constructed) and the expanded Walnut Building.

The Community Preservation Lookalike Variant preserves both the historic Eckbo Terrace and the existing green spaces along Euclid and Masonic Avenues (by eliminating the Masonic Building) and partly along Laurel Street.

To this day, these green spaces are used by families, friends, children, moon-watchers, etc. The historically green space is preserved by modifying the south side of the Euclid Building (removing 30 ft.) and eliminating two Laurel St. townhomes at the top of Laurel St. as noted above.

Analysis of Buildings:

Developers Variant
7/3/2019



Community Preservation Lookalike
Variant



As can be seen from the layout above the Community Preservation Lookalike Variant generally mirrors the developers proposed building plans. The primary differences are the elimination of the Masonic Building, modifications to the Euclid Building and redesign of the Walnut Building.

All retail has been converted into residential gsf and affected building heights reduced appropriately.

As shown above, the Community Preservation Lookalike Variant produces an additional 20,000 residential gsf over and above that produced by the developers.

Masonic Building: Eliminated.

Euclid Building: Identical to developers' submission of 07.03.2019 with the following modification to preserve Laurel Hill greenspace. The south side of the building is cut back approximately 30 ft. (loss of approximately 35,000gsf). Additionally, the remaining top floor units on the south side are set back 15

ft. to moderate the bulk and intensity of the Euclid Avenue appearance (loss of approximately 4,000gsf). It should be noted that the Euclid Building can be expanded on the east side by approximately 25 ft. along the entire 256 ft (ref. Dwg.A8.01 from submission) by aligning Walnut Walk with Eckbo Terrace which would more than offset the space eliminated by the modification to the south side noted above.

This potential expansion has not been accounted for in the Community's plan.

No underground parking garage.

References: A8.01(modified as noted above), .02(same comment), A8.03(same comment), A8.04(same comment), A8.05(same comment), A8.06(same comment), A8.11(same comment), A8.12, A8.21(same comment), A8.22, A8.23(same comment), A8.24(same comment), A8.25(same comment), A8.30, A8.41.

Laurel Townhomes: Generally identical to developer's submission of 07.03.2019 modified to reduce height to 30 ft. and set top floor back 15 ft.

Reference A10.01(two southernmost duplexes eliminated to preserve Historic green space), A10.02(same comment), A10.03, A10.11(modified for height, setback and elimination of Duplex 01 & 02), A10.12(same comment), A10.13(same comment), A10.21(same comment), A10.23(same comment), A10.24(same comment), A10.25(same comment).

As noted previously the two townhomes at the top of Laurel St. have been eliminated to preserve the green space. The height of the five remaining townhomes is lowered from 40 ft. to 30 ft. to be compatible with the 20 ft. homes on the west side of the Laurel St. block. Additionally, the third floor is set back 15 ft.

Mayfair Building: Generally identical to developer's 07/03/2019 submission: predominant references

A9.01, A9.02, A9.03, A9.04, A9.11, A9.12, A9.21, A9.22, A9.30, A9.60 .

No underground parking garage.

Plaza A: Generally identical to developer's submission of 07.03.2019: references A2.00, A2.01, A2.02, A2.21(modified for the parking design), A2.22(same note on parking), A2.30, A2.41.

All retail gsf is converted to residential. As a result, the height of the building is lowered from 45 ft. to 40 ft., which allows it to comply with the existing height limit.

Plaza B: Same comments as to Plaza A above. Developer's submission of 07.03.2019: references A3.00(retail converted to residential), A3.01, A3.02, A3.03, A3.21(modified for the parking design), A3.22(same comment on parking), A3.24(retail converted to residential; building height adjusted accordingly), A3.25, A3.41, A3.42.

Walnut Building: The enhanced Walnut Building is re-designed to provide a 7-story residential building. As this building is flanked by the Main Building and the Credit Union and is opposite the approximately 65 ft. tall JCC, it is compatible with the character of its surroundings. The 48,050 square foot net footprint was determined from dimensions in Submittals of 03.06.2017 & 07.03.2019: references VAR 13, 14, 19.

General dimensions: Southside east-west 305ft; Northside east-west 240ft; North-south : 175ft.;

Triangle at Credit Union: 155ft. base, 175ft. height. Adjusted for light-courts and setbacks.

Main Building/Center A&B: Use the developer's unit configurations and sizes from 03/03/2019:

predominant references A6.02, A6.03, A6.04, A6.05, A6.06, A6.07, A6.08, A6.09, A6.19(modified for Walnut Passage; no Levels 6 and 7), A6.21(modified for Walnut Passage; no levels 6 and 7), A6.22(no Levels 6 and 7), A6.30, A6.46(no Levels 6 and 7).

The Community Preservation Lookalike Variant, unlike the developer's, preserves the historic characteristics of the building and fully complies with the Secretary of the Interior's Standards for the treatment of historic properties.

The Draft EIR acknowledges that the developer's design would have a substantial adverse effect on the historic characteristics of the listed building and landscaping.

The developer proposes to cut a 40 ft. gap through all levels of the main building, thereby creating two separate structures and adding 2 and 3 new levels on top, thereby impairing the horizontality of the building.

The Community Preservation Lookalike Variant, in accordance with the SOISs, adds one set back level, Level 5, to the main building. As noted above, the developer would add Level 5, Level 6 and Level 7.

Walnut Passage: In order for the developer to create the 40 ft. wide Walnut Walk which would connect the north and south sides of the property in alignment with Walnut St., the developer proposes to bifurcate the building with a 40 ft cut through all existing levels of the building.

There is a better solution.

The Community Preservation Lookalike Variant design calls for a ground level, utilizing the same elevation as the developer, 15 ft high (Level 1) by 20 ft. wide entry/exit on the north and south sides of the building. This entry/exit would extend 35 ft. into the building where it would open up into a 35 ft. wide by 75 ft. long landscaped Center Court which also serves as a Light Court in the building. This design fully maintains the historic characteristics of the Main building while at the same time meeting

the developer's desire in alignment with Walnut Street for connectivity.

A case of form follows function.

Summary: Same number of units(744) in approx.. five years, more residential gsf than the developer's proposal, compliant with RM-1 zoning , historically compatible, neighborhood responsive.

COMMUNITY FULL PRESERVATION ALTERNATIVE VARIANT 2

OVERVIEW

The Community Full Preservation Alternative Variant 2 – CFPV2 -would construct the same number of new housing units as the developer's proposed project variant (744 units) and would be completed in approximately four years rather than the 7-15 years requested by the developer to complete his proposals. The CFPV2 would preserve virtually all of the character-defining features of the main building and its integrated landscaping, which are listed in the California Register of Historical Resources pursuant to Section 4851(a)(2) of the California Code of Regulations.

The CFPV 2 would excavate for a single approximately two-level underground parking garage. In contrast, the developer proposes to excavate for four new underground garages, some consisting of three levels.

The Community Full Preservation Alternative Variant 2 would:

(1) convert the interior of the main building to residential uses while retaining the existing 1,500 gsf cafe, 11,500 gsf childcare center, and 5,000 gsf of the existing office space (at the developer's option, this existing office space could be converted to residential use),

(2) construct three new residential buildings (California Front, California Back, Walnut) along California Street where parking lots are now located, construct the Mayfair new residential building near the intersection of Mayfair Drive and Laurel Street, and construct five Laurel St. townhomes north of the Euclid Green

(3) provide at least 64 flat-type family-sized units in the California Front Building, with affordable senior housing in the enhanced Walnut Building.

(4) Construct 5 Laurel St. Duplexes using the Developers' design and layouts,

except that the fourth story would be removed and the third story set back 15 feet at its front. See section “Summary of Building Calculations” in the last section.

(5) excavate for approximately two levels of underground parking.

(6) propose all freight loading and unloading to be conducted in the underground freight loading areas accessed from Presidio Avenue and all passenger loading and unloading to be conducted inside the site in turnarounds or in the underground parking garage.

(7) retain the historically significant landscaping designed by the renowned landscape architects of Eckbo, Royston & Williams which is integrated with the window-walled main building, including without limitation the Eckbo Terrace and the existing landscaped green spaces along Euclid Avenue, Presidio Avenue and some of Laurel St. (see layout) which would be designated as community benefits in the development agreement,

(8) preserve the majority of the 195 mature trees on the site which are comprised of 48 different tree species (Initial Study p. 16), and

(9) maintain public vistas of the downtown and Golden Gate Bridge and the historically significant main building and integrated landscaping.

Figure 2: Community Full Preservation Alternative Variant 2



	Developers Proposed Variant 7/3/2019	Community Full Preservation Alternative Variant 2
	Residential GSF	Residential GSF
BUILDING		
Masonic	83,505	N/A
Euclid	184,170	N/A
Laurel Townhomes	55,300	34,935
Mayfair	46,680	46,680
Plaza A/California Front	66,755	120,000
Plaza B/California Back	72,035	76,952
Walnut	147,590	336,350
Main Building	N/A	371,734
Center A	89,735	N/A
Center B	231,667	N/A
TOTAL Residential GSF	977,437	986,651

The CFPA Variant 2 would add units to the Walnut Building which could be used for senior housing and additional units within the other buildings. The CFPAV 2 would use all the new construction for residential use and would not rezone the site to permit the approximately 34,500 gsf of retail uses, as the developer proposes.

THE COMMUNITY FULL PRESERVATION ALTERNATIVE VARIANT 2 WOULD PROVIDE THE SAME AMOUNT OF NEW HOUSING UNITS IN APPROXIMATELY FOUR YEARS WITHOUT ADVERSELY IMPACTING A HISTORICALLY SIGNIFICANT RESOURCE.

The CFPAV 2 would preserve the character-defining features of the main building and integrated landscaping, which are listed in the California Register of Historical Resources pursuant to Section 4851(a)(2) of the California Code of Regulations. (Ex. A, confirmation of listing) The window-walled main building would be converted to primarily residential use. This CFPAV 2 would have the same number of residential units as the developer's proposed project Variant (744) and would be constructed in approximately four

years because the existing main building would be converted to residential use at the same time as the new residential buildings are constructed, to the greatest extent feasible pursuant to staging. The CFPV 2 would entail far less excavation, as it would have only one new, approximately two level, underground parking garage along California Street and a total of approximately 558 on-site parking spaces. In contrast, the developers' variant proposes to construct four new underground parking garages, to provide a total of 873 parking spaces. The CFPV 2 would excavate only under the existing parking lots along California St.- the easiest, least disruptive, quickest most efficient excavation- whereas the developer would carry out major excavation on all quadrants of the site including major excavations on Masonic, on Euclid (which entails a substantial portions of Laurel Hill), as well as under the existing parking lots along California St.

This CFPV 2 would retain the existing Eckbo Terrace, the existing landscaped green spaces along Euclid Avenue, Presidio Avenue and some of Laurel St. (see layout). The existing Terrace would be designated as Privately-Owned, Publicly-Accessible Open Space in recorded deed restrictions and would be open to the public. A new ground level Walnut Passage would be constructed to connect Walnut and Masonic Avenue and be opened to the public.

The character-defining features of the existing main building that this CFPV 2 would retain include all of the following:

- Plan of the building with wings open along the sides to the immediate landscape and to views of the distant city.

- Horizontality of massing.

- Horizontal lines of projecting edges of concrete floors.

Horizontal bands of nearly identical window units.

Uninterrupted glass walls.

Brick accents and trim.

Wrought iron deck railings that match gates in the landscape.

The character-defining features of the existing landscape that this CFPV 2 would retain include all of the following:

The Eckbo Terrace, which was designed to integrate the architecture of the building with the site and with the broader setting (through views of San Francisco), key character-defining features include its biomorphic-shaped (amoeba-shaped) lawn surrounded by a paved terrace and patio (paved with exposed aggregate concrete divided into panels by rows of brick), brick retaining wall and large planting bed around the east and north sides of the paved patio, custom-designed wood benches, and three circular tree beds constructed of modular sections of concrete.

In the two outdoor sitting areas on the east and west sides of the area now used as an auditorium, key character-defining features for the area on the west side include the pavement (exposed aggregate divided into panels by rows of bricks), circular tree bed constructed of modular sections of concrete, and metal benches; key character-defining features for the area on the east side include the pavement (concrete divided into panels by wood inserted into expansion joints).

All passenger loading, pick-ups and drop-offs are proposed to be internal to the site,

and turnarounds will be provided in front of the main building on California/Walnut. All freight loading and unloading is proposed to be conducted in the underground freight loading areas accessed from Presidio Avenue.

Vegetation features that help to integrate the character of the Fireman's Fund site with that of the surrounding residential neighborhoods that will be retained include (1) the large Cypress trees in the existing west parking lot area, (2) the lawns on the south and east sides of the property and portions of the west side, and (3) the planted banks along Masonic street.

In this CFPV 2 the existing 1,500 gsf cafe and 11,500 gsf childcare center would remain in their present locations in the main building. Approximately 5,000 square feet of the existing nonconforming office space in the main building would remain, which the developer could continue to use for offices. At the developer's option, this existing office space could be converted to residential use.

In the CFPV2, new residential buildings (California Front & Back and Walnut) would be constructed along California Street where parking lots are currently located, and a Mayfair building generally identical to the Developers' plan would also be constructed.

The new California Front building units would be designed for families, averaging 1,875gsf. This building would be designed to be compatible with both the main building and the existing buildings along the north side of California Street and would maintain the rhythm and scale of the townhouses across California Street. Each California Front building would be 40 feet tall, approximately 25 feet wide and 100 feet in length with 25% of that length consisting of a private rear yard. Approximately 16 new buildings containing 64 units would be built in the California Front building between Laurel Street and Walnut Street. Two adjacent residential units would share one elevator, a common stairway and one mechanical shaft. The

elevator would provide access to the underground garage constructed under these buildings.

The new California Street Back building would face inward toward the existing main building and be constructed with window walls designed to be compatible with the character-defining features of the windows in the existing main building. They would not have private rear yards. They would be sculpted to be a minimum of 42 ft. from the large Monterey Cypress trees that remain from the Laurel Hill Cemetery, so the lengths of the buildings would vary from approximately 35 to 72 feet long, and each unit would be approximately 25 feet wide. They would have 60 units, with the average unit size 1,283 gsf depending on location, and the buildings would be 40 feet tall and be constructed between Laurel Street and Walnut Street. Two adjacent residential units would share one elevator, a common stairway and one mechanical shaft.

In this CFPV2, approximately 270 residential units would be provided in the existing main building, averaging 1,377 gsf. The developer can configure the size of the units and/or eliminate the office use. Internal Light Courts similar to those described on Developer's August 17, 2017 plan sheets A6.15 and A6.16 will be located where feasible.

For these units, parking with direct access would be provided in the existing underground garage in the main building.

A new 70-foot tall Walnut Building would be built along California Street between Walnut Street and Presidio Avenue. This building would contain approximately 310 residential units with an average 1,085 gsf. The developer can configure the size of the units. For these units, parking with direct access would be provided in the new underground garage constructed under this building.

In the CFPV2, a new 40-foot tall Mayfair Building, based on the Developers' design and layout, would be constructed approximately east of Mayfair Drive at Laurel Street. The Mayfair Building would have 30 residential units with an average size of 1,556 gsf. The Mayfair Building would not contain an underground parking garage. For these units, parking would be provided in the new underground garages constructed under the California Street Front and Back Buildings. The Mayfair Building would be constructed of window walls designed to be compatible with the character-defining features of the windows in the existing main building.

Under the CFPV2, all Truck Loading or Unloading is proposed to occur in the underground garage accessed on Presidio Avenue, and trucks and automobiles will have ingress and egress to these areas for loading, unloading, pick-ups, drop-offs and parking. Passenger vehicles and automobiles will also have ingress and egress to the site through the Walnut Gate at Walnut and California Streets and through the Mayfair Gate at Mayfair and Laurel streets. Passenger vehicles and automobiles will also have access to a turnaround for passenger loading and unloading through the Laurel Street gate and through the Walnut gate.

SUMMARY OF BUILDING CALCULATIONS

The Community Full Preservation Alternative Variant 2 re-purposes the historic main building and utilizes a combination of new designs and the developers design, unit configuration layouts, sizes, etc.

The Community Full Preservation Alternative Variant 2 preserves both the historic Eckbo Terrace and the existing landscaped green spaces along Euclid Avenue and Presidio

Avenue and some of Laurel Street.

To this day the green spaces are used by families, friends, children, moon-watchers, etc..

The Community Full Preservation Variant 2 uses much of the DEIR Community Full Preservation Alternative Variant submitted in response to the Draft EIR with the following major changes: Developer's Laurel Hill Duplexes added(5); Developer's Mayfair Building adopted; Walnut Building enhanced; one level, Level 5, added to the core of the main building; ground level Walnut Passage created. California St. Front and Back Buildings remain unchanged.

There is no retail.

The Community Full Preservation Alternative Variant 2 is shown on pg. 3 above.

Masonic Building: Eliminated to preserve the historic green-space encompassing Eckbo Terrace. Retaining this historic green space will provide a place for the public to host resident events such as July 4 barbecues, etc. with views of the City.

No underground parking garage in this area.

Euclid Building: Eliminated to preserve the historic parklike greenspace and the historic main building that occupies Laurel Hill. It allows the childcare center and play area to remain in its present location in the sun as opposed to the developer's proposed heavily shadowed area alongside the Credit Union.

No underground parking garage in this area.

Laurel Duplexes: Similar to developer's submission of 07.03.2019 modified to reduce height to 30 ft. and top floor set back 15 ft. References: A10.01(two southernmost duplexes eliminated to preserve Historic Laurel Hill), A10.02(same comment), A10.03, A10.11(modified for height, setback and elimination of Duplex 01 & 02), A10.12(same comment), A10.13(same comment), A10.21(same comment), A10.23(same comment), A10.24(same comment), A10.25(same comment).

As noted previously the two townhomes at the top of Laurel St. have been eliminated to preserve this historic green space. The five remaining townhomes are lowered from 40 ft. to 30 ft. to better reflect the 20 ft. homes on the west side of Laurel St. Additionally the third floor is set back 15 ft.

Mayfair Building: Generally identical to developers' 07/03/2019 submission: predominant reference A9.01, A9.02, A9.03, A9.04, A9.11, A9.12, A9.21, A9.22, A9.30, A9.60.

No underground parking garage.

California St. Front: The 4-story townhome buildings occupy an approximately 400 ft. long by 75ft. deep (plus 25 ft backyard) section along California St. between Laurel St. and Walnut St. presently occupied by surface parking lots. Reference: Site Survey R0.00

PPA/EEA 03.23.2016; Draft EIR Fig. 2.23; DEIR Fig. 2.24. Building footprint 30,000gsf.

California St. Back: The 4-story townhome buildings occupy approximately 375 ft. of the rear portion of this section along California St. between Laurel St. and Walnut St. In order to preserve the historic Monterey Cypress trees the units vary in depth from 35 ft. to 72 ft.

The footprint of these building is approximately 19,238gsf.

Walnut Building: The enhanced Walnut Building is re-designed to provide a 7-story residential building. As this building is flanked by the Main Building and the Credit Union and is opposite the 65 ft. tall JCC, it is compatible with the character of its surroundings.

The 48,050 square foot net footprint was determined from dimensions in developer's Submittals of 03.06.2017 & 07.03.2019: reference VAR 13, 14, 19.

General dimensions: Southside east-west 305ft; Northside east-west 240ft; North-south : 175ft.; Triangle near Credit Union: 155ft. base, 175ft. height. Adjusted for light-courts and setbacks.

Main Building: The Community Full Preservation Alternative Variant 2, unlike the developer's Variant, does not destroy the historic characteristics of the building and fully complies with the Secretary of the Interior's Standards for the treatment of historic properties. The Draft EIR acknowledges that the developer's design would have a substantial adverse effect on the historic characteristics of the listed building and

landscaping.

The developer proposes to cut a 40 ft. gap through all levels of the main building thereby creating two separate structures, and adding two and three levels on top, thereby impairing the horizontality of the building.

The Community Full Preservation Alternative Variant 2, in accordance with the SOISs, adds one level, Level 5, to the main building. The developer would add add Level 5, Level 6 and Level 7.

Walnut Passage: In order to construct the developer's 40 ft. wide Walnut Walk which would connect the north and south sides of the property in alignment with Walnut St. the developer proposes to bifurcate the building with a 40 ft cut through all existing levels of the building.

There is a better solution.

The Community Full Preservation Alternative Variant 2 design calls for a new passageway through the first floor of the main building or higher portions of the main building if needed to accommodate the slope of the property. This passageway would beg 15 ft high (Level 1) by 20 ft. wide entry/exit on the north and south sides of the building. This entry/exit would extend 35 ft. into the building where it would open up into a 35 ft. wide by 75 ft. long landscaped Center Court which also serves as a Light Court in the building. This design fully maintains the historic characteristics of the Main building while at the same time meeting the developer's desire for connectivity in alignment with Walnut St.

A case of form follows function.

Summary: Same number of units (744) in less than 4 years, more residential gsf than the developer's proposal, compliant with RM-1 zoning, historically compatible, neighborhood responsive.

From: [Board of Supervisors, \(BOS\)](#)
To: [BOS-Supervisors](#)
Subject: FW: Regarding preservation of trees at 3333 California Street
Date: Tuesday, October 22, 2019 11:08:00 AM

From: Steven Zeluck <s_zeluck@yahoo.com>
Sent: Saturday, October 19, 2019 1:45 PM
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Cc: Major, Erica (BOS) <erica.major@sfgov.org>
Subject: Regarding preservation of trees at 3333 California Street

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

Dear Board of Supervisors:

The proposed project at 3333 California Street does NOT meet at least three of the Priority Policies required for granting a Major Encroachment. This major encroachment directly impacts removal of healthy "Street" trees and "Significant" trees the removal of which will have a significant negative impact on the area. They are:

That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhood;

That landmarks and historic buildings be preserved; That our parks and open space and their access to sunlight and vistas be protected from development.

That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhood;

Please deny the request for a Major Encroachment permit by the developer.

Thank you.

Steven C. Zeluck
28 year resident
2750 Sutter Street #8
San Francisco, CA 94115

From: [Ruth Marks](#) on behalf of [Doug Shoemaker](#)
To: [Peskin, Aaron \(BOS\)](#); [Safai, Ahsha \(BOS\)](#); [Haneystaff \(BOS\)](#)
Cc: [Stefani, Catherine \(BOS\)](#); [Board of Supervisors, \(BOS\)](#)
Subject: Letters of Support for 3333 Bryant
Date: Wednesday, October 16, 2019 2:59:26 PM
Attachments: [Support for Mercy.pdf](#)
[20190903035751.pdf](#)
[2019 Mercy Housing Support Letter.pdf](#)

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

Board of Supervisors,

Please find attached three letters of support for 3333 Bryant from Executive Director at Openhouse Karyn Skultety, President and CEO at Institute on Aging J. Thomas Briody, and President and CEO at Self-Help for the Elderly Anni Chung.

Doug Shoemaker
President

 **mercyHOUSING**
Mercy Housing California
1256 Market Street San Francisco, CA 94102
t | 415.355.7151 | mercyhousing.org/california

September 3, 2019

San Francisco Planning Commissioners
San Francisco Board of Supervisors

RE: 3333 California

I am writing to express support for 3333 California Street, a 744 unit a mixed-use development that will include 186 units of affordable senior housing on the UCSF Laurel Heights Campus. The need for affordable senior housing in the City is extreme and growing as the senior population is expected to be 26% of the City population by 2030. The new senior housing proposed will have affordable rents for a broad spectrum of seniors including units with rents affordable to extremely low-income seniors. In addition, it will include important accessibility features in the design, open space and generous community spaces to provide a high quality living environment.

For more than twenty years, Openhouse has been the only non-profit uniquely committed to serving San Francisco's lesbian, gay, bisexual transgender and queer (LGBTQ) seniors. The mission of Openhouse is to enable LGBTQ seniors the opportunity to overcome the unique challenges they face as they age by providing affordable housing, services and community programs. In 2016, along with co-general partner, Mercy Housing California, Openhouse opened 55 Laguna and the Bob Ross LGBT Senior Center at 65 Laguna. These, combined with 75 and 95 Laguna, currently under construction, will provide 119 units of LGBT-welcoming affordable senior housing and over 10,000 square feet of program and office space. We have been proud to partner with Mercy Housing- not just because of their expertise and leadership in building affordable housing in San Francisco, but because they have demonstrated a deep commitment to our community and to other marginalized seniors at risk of losing their housing or moving out of the city they love.

We are pleased to know that Mercy Housing is the affordable senior housing developer working with PRADO GROUP and SKS, the Owner/Developer team for the Campus, and Mercy will be the long-term owner and property manager of the senior housing. 3333 California will include resident services staffing focused on working with residents in the areas of Health and Wellness, Housing Stability, Education and Community Life. Mercy Housing currently owns and manages 18 senior housing developments with 1,500 units in San Francisco and has a long history of providing quality, service enriched housing. We believe that they will build not just housing, but a community that seniors will call home.

We are thrilled at the prospect of much needed housing coming to the Laurel Heights Campus.

Sincerely,



Karyn Skultety, PhD
Executive Director, Openhouse



September 3, 2019

**San Francisco Planning Commissioners
San Francisco Board of Supervisors**

RE: 3333 California

We are writing to express support for 3333 California Street, a 744-unit mixed-use development that will include 186 units of affordable senior housing on the UCSF Laurel Heights Campus. The need for affordable senior housing in the City is extreme and growing as the senior population is expected to be 26% of the City population by 2030. The proposed senior development will have affordable rents for a broad spectrum of seniors including units with rents affordable to extremely low-income seniors and will include important accessibility features in the design, open space and generous community spaces to provide a high-quality living environment.

We are pleased to know that Mercy Housing is the affordable senior housing developer working with PRADO GROUP and SKS, the Owner/Developer team for the Campus, and Mercy will be the long-term owner and property manager of the senior housing. 3333 California will include resident services staffing focused on working with residents in the areas of Health and Wellness, Housing Stability, Education and Community Life. Mercy Housing currently owns and manages 18 senior housing developments with 1,500 units in San Francisco and has a long history of providing quality, service-enriched housing.

The Institute on Aging has a standing partnership with Mercy Housing to help support this vision, and to ensure that residents can age-in-place as long as possible. IOA currently contracts with Mercy to provide Wellness Nurses at seven of its senior properties. Given the proximity of this location to IOA's main campus, and the new Presidio location, we continue to look forward to expanding on this partnership by ensuring the residents of 3333 California will have access, through Mercy's direct linkages and referrals, to IOA's services and programming.

We are enthusiastic about the prospect of much needed low-income senior housing coming to the Laurel Heights Campus.

Sincerely,

A handwritten signature in blue ink that reads "J. Thomas Briody".

J. Thomas Briody
President and Chief Executive Officer

www.ioaging.org | 800.430.8026 | 415.750.4111

San Francisco
3575 Geary Boulevard
San Francisco, CA 94118

Peninsula
881 Fremont Ave. #A2
Los Altos, CA 94024

San Mateo County
1660 South Amphlett Blvd. #219
San Mateo, CA 94402

Santa Clara County
2033 Gateway Place, 5th Fl. Suite 500
San Jose, CA 95110

San Bernardino County
473 E. Carnegie Drive, Suite 200
San Bernardino, CA 92408



**Self-Help for
the Elderly**
安老自助處

731 Sansome Street, Suite 100 | San Francisco, California 94111-1725
(415) 677-7600 | www.selfhelpelderly.org

Providing strength, hope and empowerment to seniors since 1966

September 4, 2019

San Francisco Planning Commissioners
San Francisco Board of Supervisors

RE: 3333 California

Dear Commissioners:

We are writing to express support for 3333 California Street, a 744 unit a mixed-use development that will include 186 units of affordable senior housing on the UCSF Laurel Heights Campus. The need for affordable senior housing in the City is extreme and growing as the senior population is expected to be 26% of the City population by 2030. The senior housing will have affordable rents for a broad spectrum of seniors including units with rents affordable to extremely low-income seniors and will include important accessibility features in the design, open space and generous community spaces to provide a high quality living environment.

Self-Help for the Elderly is a strong advocate and eldercare provider for over 40,000 seniors in the Bay Area since 1966. Affordable housing is our seniors' top priority, but thousands are still waiting to move into safe, viable and affordable housing in the city.

We are pleased to know that Mercy Housing is the affordable senior housing developer working with PRADO GROUP and SKS, the Owner/Developer team for the Campus, and Mercy will be the long-term owner and property manager of the senior housing.

3333 California will include resident services staffing focused on working with residents in the areas of Health and Wellness, Housing Stability, Education and Community Life. Mercy Housing currently owns and manages 18 senior housing developments with 1,500 units in San Francisco and has a long history of providing quality, service enriched housing.

We are thrilled at the prospect of much needed housing coming to the Laurel Heights Campus.

Sincerely,

Anni Chung

President and CEO

San Francisco
415.677.7500
601 Jackson Street
San Francisco, CA 94133

San Mateo
650.342.0822
50 East Fifth Avenue
San Mateo, CA 94401

Santa Clara
408.873.1183
940 S. Stelling Road
Cupertino, CA 95014

Alameda
510.336.1952
2400 MacArthur Blvd.
Oakland, CA 94602

From: [Gina Symczak](#)
To: [Major, Erica \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [Safai, Ahsha \(BOS\)](#); [Haney, Matt \(BOS\)](#); [Board of Supervisors, \(BOS\)](#); [Stefani, Catherine \(BOS\)](#); [Mar, Gordon \(BOS\)](#); [Ronen, Hillary](#); [Yee, Norman \(BOS\)](#); [Mandelman, Rafael \(BOS\)](#); [Fewer, Sandra \(BOS\)](#); [Brown, Vallie \(BOS\)](#); [Walton, Shamann \(BOS\)](#)
Cc: [Mario Donati](#)
Subject: public comment on 3333 California St. --record number 2015-014028CUA/PCA/MAP/DVA
Date: Wednesday, October 16, 2019 12:34:51 PM

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

Hello,

We currently live in Cow Hollow and Lone Mountain, respectively, and have plans to move back into our family home in Laurel Heights within the next few years when we retire. Our family has lived in Laurel Heights for almost 70 years, so we know, understand and treasure the neighborhood.

We respectfully ask that you carefully listen to and consider the Laurel Heights community of neighbors, like our family, as you evaluate the plans for 3333 California Street.

We strongly oppose the Developer's plans for 3333 California, and instead support the Laurel Heights community alternatives proposed by the neighbors which allow for the same number of residential units while preserving the iconic and historical green space. We oppose it, in particular, for the following reasons:

- The green space with mature trees provides much-needed access to nature and open space for the neighborhood which includes low-income residents, as well as many senior residential communities (Jewish Family Services/Community Center, Sagebrook, On Lok and smaller residential facilities), and residents of the many flats and apartment buildings that don't have yards or green space
-
- The 15 year construction period is ridiculous and will negatively impact —possibly permanently---the vital retail provided by Laurel Village, Trader Joes and nearby Sacramento Street merchants and Target Mall. The Community Plan Alternatives can be realized more quickly (7 years) because they involve less excavation and demolition. People live and work here—this can't afford to become another Stockton Street subway debacle.

As you consider this request, please also consider NOT allowing the following that would forever change the character of our neighborhood:

- Retail operation after 11pm
- Night-time "Adult" Business
- Massage establishments
- Gambling and arcade businesses
- tattoo parlours

- short term residential occupancy of less than 60 days
- homeless navigation center

Thank you very much for your consideration of the perspective and needs of the Laurel Heights community of neighbors.

Gina Donati Symczak
Mario Donati

From: [V.K](#)
To: [Richard Frisbie](#); [Peskin, Aaron \(BOS\)](#); [Haney, Matt \(BOS\)](#); [Fewer, Sandra \(BOS\)](#); [Stefani, Catherine \(BOS\)](#); [Ronen, Hillary](#); [Mandelman, Rafael \(BOS\)](#); [Safai, Ahsha \(BOS\)](#); [Mar, Gordon \(BOS\)](#); [Walton, Shamann \(BOS\)](#); [Yee, Norman \(BOS\)](#); [Board of Supervisors, \(BOS\)](#)
Subject: Re: Another Group Fighting for 3333
Date: Monday, October 21, 2019 8:54:52 PM

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

This is absolutely AWESOME!!! Good news.. !!!

I was sitting under one of these trees when I first learned of this project that would alter the neighborhood so drastically, and not for the better.


I hope the city does what is right and preserves this site for the future well being of SF and the inhabitants... !!! Once these sites are gone, they are gone forever... Prudent to fight for their preservation and not give in to the greed ...

All the best to you Richard !!! Here's one for you!!!

Van Knight

"Know that the tide is turnin' round... So don't let the bastards grind you down..." U2

<https://www.youtube.com/watch?v=NHa1ThS9avA>

	<h3>U2 - Acrobat</h3> <p>"It's an unusual time signature for us," said the Edge of Achtung Baby's penultimate track. "It's like a 6/8 almost, which is a very Irish time signature. It's used in a lot of traditional Irish music, but in rock & roll you don't really hear it that much." Though the Edge spent the run-up</p> <p>www.youtube.com</p>
-------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

From: Richard Frisbie <frfbeagle@gmail.com>
Sent: Monday, October 21, 2019 3:10 PM
To: Richard Frisbie <frfbeagle@gmail.com>; Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>; Supervisor Matt Haney <Matt.Haney@sfgov.org>; Supervisor Sandra Lee Fewer <Sandra.Fewer@sfgov.org>; Supervisor Catherine Stefani <Catherine.Stefani@sfgov.org>; Supervisor

Hillary Ronen <Hillary.Ronen@sfgov.org>; Supervisor Rafael Mandelman <Rafael.Mandelman@sfgov.org>; Supervisor Ahsha Safai <Ahsha.Safai@sfgov.org>; Supervisor Gordon Mar <Gordon.Mar@sfgov.org>; Supervisor Shaman Walton <Shamann.Walton@sfgov.org>; Supervisor Norman Yee <Norman.Yee@sfgov.org>; Clerk of the Board of Supervisors <Board.of.Supervisors@sfgov.org>

Subject: Another Group Fighting for 3333

Check out savethetrees3333.org
Dick



Date / Time: 2019-10-22 14:14:10.317

Service Request Number: 11586287

Request for City Services

CUSTOMER CONTACT INFORMATION:

Name: Anette R. Nardi

Phone: 415-585-1030

Address: 222 Onondaga Ave San Francisco 94112

Email:

DEPARTMENTS:

Department: (help me choose) * Board of Supervisors (BOS) ▼

Sub-Division:** Clerk of the Board ▼

Department Service Levels: The City's goal is to respond to these types of requests within 7-21 calendar days; 21 days for request for service; 7 days for all other categories.

PROPERTY ADDRESS:

Point of Interest:

Street Number: INTERSECTION

Street Name: ONONDAGA AVE

Street Name 2: OCEAN AVE

City: SAN FRANCISCO

ZIP Code: 94112

X coordinate:

Y coordinate:

Latitude:

Longitude:

CNN:

Unverified Address:

ADDITIONAL LOCATION INFORMATION:

Location Description: District 11

(e.g. 600-block of Market St. or in front of Main Library entrance)

REQUEST DETAILS:

Nature of Request:** Request for Service ▼

ADDITIONAL REQUEST DETAILS:

Additional Request Details: ** Caller would like to inform her district sup District 11 , and all of the district supervisors that. . . It is very said that when see gets graffiti on her brand new gate by some random person painting on her house she gets a notification put on her property like she is a criminal when she is just trying to beatify her neighborhood and the city. ▲ ▼

Provided recap of SR to caller?:** Yes Declined N/A

BACK OFFICE USE ONLY *****

Source Agency Request Number:

Responsible Agency Request Number:

Service Request Work Status:

Work Status Updated:

From: [Mchugh, Eileen \(BOS\)](#)
To: [Hickey, Jacqueline \(BOS\)](#)
Subject: FW: BCT Proposal Response Letter
Date: Thursday, October 31, 2019 3:04:59 PM
Attachments: [BCT Proposal Response Letter.pdf](#)

From: Jason Cuadra <jcuadra@nccrc.org>
Sent: Wednesday, October 16, 2019 4:45 PM
To: MandelmanStaff, [BOS] <mandelmanstaff@sfgov.org>
Cc: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>; Breed, Mayor London (MYR) <mayorlondonbreed@sfgov.org>; Fewer, Sandra (BOS) <sandra.fewer@sfgov.org>; Brown, Vallie (BOS) <vallie.brown@sfgov.org>; Haney, Matt (BOS) <matt.haney@sfgov.org>; Yee, Norman (BOS) <norman.yee@sfgov.org>; Walton, Shamann (BOS) <shamann.walton@sfgov.org>; Stefani, Catherine (BOS) <catherine.stefani@sfgov.org>; Safai, Ahsha (BOS) <ahsha.safai@sfgov.org>; Ronen, Hillary <hillary.ronen@sfgov.org>; Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>; Mar, Gordon (BOS) <gordon.mar@sfgov.org>
Subject: BCT Proposal Response Letter

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

Good afternoon,

Please see the attached letter from Director of Organizing, Tim Lipscomb, that was sent out today via USPS regarding the Building and Construction Trades Council's October 8, 2019 proposal to use energy efficiency requirements to ban Carpenter Union-made Factory-Built Housing from the City and County of San Francisco.

Feel free to call or email with any questions or concerns.

Thanks,
Jason Cuadra
Administrative Assistant
Northern California Carpenters Regional Council
Phone: (510) 568-4788
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NORTHERN CALIFORNIA
CARPENTERS
REGIONAL COUNCIL

October 16, 2019

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

Sent via U.S. Mail and E-mail

RE: Building and Construction Trades Council's October 8, 2019 Proposal to Use Energy Efficiency Requirements to Ban Carpenter Union-made Factory-Built Housing from the City and County of San Francisco

Dear Supervisor Mandelman:

On behalf of the Carpenters Union, I am writing to urge you to reject the Building and Construction Trades Council's ("BCT") invitation to use energy efficiency standards as a bar to factory-built housing ("FBH") in San Francisco. Incorporation of the amendments into your Green Building Code legislation would have three sets of negative consequences that we implore you to avoid: First, the amendments flagrantly and unlawfully conflict with the State of California's Factory-Built Housing Law and its explicit intent to bring efficiency to housing delivery.¹ Second, the BCT's amendments would hamper factory-built housing production, which reduces greenhouse gas emissions by 30 percent.² Third, the proposed amendments would exclude Carpenters Union members employed in the greater San Francisco Bay Area's infant FBH industry from providing solutions to San Francisco's affordable housing and homelessness crises.

The BTC seeks modification of the proposed Green Building Code – Energy Performance in Newly Constructed Buildings Ordinance File No. 190974 to bar FBH. This is the fourth time the BCT and/or Mechanical, Electrical, and Plumbing (MEP) Crafts have attempted to lure the City into prohibiting FBH. The Carpenters letters of February 6, 2018, May 10, 2018 and May 14, 2019 are attached for your review. The Proposed Ordinance amends San Francisco's Building Code to require enhanced energy efficiency. The BTC seeks further amendments to the Building Code intended to prohibit FBH. This letter argues that the Factory-Built Housing Law preempts any such ordinance. Statewide Factory-Built Housing codes exist and the BTC's proposed additions invalidate the proposed amendments. Further, this letter argues the BTC is inviting the City officials tasked with enforcing such hypothetical legislation to commit a crime.

¹ "The Legislature ... finds and declares that by minimizing the problems of standards and inspection procedures, it is demonstrating its intention to encourage the reduction of housing construction costs and to make housing and home ownership more feasible for all residents of the state." Health & Safety Code Section 19961

² Quale, J. , Eckelman, M. J., Williams, K. W., Sloditskie, G. and Zimmerman, J. B. (2012), Construction Matters: Comparing Environmental Impacts of Building Modular and Conventional Homes in the United States. Journal of Industrial Ecology, 16: 243-253. doi:10.1111/j.1530-9290.2011.00424.x

The Proposed Ordinance without the BTC suggested modifications would modify the San Francisco Building Code to require enhanced energy efficiency in certain new buildings. The BTC requested modifications expand the changes to include FBH and require that housing to be built on-site by subcontractors holding the following contractor's licenses: C-10 Electrical, C-20 HV/AC, C-36 Plumbing. The Factory-Built Housing Law preempts the BTC proposed modifications for the following reasons.

First, the Factory-Built Housing Law of 1969 as subsequently amended prohibits local jurisdictions from imposing additional design and code requirements on FBH, Health and Safety Code Sections 19990 thru 19993. As the Carpenters Union argued in previous letters, Section 19990 requires the Department of Housing and Community Development to adopt rules and standards for the design and building of FBH. Section 19990 also provides that "...in the event of any conflict with respect to FBH between part 1.5³ (commencing with section 17910) and this part, the requirement of this part shall control." The statute provides only a very narrow role for local regulation. A local entity may use local building codes to require that contractors install the FBH products in accordance with manufacturer's instructions or to deal with very specific local issues. Section 19993 provides in relevant part:

"local use zone requirements, local snow load requirements, local wind pressure requirements, local fire zones, building set back, front and rear yard size requirements, site development and property line requirements, as well as the review and regulation of architectural and aesthetic requirements are hereby specifically and entirely reserved, the local jurisdictions notwithstanding any requirement of this part."

The statute prohibits local government from imposing broad policy driven requirements on FBH through local building codes.

Second, the State has enacted statewide codes that regulate FBH. The Factory-Built Housing Law requires the Department of Housing and Community Development to:

[A] Adopt rules and regulations to interpret and make specific this part.

The Department shall adopt and submit building standards for approval . . . for purposes described in this section. The standards are adopted, amended or repealed from time to time by the Department pursuant to this chapter and shall include provisions imposing requirements reasonably consistent with recognized and accepted standards.

Cal. Health and Safety Code Section 19990.

³ Part 1.5, the Building Standards Code and related statutes, provides the statutory authority for local jurisdictions to adopt local building codes.

The Department of Housing and Community Development regulations are codified at 25 Cal Code Regs. Section 3000, *et seq.* Other than the specific narrow architectural related provisions above, these regulations completely occupy the place of the California Building Standards Code. They describe parameters of the design and engineering for factory- built housing. 25 Cal Code Regs. Sections 3020-3021, 3028. The regulations provide the steps necessary for the manufacturer to secure approval of the design from the State. 25 Cal. Code Regs. Sections 3022-3023. The regulations also identify the permissible in factory quality control inspection regimes 25 Cal. Code Regs. Sections 3024-3037.

Third, the BTC additions invalidate the proposed building code amendment. In Section 4 the proposed amendments rely on the California Public Resources Code section 25402.1(h)(2) and section 10-106 of the California Code of Regulations Title 24 Part I for the authority to adopt local energy standards. See Proposed Ordinance Section 4(a). However, the Department of Housing and Community Development regulations for the Factory-Built Housing Law do not provide local government that authority. Rather, the Factory-Built Housing Regulations provide in relevant part:

The design and fabrication of Factory-Built Housing shall be in accordance with the applicable Building Standards contained in Parts 2, 2.5, 3, 4, 5, 6 and 11, Title 24 California Code of Regulations.

25 Cal. Code Regs. Section 3070

The FBH Regulations notably exclude Part 1 of Title 24. Therefore, local government does not have authority to regulate energy efficiency of FBH through local building codes.

Even if local government somehow receives authority from Title 24 Part 1, the above-noted portion of Title 25 requires the Department of Housing and Community Development to adopt regulations in accordance with Title 24 Part 6. Not more and not less. The Department of Housing and Community Development has done so. To the extent that the proposed ordinance requires a different standard than the implementation of Title 24 Part 6 in the Factory-Built Housing Regulations, any different requirement is preempted under Health and Safety Code Sections 19990 and 19991.

The State imposes the substantive green requirements of Title 24 and regulates compliance through the Department of Housing and Community Development's Factory-Built Housing Regulations. Local authorities do not regulate the substance of compliance with Title 24 Part 6 in FBH. The Factory-Built Housing Law provides that the State certifies or disapproves the design of FBH products based on the Factory-Built Housing Regulations and that is the end of that determination and any related discussion. This means that local government cannot add substantive requirements to FBH – especially where the State has already included energy efficiency standards in its certification of a particular design.

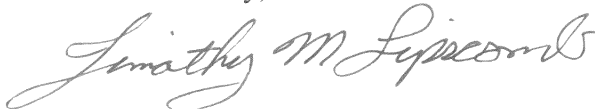
This is the fourth time the Carpenters Union has warned the City that enactment of a BTC restriction on FBH would constitute a crime. Section 19997 provides:

Any person who violates any of the provisions of this part or any rule or regulations adopted pursuant to this part is guilty of a misdemeanor, punishable by a fine not exceeding \$500 or by imprisonment not exceeding thirty (30) days or both, such fine or imprisonment.

Lastly the slanderous attack on our hard working and highly skilled women and men working in our factories is outrageous and smacks of an exclusionary approach to working people from the BTC. The Carpenters stand for inclusion of all workers and have successfully organized this new environmentally friendly industry thus creating hundreds of middle-class jobs for some of our hardest hit populations. We will continue to fight for solutions to the biggest challenges we face, lack of housing and real opportunities for new workers to rise up into the middle class.

The Carpenters urge the City not to allow the BTC to use real and legitimate environmental issues to inject illegitimate, illegal and secret requirements into the City's Building Code.

Sincerely,

A handwritten signature in cursive script that reads "Tim Lipscomb".

Tim Lipscomb
Director of Organizing

TL:jc

Enclosures (3)

cc: San Francisco Board of Supervisors
Clerk of the San Francisco Board of Supervisors
Mayor London N. Breed



NORTHERN CALIFORNIA
CARPENTERS
REGIONAL COUNCIL

February 6, 2018

President London Breed
Supervisor, District 5
City & County of San Francisco
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102-4689

RE: City and County of San Francisco
Housing Code Proposal Disclosure of Factory Built Housing

Dear President Breed:

The Carpenters Union has organized and is the legally certified bargaining representative for the workers at Factory OS and RAD URBAN. Both of these employers are committed to building their products right here in Northern California to help solve our housing crisis including finding solutions for our most vulnerable population, our homeless brothers and sisters.

It has come to our attention that some Supervisors and possibly the Mayor's Office have been working with the San Francisco Building Trades Council on a proposal to amend the Housing Code in relation to Factory Built Housing. We have been given a copy of this draft proposal.

I am writing to identify two of several fundamental flaws in the draft of the above-noted proposed ordinance. The proposed changes in Section 351(c)(12)(a) are defamatory toward the manufacturers of such factory built housing and would be an attempt by the City and County to discourage sale or occupancy of factory-built housing in contravention of the intent of the State Health and Safety Code. The proposed ordinance as drafted would read as follows in relevant part (typeface changes are reproduced to reflect the draft ordinance as currently proposed):

"Beware. This report describes the current legal use of this property as compiled from records of City Departments. There has been no physical examination of the property itself. This record contains no history of any plumbing or electrical permits. The report makes no representation that the property is in compliance with the law. Any occupancy or use of the property other than that listed as authorized in this report may be illegal and subject to removal or abatement, and should be reviewed with the Planning Department and the Department of Building Inspection. Errors or omissions in this report shall not bind or stop the City from enforcing any and all building and zoning codes against the seller, buyer and any subsequent owner. The preparation or delivery of this report shall not impose any liability on the City for any errors or omissions contained in said report, nor shall the City bear any liability not otherwise imposed by law."

"Factory-built housing has not been inspected by the Department of Building Inspection and may not meet local construction requirements. Pursuant to Sections 19992 and 19993 of the California Health and Safety Code, the Department has inspected only the installation of the housing to confirm that the location on the

property, any attachments constructed on site, and connections to utilities meet local requirements.”

The statement “This record contains no history of any plumbing or electrical permits” is defamatory. The State Department of Housing and Community Development governs inspections of factory-built housing in the factory and the City is informed of such inspection upon delivery at the site by either the Insignia of Approval attached to the product, by direct communication from the factory to the City or both. In addition, all on site construction and the installation of factory-built housing is subject to inspection by the local building department. The City’s failure to put the certificate or a record of the Insignia of Approval in the building inspection file is not a defense to defamation.

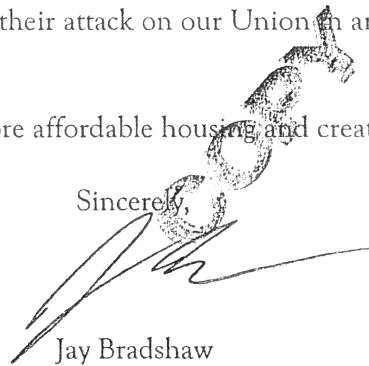
This is also an attempt to communicate to potential owners or occupants that the housing is substandard. This is simply untrue as the housing will be built in accordance with Section 19960 et seq. of the State Health and Safety Code. The City’s clear intent is to dissuade people from purchasing or occupying such housing. By doing so, the City risks defaming the manufacturer and violating Section 19960 et seq. of the Health and Safety Code.

On behalf of the proud Carpenters working at Factory OS and RAD Urban we see any ordinance along these lines as an attack on the unionized sector of this industry.

We will take all legal actions at our disposal to defend these workers who have freely chosen our Union to represent them and the employers who are creating middle class union jobs right here in Northern California. It is our hope that the City of San Francisco does not partner with the San Francisco Building Trades Council in their attack on our Union in an industry where they have not organized one worker.

We urge you to join us in building more affordable housing and creating good union jobs!

Sincerely,

A handwritten signature in black ink, appearing to read "Jay Bradshaw", written over a circular stamp that is partially obscured by the signature.

Jay Bradshaw
Director of Organizing

JB:jgp



NORTHERN CALIFORNIA
CARPENTERS
REGIONAL COUNCIL

May 10, 2018

London Breed, President
San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102-4689

Dear President Breed:

On behalf of the Carpenters Union, I am writing to oppose the San Francisco Building and Construction Trades Council's (SFBTC) proposed ordinance applying the 2016 San Francisco Building Standards Code in its entirety to factory-built housing. The ordinance would require that all factory-built multi-story housing containing four or more dwelling units comply with the City's building code, residential code, electrical code, mechanical code, and plumbing code. The proposed ordinance violates the Factory-Built Housing Law, Health and Safety Code 19960, *et seq.* The ordinance attempts to completely occupy an area of law that is occupied by state law, and would cause the carve outs set forth in Cal. Health and Safety Code section 19993 to completely swallow legislation set forth in Health and Safety code section 19990, whereby the State Department of Housing and Community Development is tasked with adopting rules and regulations in the exact same legislative area in which the proposed SF ordinance would apply.

The California Legislature unanimously adopted the Factory-Built Housing Law in 1969. It was the intention of the Legislature to specifically prohibit local jurisdictions from maintaining ordinances regulating factory-built housing. In an August 7, 1969 memorandum Charles LeMenager, Director of the California Department of Housing and Community Development, explained the bill and urged the Governor to sign it. LeMenager argued:

“AB 1971 is the single most important piece of housing legislation adopted this year. Private enterprise's attempts to factory build housing in the past have been stifled due to lack of uniformity and local building codes. AB 1971 tears down that barrier through state preemption.... This bill provides for state preemption in the manufacture of “factory-built” housing by regulation, inspection and certification by the Department of Housing and Community Development.”

The legislative finding in the statute reflects this intent. Health and Safety Code section 19961 provides in part:

“... the mass production of housing, consisting primarily of factory manufacturer of dwelling units or habitable wounds thereof,

presents unique problems with respect to the establishment of uniform health and safety standards and inspections procedures. The Legislature further finds and declares that by minimizing the problems of standards and inspection procedures, it is demonstrating its intention to encourage [the use of factory-built housing]”.

As is shown below, the intent and function of the statute is absolutely clear. The building code standards for the manufacture of factory-built housing are occupied entirely by the State. Local jurisdictions maintain the responsibility to inspect the site to be sure that the installation follows the manufacturer’s instructions, but plan review, application of local building codes and inspection of the manufactured product itself is strictly forbidden by the statute. The reasons laid out in the proposed ordinance are dishonest subterfuge which, if enacted, will place the City in protracted litigation which the City will surely lose.

The ordinance sets forth four justifications for placing new requirements on multi-story housing containing four or more dwelling units. First, the proposed ordinance indicates that the amendments set are “reasonably necessary because of local conditions caused by climate, geology and topography.” (Sec. 2(j)) Next, the ordinance argues that the amendments are “architectural requirements within the meaning of Health and Safety Code section 19993, and are therefore not precluded by the Factory-Built Housing Law.” (Sec. 4(g)) Third, the proposed ordinance argues that the original statute did not contemplate multi-story factory-built housing. Lastly, the proposed ordinance asserts that because the City is a Charter City, the amendments are permitted under the Home Rule doctrine. (Sec. 4(h-K)) This is magical thinking, and as shown at the end of this letter, invites the City and its individual Building Inspectors to commit a crime. This letter refutes the arguments in turn.

Regarding the ordinance’s first argument, there is no provision in the factory-built housing section of the Health and Safety Code that specifically allows a municipality to adopt regulations, “because of local conditions caused by climate, geology, and topography.” Instead, Section 4(d) of the ordinance relies on provisions of the general Building Code and grafts them into the factory-built housing portions of the code. (See Cal. Health and Safety Code 17958.5) Specifically, the proposed ordinance asserts that since the Factory Built Housing law uses the Building Code’s definition of “building standard” in Cal. Health and Safety Code 18909, “Section 18909 expressly allows amendments to the California Building Code Standards Code based on local conditions.” Section 18909 does no such thing. Instead this section merely defines building standard. There is no language in this section that authorizes amendments based on local conditions. In fact, Section 19990 specifically identifies the various uniform building codes that the State must use to create building standards for factory-built housing. It does not include Thus, contrary to the proposed ordinance’s assertion, there is no language in the Factory-built housing portion of the code that allows municipalities to amend their code based on local conditions caused by climate, geology and topography.

In the most recent amendments in 1993 and 2003 to the Factory-Built Housing Law, the Legislature remained consistent with its original intent. In the 1993 legislation, the Business, Transportation and Housing Agency explained to the legislature in relevant part:

“This bill would encourage innovative uses of manufactured housing to provide affordable multi-family housing; clarify existing law to remove local government barriers to housing; and require uniform standards for agencies which test and list building products in Roll Build Report, AB 765, September 13, 1993.

...

Existing law contained in the State Housing Law, as well as uniform building codes adopted pursuant thereto, require materials, appliances, and equipment used in housing to be tested and listed by independent testing and listing agencies to insure compliance with product standards.

This bill would establish a statutory definition of “testing and listing agency” and related terms to provide certainty to builders and local governments concerning whether a building product has been tested by an approved testing and listing agency.”

Bill Analysis, AB 765, Transportation and Housing Agency, September 13, 1993

The 2003 legislation made no changes to the pre-emptive provisions of the statute. There is no possible way that the Legislature would have intended an architectural exception that completely eliminates the entire regime of state-created rules, regulations and testing procedures.

Second, the proposed ordinance claims it involves only “architectural requirements within the meaning of Health and Safety code 19993.” (Sec. 4(g)) Here, the ordinance makes this conclusion without any reasoning, analysis, or evidence that any of the amendments involve architectural requirements. Moreover, the amendments are so broad, that authorizing the amendments under the “architectural requirements” provision of section 19993, would render Section 19990, along with all of the other substantive sections of the Factory Built Housing Law meaningless.

In Section 19961, the legislature found that, “by minimizing the problems of standards and inspection procedures, it is demonstrating its intention to encourage the reduction of housing construction costs and to make housing and home ownership more feasible for all residents of the state.” To that end, the Factory built Housing Law includes section 19990 which requires the Department of Housing and Community Development to:

[A]dopt rules and regulations to interpret and make specific this part. The department shall adopt and submit building standards for approval...for purposes described in this section. Standards adopted, amended or repealed from time to time by the department pursuant to this chapter shall include provisions imposing requirements reasonably consistent with recognized and accepted standards contained in the most recent editions of the following international or uniform industry codes as adopted or amended from time to time by the organizations specified:

(25) The Uniform Housing Code of the International Conference of Building Officials.

- (26) The International Building Code of the International Code Council.
- (27) The International Residential Code of the International Code Council.
- (28) (4) The Uniform Plumbing Code of the International Association of Plumbing and Mechanical Officials.
- (29) The Uniform Mechanical Code of the International Association of Plumbing and Mechanical Officials.
- (30) The National Electrical Code of the National Fire Protection Association.

In short, in Section 19990, the legislature tasked the Department of Housing and Community Development with developing rules, regulations, and building standards related to factory built housing in the areas of the housing, building, residential, plumbing, mechanical, and electrical codes.

Section 19990 also states that “in the event of any conflict with respect to factory-built housing between Part 1.5 (commencing with Section 17910) and this part, the requirements of this part shall control.” Part 1.5 of the Health and Safety Code is the “State Housing Law.” It is clear that the legislature considered that there might be conflicts between the Factory Built Housing law and the State Housing Law, thus the need to explicitly mandate that the Factory Built Housing Law shall control.

The Legislature did allow a very narrow role for local regulation. The primary reason for this is to comply with local zoning requirements and to use local building inspectors to require that contractors install the factory-built housing products in accordance with manufacturer’s instructions. Section 19993 provides:

Local use zone requirements, local snow load requirements, local wind pressure requirements, local fire zones, building setback, front and rear yard size requirements, site development and property line requirements, as well as the review and regulation of architectural and aesthetic requirements are hereby specifically and entirely reserved to local jurisdictions notwithstanding any requirement of this part.

San Francisco’s proposed ordinance relies on the above-noted section, particularly the “architectural” requirement clause to amend the City’s Building Code. The proposed amendments cover the entire spectrum of rules, regulations and building standards that the Legislature delegated to the Department of Housing and Community Development. Specifically, Section 5 of the proposed ordinance provides:

Application of the 2016 San Francisco Building Code to Multi-Story Factory-Built Housing Containing Four or More Dwelling Units.

- (u) Factory-Built Housing containing four or more dwelling units and two or more stories shall comply with the 2016 San Francisco Building Code, consisting of the 2016 California Building Code with San Francisco's local amendments.
- (v) Factory-Built Housing containing four or more dwelling units and two or more stories shall comply with the 2016 San Francisco Residential Code, consisting of the 2016 California Residential Code with San Francisco's local amendments.
- (w) Factory-Built Housing containing four or more dwelling units and two or more stories shall comply with the 2016 San Francisco Electrical Code, consisting of the 2016 California Electrical Code with San Francisco's local amendments.
- (x) Factory-Built Housing containing four or more dwelling units and two or more stories shall comply with the 2016 San Francisco Mechanical Code, consisting of the 2016 California Mechanical Code with San Francisco's local amendments.
- (y) Factory-Built Housing containing four or more dwelling units and two or more stories shall comply with the 2016 San Francisco Plumbing Code, consisting of the 2016 California Plumbing Code with San Francisco's local amendments.

The ordinance reads Health and Safety Code section 19993 entirely out of context. The purpose of this section is to allow the inspection of the installation, the site and other uniformly applied zoning requirements. One of the Attorney General opinions the ordinance relies on for the proposition that a local entity can impose uniformly applied architectural requirements actually says that a local government cannot do exactly what the proposed San Francisco ordinance would do. In that case, the local ordinance was invalid because its "architectural and aesthetic consideration" rules were combined with an application for a use permit and the possible requirement of a public hearing. Since this functioned only to apply to factory-built housing, the Attorney General argued that the local ordinance violated the statute. (*City of South Lake Tahoe*, 55 Ops.Cal.Atty. Gen 234, 235.) 1973 Cal. A.G. LEXIS 63. Here, the San Francisco ordinance would apply only to multi-story factory-built housing, thus, excluding single story housing, mobile homes and "tiny houses." This is exactly the kind of uneven application the Attorney General objected to in *City of South Lake Tahoe*.

Third, the proposed ordinance also asserts that proposed amendments are permissible under the "Home Rule" doctrine. The reasoning in the ordinance is frivolous. Factory-built housing is a matter of state-wide concern. Health and Safety Code section 19961. The

California Supreme Court case the ordinance cites indicating regulation of multi-unit housing has been recognized to be a municipal affair subject to home rule does not stand for that proposition and even if it did, it has been superseded by statute. (*Bishop v. San Jose* (1969) 1 Cal.3d 56, 63.) The question in *Bishop* was whether the prevailing wage requirements of the Labor Code apply when a City uses its own employees to perform construction work. The Court correctly rejected the plaintiff's argument. In determining whether the prevailing wage statute is a matter of state-wide concern and therefore, not subject to the Home Rule Doctrine, the Court made the following observation:

“In exercising the judicial function of deciding whether a matter is a municipal affair or of state-wide concern, the courts will of course give great weight to the purpose of the Legislature in enacting general laws which disclose an intent to preempt the field to the exclusion of local regulation.”

1 Cal.3d at 63. (emphasis added.)

To the extent that *Bishop* stands for the proposition that regulation of multi-unit housing is a matter of Home Rule, it has been legislatively superseded. The Supreme Court decided *Bishop* on October 30, 1969. Although the Factory-Built Housing Act had been adopted by the Legislature and signed by the Governor earlier that summer, it did not take effect until the Commission created in former Section 19994 had met and made recommendations for the promulgation of rules and regulations to be adopted by the State. Worse yet for the proposed ordinance, one of the Attorney General opinions that the ordinance relies on provides that factory-built housing is a matter of general and state-wide concern. (*City of Torrance*, 53 Ops. Cal. Atty. Gen 354, 355.) Cal. A.G. LEXIS 92

Section 4c. of the ordinance argues that the Factory-Built Housing law does not contemplate anything beyond small, single story residential developments and the Legislature did not contemplate multi-story large developments. The statement in the proposed ordinance is false because it does not report that the context of the discussion was comparing mobile home manufacture with modular unit manufacture.

The Assembly Committee on Urban Affairs and Housing met to further investigate factory built housing on April 12, 1969. The meeting occurred in the premises of Boise Cascade Building Company on Airport Boulevard in Los Angeles. A Boise Cascade official, Robert Swafeld compared mobile homes with modular factory built housing. The full context of the discussion follows:

“We can convert from the mobile home category into some form of factory relocatable product. When we talk of sectionalized house, we are speaking of a single story unit of two or more pieces that are joined --- two models of ten or twelve put together. Modular units are both on the production line, but they go up. We can do L's or H's or that type of thing.

We have built field perimeter-type units for apartment houses. We are currently involved in Chicago in townhouse construction which will be wood perimeter frame – two story. In the South, we are building single story sectionalized housing. We are currently building in Woodland, California vacation homes for the rapidly expanding vacation homes market. Urban Affairs and Housing Committee meeting, April 12, 1969, p. 3.

This shows that the Committee that sponsored the legislation knew that modular factory built housing products could go “up” while mobile homes cannot. The Legislature knew that factory-built housing was capable of multi-story construction at the time of enactment in 1969.

Further, the State has been regulating multi-story modular construction since the Legislature passed the Factory-Built Housing statute in 1969. Since 1969, factory-built multi-story projects have been constructed throughout California. For example, in 1972, the GreenFair Apartments project in Sacramento was completed. GreenFair is a nine-story apartment building at 701-702 Fairground Drive, currently managed by Sacramento Self Help Housing. The building was constructed using factory built modules that were built in Ohio, shipped by rail and truck, and installed on site. GreenFair was part of a Department of Housing and Urban Development project, “Operation Breakthrough,” which was “launched... in 1969 to stimulate volume production of quality housing for all income levels. Factory built housing offered a logical means – then as it does now—for the housing industry to grow and prosper.”⁵

Since the construction of the GreenFair Apartment, the Legislature has taken four additional opportunities to modify the factory-built housing statute. Neither in the changed statutory language nor in the legislative history, is there any mention of restricting factory-built housing to a single story.

Finally, the enactment of this ordinance would be a crime. Section 19997 provides:

“Any person who violates any of the provisions of this part or any rules or regulations adopted pursuant to this part is guilty of a misdemeanor, punishable by a fine not exceeding \$500 or by imprisonment not exceeding thirty days, or both such fine and imprisonment.”

At the behest of the San Francisco Building Trades Council this proposed ordinance is an attempt to interfere and obstruct our recently unionized factories from providing much needed housing to San Franciscans at all income levels. The arguments of the SFBCTC included in the proposed ordinance will not withstand legal attack, are based in misrepresentation of facts, are defamatory statements about the quality of the products and invites the individual building

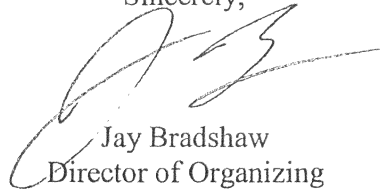
⁵ "Operation Breakthrough. Phase II. Prototype Construction and Demonstration. Volume 4. U.S. Department of Housing and Urban Development. Office of Policy Development and Research. https://www.huduser.gov/portal/publications/destech/pro_cons_brkthr.html. Accessed May 3, 2018

inspectors and their bosses to commit crimes. We will continue to do everything in our power to defend our members in the factories and these employers that are creating local middle class jobs.

For over one hundred years the Carpenters Union has been delivering the highest quality construction of all types to the citizens of San Francisco and we will continue to do so with our factory built housing.

The Carpenters Union urges the City not to entertain this false, misleading and illegal proposed ordinance.

Sincerely,



Jay Bradshaw
Director of Organizing
Northern Carpenters Regional Council



May 14, 2019

COPY

Via U.S. Mail and Email

Myrna Melgar, President
and Commissioners
c/o Jonas Ionin, Commission Secretary
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commissions.secretary@sfgov.org

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San Francisco Planning Department
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Dennis Herrera
San Francisco City Attorney
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dennis.herrera@sfgov.org

Angela Calvillo
Clerk of the Board
City and County of San Francisco
City Hall, Room 244
1 Dr. Carlton B. Goodlett Pl.
San Francisco, CA 94102
Board.of.Supervisors@sfgov.org

RE: 457-471 Minna Street Project, 833 Bryant Street Project, Central SoMa Plan and The Hub Plan Housing Sustainability District - SB 35 Streamlining and AB 73 CEQA Exemption Provisions Are Available for Developments Using Factory-Built Housing

Dear President Melgar, Mr. Rahaim, Mr. Herrera and Ms. Calvillo:

On behalf of the Carpenters Union, I am writing to urge the Planning Commission to approve the Minna and Bryant street projects and support the Central SoMa and Hub Plan Sustainability District proposals. This letter responds to the San Francisco Building and Construction Trades Council Public Policy Committee's letter dated May 1, 2019 opposing union made factory-built housing. The majority of members of this committee are the Mechanical, Electrical, Plumbing and related crafts commonly known as the MEP crafts. The MEP Crafts claim that the City cannot use SB 35 streamlining or AB 73 CEQA exceptions on developments that use Carpenter Union made factory-built housing. This is the third time that the MEP Crafts have attempted to falsely lure the City into prohibiting factory-built housing and, in so doing, invite the City into protracted litigation and committing a crime under the Factory-Built Housing Law. My letters of February 6, 2018 and May 10, 2018 are attached for your

convenience. As with the MEP Craft's first two attempts, the MEP Crafts are wrong on SB 35 and AB 73.

The Carpenters Union supports the public policy in SB 35 and AB 73 of reducing sprawl and building middle class housing. The Carpenters Union does not support the MEPs use of these laws to interfere with good union built projects that reduce sprawl and provide middle class homes.

The MEP Crafts' May 1, 2019 letter claims that the work performed in the factory and the work performed on-site are both "construction." Therefore, they argue, any project using factory built housing and relying on SB 35 streamlining or AB 73 CEQA exceptions must comply with Skilled and Trained Workforce rules in the factories as well as on site. There is no dispute that the construction and installation of the manufactured housing on site will so comply. The dispute is whether the work in the factories is manufacturing or construction. The core of the MEP argument is:

Modular construction is building and construction work subject to the California Building Standards Code and requires the same skills and training regardless if performed on-site or at a factory-built housing facility.

May 1, 2019, MEP letter p. 4.

The MEP Crafts are wrong for seven reasons.

1. The Factory-Built Housing Law and SB 35 and AB 73 in coordination with prevailing wage law are very careful to define the work in the factory as manufacturing and not installation or construction;
2. Factory-built housing is not subject to same Building Standards Code as construction;
3. There are no apprenticeable crafts in the factory;
4. There is no pre-hire provision in the collective bargaining agreements that cover the factories;
5. Barring factory-built housing will cost San Francisco construction jobs because the projects in question will not be built without factory-built housing;
6. Prohibiting factory-built housing on these projects has a prohibited disparate impact on Latinos, African Americans, Asians and other non-white minorities in violation of Federal and State Civil Rights law and;
7. Excluding factory-built housing in the manner the MEP Crafts suggest is a misdemeanor under Health and Safety Code § 19997.

Each of these problems the MEP Crafts seek to inflict on the City are discussed in turn below.

First, the factory-built housing law is very careful to define the work in the factory as manufacturing and not installation or construction. The California Legislature unanimously adopted the Factory-Built Housing law in 1969. A copy of the entire current Factory-Built Housing statute is attached as the following hyperlink. [California Code of Regulations, Title 25, Division 1, Chapter 3, Subchapter 1, commencing with Section 3000](#) In Health and Safety Code Section 19961, the legislative findings portion of the Factory-Built Housing law, the Legislature wholeheartedly endorsed the “mass production of housing, consisting primarily of factory manufacture of dwelling units or habitable rooms thereof . . .”. The housing manufactured in the Carpenter represented factories produce products the Factory-Built Housing Law regulates. The Factory-Built Housing Law does not regulate construction. The statute provides:

‘Factory-built housing’ means a residential building, dwelling unit, or an individual dwelling room or combination of rooms thereof, or building component, assembling, or system manufactured in such a manner that all concealed parts or processes of manufacture cannot be inspected before installation at the building site without disassembling, damage, or destruction of the part, including units designed for use as part of an institution for resident or patient care, that is either wholly manufactured or is substantial part manufactured at an offsite location to be wholly or partially assembled onsite in accordance with building standards published in the Building Standards Code or other regulations adopted by the Commission pursuant to Section 19990.

Cal. Health and Safety Code, Section 19971.

The Factory-Built Housing law is very careful to define the terms of art manufacture and installation differently.

“Manufacture” is the process of making, fabricating, constructing, forming, or assembling a product from raw unfinished or semi-finished materials.

Cal. Health and Safety Code, Section 19976.

By contrast, “installation” provides a different meaning applying only to on-site work:

“Installation” means the assembly of factory-built housing on-site in the process of affixing factory-built housing to land, a foundation, footings, or an existing building.

Cal. Health and Safety Code, Section 19974.

The term “installation” is a term of art in the construction industry and constitutes construction. For example, the Labor Code’s definition of public works makes “installation” part of the on-site package of work performed in construction. “Public works” means:

Construction, alteration, demolition, installation, or repair work done under contract and paid for in whole or part out of public funds . . .

Cal. Lab. Code Section 1720(a)(1)

The question of what is construction and what is not construction has developed over the years under the Federal Davis Bacon Act and under California’s Prevailing Wage statutes. The Davis Bacon Act’s regulations deem off-site facilities to be construction work only if the production facility is on “the site of work.” The Federal regulations provide that an off-site facility is deemed “part of the site of work” where it is:

- 1) “Dedicated exclusively, or nearly so, to performance of the contract or project;” AND
- 2) “Adjacent or virtually adjacent to” the site of work, meaning the physical place(s) where the building or work called for in the contract will remain or “any other site where a significant portion of the building or work is constructed, provided that such site is established specifically for the performance of the contract or project;” AND
- 3) Its “location and continuance in operation are determined [with] regard to a particular Federal or federally assisted contract or project.”

(29 C.F.R. § 5.2(l)(1)-(3).) California law follows the same doctrine. Cal. Lab. Code § 1720,¹ *Sheetmetal Workers International Association, Local 104 v. Duncan*, 229 Cal, App. 4th, 192, 206 (2014).

Thus, if factory-built housing factories are not temporarily erected to fulfill a particular contract and/or not located next to the sites of work, they will not be deemed “part of the site of work” under the State or Federal Prevailing Wage statutes and therefore not construction.

Second, factory-built housing is not subject to the same Building Standards Code as construction. As is shown below, the regulations that take the place of the Building Standards Code explicitly refer to the work in the factory as manufacturing. 25 Cal. Code Regs. Sec. 3020. In fact, the Code very deliberately uses the verb “manufacture” and studiously avoids the verb “construct” or “construction.” 25 Cal. Code Regs. Sec. 3000-3082.

¹ There are several exceptions that do not apply here. Those include leases for government buildings, Cal. Lab. Code § 1720.2; hauling of refuse, § 1720.3, certain energy projects, § 1720.6, certain acute care hospitals, § 1720.7, and ready-mix concrete § 1720.9.

It was the intention of the Legislature to specifically prohibit local jurisdictions from using the California Building Standards Code to regulate factory-built housing. The legislative finding in the statute reflects this intent. In Health and Safety Code section 19961 the Legislature found that, “by minimizing the problems of standards and inspection procedures, it is demonstrating its intention to encourage the reduction of housing construction costs and to make housing and home ownership more feasible for all residents of the state.” To that end, the Factory-Built Housing Law requires the Department of Housing and Community Development to:

[A]dopt rules and regulations to interpret and make specific this part. The department shall adopt and submit building standards for approval...for purposes described in this section. Standards adopted, amended or repealed from time to time by the department pursuant to this chapter shall include provisions imposing requirements reasonably consistent with recognized and accepted standards.

Cal. Health and Safety Code, Section 19990

In short, the Legislature tasked the Department of Housing and Community Development with developing rules, regulations, and building standards related to factory built housing in the areas of the housing, building, residential, plumbing, mechanical, and electrical codes.

The Department of Housing and community Development has done so and codified those regulations at 25 Cal. Code Regs. Sec. 3000, *et seq.* These regulations completely occupy the place of the California Building Standards Code. They describe the parameters of the design and engineering for housing built in a factory. 25 Cal. Code Regs. Sections 3020-3021, 3028. They also show the steps necessary for the manufacturer to secure an approval of a design from the State. 25 Cal. Code Regs. Sections 3022-3023. The Regulations also identify the in factory quality control and inspection regime the State or contracted agency undertakes. 25 Cal. Code Regs. Sections 3024-3037. This stands in stark contrast to the California Building Standards Code in which a private architect or engineer signs off on plans and a local building inspector visits the site at each step of the build to determine compliance with codes and the plans.

Third, there are no apprenticeable crafts in the factory. The Carpenters have developed and implemented a comprehensive factory worker training program tailored to the needs of this industry. Our factory workers are cross trained intensively in all factory built housing production methods. The bargaining unit workers fall within four categories; Production Worker Trainee, Production Worker I, II and III, and Lead Production Worker. The contract requires ratios in which a majority of the Production Workers are in categories II, III or are Lead Production Workers. The requirements for Production Worker II's are they must be:

- Cross-trained to perform all jobs within their department
- Able to train new hires in all department job functions
- Able to read and interpret shop drawings
- Able to inspect for quality performance in all department functions

Production Worker III's must:

- Be able to perform all the work that Production Worker II's can perform
- Have excellent skills
- Speed productivity and quality of work within their department
- Be a capable trainer and pacesetter in the department
- Lead by example
- Perform the jobs requiring the greatest skills and knowledge within the department
- Have earned training or certifications available for job functions
- Be able to read and interpret shop drawings
- Be able to inspect for quality and performance on all department functions
- Be cross-trained and able to work productively in at least two other departments within the plant

Lead Production Workers are experienced workers who not only perform all the work covered by the agreement but in addition can train less experienced workers and help run work crews effectively.

The Scope of Work clause in the agreement includes the following:

The employer and the union understand and agree that the work (as hereinafter defined) performed under this agreement involves the work of multiple crafts for manufacturing and assembly of factory-built housing, including but not limited to, floor construction, crane operation, tool crib, roof construction, steel framing, wood framing, wall panels, drywall, plumbing, electrical, casework, doors, hardware, trim and finishing (the "Work"). The Work will be performed by production crews comprised of carpenters' union members.

The contract applies only to work performed within the factory. It does not apply to any work performed on site. Both SB 35 and AB 73 provide that the term "skilled and trained workforce" has the same meaning as provided in Section 2600 of the Public Contract Code, Cal.Gov. Code § 65913.4(a)(8)(B)(ii), Cal. Gov. Code § 66201(f)(4)(B)(ii). The Public Contract Code provides that "skilled and trained workforce" applies to workers performing work in "an apprenticeable occupation." An apprenticeable occupation means an occupation for which the Chief of the Division of Apprenticeship Standards of the Department of Industrial Relations has approved an apprenticeship program prior to January 1, 2014. There are no apprenticeship programs that cover all of the work that the workers in the factory perform.

The MEP crafts may argue that the work does fall within apprenticeable occupations variously of the Carpenter, the Electrician, the Plumber or the Sheet Metal Worker. There are no approved factory apprenticeship programs for these trades in factories. The programs that have been approved are for field construction workers which require a much broader knowledge of the craft. These programs do not teach how to do the above described work in a factory and do teach

things that the workers in the factory will never need to know. The Law does not place this absurd burden on factory-built housing products.

Fourth, there are no pre-hire provisions in the collective bargaining agreements that cover the factories. This is an indication that the factory work is not construction but rather manufacturing. One of the fundamental principles of American Labor Law is providing workers a choice of whether they want a union to represent them and if so, a choice as to which union to do so. In a factory, this determination is regulated by Section 9(a) of the National Labor Relations Act. Section 9(a) provides that a factory employer can recognize a union only if a majority of the employees in an appropriate unit indicate that they wish to be represented by a particular union. This determination can be made through an election with the National Labor Relations Board (“NLRB”), or through a voluntary card check, or petition procedure, or any other method in which the employer has a good faith belief that a majority of the workers wish to be presented by a particular union.

There is one exception to this rule. That exception applies only to the construction industry pursuant to Section 8(f) of the Act. The Landrum Griffin Amendments in 1959 added 8(f) to the Act to permit unions and employers engaged in the construction industry to sign agreements regardless of whether the union has majority status or even if the employer has no employees performing construction work at the time of signing. This accounts for the seasonal and cyclical nature of the construction industry. Unlike factories, developers and contractors work from project to project. A construction employer only needs craft employees when the employer has work. In times of economic downturn, or after a project is finished, the construction employer lays off its craft workers. When the employer has another job and needs more workers, the employer simply triggers the pre-hire portion of the collective bargaining agreement and requests the union to dispatch the appropriate number of workers. Section 8(f) allows:

... employer[s] engage[ed] primarily in the building and construction industry [to] make an agreement covering employees engaged (or who, upon their employment will be engaged) in the building and construction industry with a labor organization of which building and construction employees are members . . .

29 U.S.C. 158(f)

The factories do not fall within the definition in 8(f). The factories are engaged in the manufacture of factory-built housing as defined by the California Factory-Built Housing Law. The Union was recognized in a 9(a) card check with a neutral arbitrator overseeing the card count process and certifying that the Union had majority status. The factories sell a product to the construction industry but they are not engaged primarily in the construction industry.

Fifth, barring factory-built housing will cost San Francisco construction jobs because the projects in question will not be built without factory-built housing. The general contractors installing factory-built housing on site employ contractors in the basic crafts as well as the sub-crafts. The Minna Street and Bryant Street projects are financially designed to use factory-built

housing units. If the MEPs are successful in barring factory-built housing, the projects will simply not be built. This impacts the MEP's members in three ways.

First, the San Francisco Building Trades Council Public Policy Committee gets credit for exacerbating our homeless crisis; second, the MEP membership will not have an opportunity to work on the factory-built projects because they will not be built; and third, the total volume of housing built will increase with the use of factory-built housing. That will offset the percentage decrease in MEP hours on the factory-built projects.

Sixth, prohibiting factory-built housing on these projects has a prohibited disparate impact on Latinos, African Americans, Asians and other non-white minorities in violation of Federal and States civil rights law. By so doing, the MEP opposition to factory-built housing exposes the City to unnecessary class action litigation and liability. The MEP opposition to factory-built housing has a direct disparate impact on at risk communities. If the MEPs get their way and the projects are built by traditional methods, rent will be much more expensive and fewer projects will get built, thereby further increasing the price pressure on housing. This will inure to the benefit of more wealthy San Franciscans who tend to be more white and more male. This is not the forum to present the statistical analysis necessary to establish that NIMBYism and other tight housing tactics actually constitute a provable violation of Federal or State anti-discrimination law. However, there is a substantial body of academic research showing that tight housing policies have a disparate impact. *Chapman University Center for Demographics and Policy, David Freeman, Jennifer Hernandez and Joel Kotkin, California Greenhouse Gas Regulation and Climate Change, Chapman University Press (2018) 12-14, 77-85.*

Seventh, excluding factory-built housing in the manner the MEP Crafts suggest is a misdemeanor under Health and Safety Code § 19997. Section 19997 provides:

“Any person who violates any of the provisions of this part or any rules or regulations adopted pursuant to this part is guilty of a misdemeanor, punishable by a fine not exceeding \$500 or by imprisonment not exceeding thirty days, or both such fine and imprisonment.”

As I have previously explained, the MEP Crafts are attempting to interfere and obstruct our recently unionized factories from providing much needed housing to San Franciscans at all income levels. The arguments of the MEP Crafts will not withstand legal attack, are based in misrepresentation of facts, defamatory statements about the quality of the products and the skill of our members working in the factories, and invites the individual City officials who would block the projects on this basis to commit crimes.

The Carpenters Union will continue to invest our resources in worker development and recruitment, increase construction capacity, embrace new technology and help solve this epic housing crisis.

We will do everything in our power to defend our members in the factories and these employers that are creating local middle class jobs. We call on the leaders of San Francisco to do the same.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jay Bradshaw', with a long horizontal flourish extending to the right.

Jay Bradshaw
Director of Organizing
Northern California Carpenters Regional Council

Enclosures