ETHICS COMMISSION
CITY AND COUNTY OF SAN FRANCISCO

BENEDICT Y. HUR
CHAIRPERSON

PAUL. A. RENNE
VICE-CHAIRPERSON

BRETT ANDREWS
COMMISSIONER

BEVERLY HAYON
COMMISSIONER

PETER KEANE
COMMISSIONER

JOHN ST. CROIX
EXECUTIVE DIRECTOR

Date: July 23, 2014

To: Members, Ethics Commission

From: John St. Croix, Executive Director

Re: **Hearing – Ethics Complaint 02-140228**

Enclosed is the Report and Recommendation for the above complaint referred from the Sunshine Ordinance Task Force, "Mica Ringel against John Raheim [sic], Director, Planning Department. (Sunshine Ordinance Complaint No. 13024)" The referral was received by the Ethics Commission on February 28, 2014.

This referral will be heard under Chapter Three of the Ethics Commission Regulations for Violations of the Sunshine Ordinance ("Regulations"). Staff has scheduled this matter to be heard during the next regular Ethics Commission meeting at **5:30 PM on Monday, July 28, 2014**, in **Room 400** in City Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco, California 94102.

Both Mr. Ringel ("Complainant") and Mr. Rahaim ("Respondent") were issued the Report and Recommendation and were noticed of the hearing by e-mail on June 6, 2014. In addition, the Complainant was noticed by U.S. mail, and the Respondent was noticed by interoffice mail on the same date as the e-mail notice. A courtesy copy of the Report and Recommendation was sent to the Sunshine Ordinance Task Force on June 6, 2014. On June 16, 2014, the Complainant requested a continuance to the July meeting and his request was granted. Both parties were notified of the new hearing date on June 17, 2014.

Neither the Complainant nor the Respondent are required to attend the hearing. However, if any party fails to appear, and the Commission did not grant the party a continuance or reschedule the matter under Chapter IV, section I.E, then the Commission may make a decision in the party's absence.

Pursuant to Chapter Three of the Regulations, the Executive Director has prepared a written Report and Recommendation summarizing his factual and legal findings. Neither the Complainant nor the Respondent submitted a response to the Report and Recommendation.

25 Van Ness Avenue, Suite 220 • San Francisco, CA 94102-6053• Phone (415) 252-3100• Fax (415) 252-3112
E-Mail Address: ethics.commission@sfgov.org Web site: http://www.sfethics.org

At the hearing, the Complainant and the Respondent may speak on his or her own behalf, subject to the following time limits: Complainant shall be permitted a ten-minute statement; Respondent shall be permitted a ten-minute statement; and Complainant shall be permitted a five-minute rebuttal. Unless otherwise decided by the Commission, formal rules of evidence shall not apply to the hearing.

In determining whether a violation of the Sunshine Ordinance occurred, the Commission must conclude that, based on a preponderance of the evidence, the Respondent committed a violation of the Sunshine Ordinance. The votes of at least three Commissioners are required to make a finding that a Respondent has committed a willful violation of the Sunshine Ordinance or that a Respondent has committed a non-willful violation of the Sunshine Ordinance.

Copies of all of the documents received from the Task Force and other supporting documents regarding this matter have been attached to this notice on a CD, as well as a copy of the Regulations and relevant law. A hard copy of the 842 pages of supporting documents will be provided upon request.

Argumedo, Catherine (ETH)

From: Argumedo, Catherine (ETH)
Sent: Tuesday, June 17, 2014 12:36 PM
To: SOTF (BOS); Young, Victor
Subject: FW: Ethics Complaint No. 02-140228

The Ethics Commission hearing regarding this matter has been continued to the July 28, 2014 meeting.

Catherine Argumedo
Ethics Commission
City and County of San Francisco
25 Van Ness Avenue, Suite 220
San Francisco, CA 94102-6053
415-252-3100 (t)
415-252-3124 (f)
www.sfethics.org

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From: Argumedo, Catherine (ETH)
Sent: Tuesday, June 17, 2014 12:33 PM
To: 'Mica'
Cc: Rahaim, John (CPC); Ionin, Jonas (CPC); St.Croix, John
Subject: RE: Ethics Complaint No. 02-140228 - request for continuance

Hello Mr. Ringel,

Chairperson Hur has granted your request for a continuance. The matter will be scheduled for a public hearing on Monday, July 28, 2014 at 5:30 PM in Room 400 at City Hall.

Please note that each party may submit documents to the Commission in response to the Director's Report and Recommendation. Any response must be provided to the opposing party and shall be delivered to the Commission no later than five (5) business days prior to the hearing, or no later than Monday, July 21, 2014.

Thank you,

Catherine Argumedo
Ethics Commission
City and County of San Francisco
25 Van Ness Avenue, Suite 220
San Francisco, CA 94102-6053
415-252-3100 (t)
415-252-3124 (f)
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COMMISSIONER

PETER KEANE
COMMISSIONER

JOHN ST. CROIX
EXECUTIVE DIRECTOR

Date: June 6, 2014

To: John Rahaim, Respondent
Mica Ringel, Complainant

Cc: Members, Sunshine Ordinance Task Force

From: John St. Croix, Executive Director

Re: **NOTICE – Hearing – Ethics Complaint 02-140228**

Enclosed is the Report and Recommendation for the above complaint referred from the Sunshine Ordinance Task Force, "Mica Ringel against John Raheim [sic], Director, Planning Department. (Sunshine Ordinance Complaint No. 13024)" The referral was received by the Ethics Commission on February 28, 2014.

This referral will be heard under Chapter Three of the Ethics Commission Regulations for Violations of the Sunshine Ordinance ("Regulations"). Staff has scheduled this matter to be heard during the next regular Ethics Commission meeting at **5:30 PM on Monday, June 23, 2014**, in **Room 400** in City Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco, California 94102.

Neither the Complainant nor the Respondent are required to attend. However, if any party fails to appear, and the Commission did not grant the party a continuance or reschedule the matter under Chapter IV, section I.E, then the Commission may make a decision in the party's absence. The Complainant or the Respondent must request any continuance of the hearing date in writing. The request must be delivered to the Commission Chairperson, and to all other parties, no later than ten business days before the date of the hearing, or no later than Monday, June 9, 2014.

Under Chapter Three of the Regulations, the Executive Director shall prepare a written Report and Recommendation summarizing his or her factual and legal findings. The Executive Director shall issue the Report and Recommendation to the Complainant and Respondent, with a courtesy copy to the Sunshine Ordinance Task Force.

The Complainant and Respondent may each submit a written response to the Director's Report and Recommendation. The response may contain legal arguments, a summary of evidence, and any mitigating or aggravating information. In support of the response, the Complainant and Respondent may each submit evidence through declaration. If the

Complainant or Respondent submits a response, he or she must deliver the response to the Commission, and to all other parties, no later than five business days prior to the date of the hearing, or no later than Monday, June 16, 2014. Any response may not exceed 10 pages, double-spaced, excluding attachments. The Complainant or Respondent must deliver eight copies of the response to the Executive Director. Upon mutual consent of the parties and the Executive Director, a response may be distributed by e-mail.

At the public hearing on June 23, 2014, the Complainant and the Respondent may speak on his or her own behalf, subject to the following time limits: Complainant shall be permitted a ten-minute statement; Respondent shall be permitted a ten-minute statement; and Complainant shall be permitted a five-minute rebuttal. Unless otherwise decided by the Commission, formal rules of evidence shall not apply to the hearing.

In determining whether a violation of the Sunshine Ordinance occurred, the Commission must conclude that, based on a preponderance of the evidence, the Respondent committed a violation of the Sunshine Ordinance. The votes of at least three Commissioners are required to make a finding that a Respondent has committed a willful violation of the Sunshine Ordinance or that a Respondent has committed a non-willful violation of the Sunshine Ordinance.

Copies of all of the documents received from the Task Force and other supporting documents regarding this matter have been attached to this notice on a CD, as well as a copy of the Regulations and relevant law. A hard copy of the 842 pages of supporting documents will be provided upon request.

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EXECUTIVE DIRECTOR

REPORT AND RECOMMENDATION
ETHICS COMMISSION COMPLAINT NO. 02-140228

INTRODUCTION

This matter concerns a referral ("Referral") received by the Ethics Commission ("Commission") on February 28, 2014 from the Sunshine Ordinance Task Force ("Task Force") regarding its motion concerning complaint number 13024:

> "Member Washburn, seconded by Member Oka, moved to find Director John Rahaim, Planning Department, in violation of the Sunshine Ordinance for willful failure to comply with the Sunshine Ordinance Task Force's Order of Determination dated October 23, 2013; referral to the Ethics Commission for enforcement."

Pursuant to Chapter Three of the Commission's Regulations for Handling Violations of the Sunshine Ordinance ("Regulations"), this report summarizes applicable legal provisions, evidence gathered, and the Executive Director's factual and legal findings.

This report primarily addresses two main issues: (1) whether Director Rahaim and his staff permitted the Complainant, Mr. Mica Ringel, to inspect and/or copy public records requested, in accordance with the San Francisco Sunshine Ordinance ("Ordinance"); and (2) whether Director Rahaim maintained documents and correspondence in a professional and businesslike manner, in accordance with the Ordinance.

Pursuant to Section Three of the Regulations and for the reasons described below, this report recommends that the Commission find that Director Rahaim did not violate the Sunshine Ordinance. The Commission is not bound by this recommendation.

SUMMARY OF EVIDENCE GATHERED & FACTUAL FINDINGS

Staff reviewed the Task Force's complaint procedures, audio recordings of the Task Force and its committees meetings, and the documents provided to the Task Force related to this matter (Appendix B). Staff also reviewed the original records request and the Planning Department's responses.[1] Staff interviewed Jonas Ionin, the Custodian of Records for the Planning Department, and Mica Ringel, the Complainant.[2]

A. Document Requests and Responses

1. On March 31, 2013, Mica Ringel requested access to documents concerning a proposed development at 480 Potrero Avenue (the "Project") from Don Lewis and Ben Fu of the Planning Department ("Department"). Mr. Ringel was subsequently given timely access to responsive records.

2. After reviewing the records, Mr. Ringel broadened his request, via e-mail to Lulu Hwang on April 15, 2013, to include "everything held in custody by the SF Planning Dept, including emails...related to the [Project]." (Appx. B, page 32.)

3. Ms. Hwang responded on April 25, 2013 with five additional documents related to 480 Potrero Avenue (but not the Project). Mr. Ringel filed a complaint with the Task Force the next

[1] In addition to the records received from the Task Force, both the Department and Mr. Ringel provided additional records for staff's review. Mr. Ringel provided over 350 pages documenting his communications with the Department. Relevant documents from the hundreds of pages provided by Mr. Ringel have been attached to this Report and Recommendation as Appendix C. Staff also reviewed thousands of pages the Department provided to Mr. Ringel from its requests for searches from DT.

[2] Don Lewis and Ben Fu no longer work for the City.

day, alleging a violation of Ordinance section 67.21 and naming Messrs. Fu and Lewis, and Ms. Hwang as the responsible Department contacts.

4. Mr. Ringel continued to request files from the Department relating to the Project, and others, over the course of several months. The Department appears to have timely responded to these requests, and to have been responsive to Mr. Ringel, trying to work with him to identify responsive documents. The Department also provided Mr. Ringel with four CDs of documents during this period in response to his request. Most of these documents had been created after Mr. Ringel's original request or had been previously provided to, or inspected by, Mr. Ringel.

5. However, on June 5, 2013, the Department provided documents to Mr. Ringel, which were responsive to Mr. Ringel's April 15, 2013 request, but which had not previously been provided to him. These included documents from the Preliminary Project Assessment, Shadow Study, Traffic Impact, and Archeological files as well as a CD containing responsive documents from Wade Wietgrefe, a Transportation Planner. The Department was unable to explain the apparent delay in producing these documents.

6. Mr. Ringel has maintained that copies of e-mails between him and/or his family members and the Department regarding the Project were not included in the responses to his requests.[3]

B. Task Force Hearing and Order

7. On October 2, 2013, the Task Force held the hearing on this matter. Mr. Ringel and Ms. Hwang, who identified herself as the individual responsible for handling Sunshine requests for the Department, were present. The Task Force found that Don Lewis and Ben Fu violated sections 67.21(a) and 67.29-7 of the Ordinance.[4]

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[3] Mr. Ringel provided copies of these e-mails. (Appx. C, pages 1-12.)

[4] October 2, 2013 Task Force meeting audio recording, starting at 3:42:16 and 3:48:52.

8. On October 23, 2013, the Task Force issued its Order of Determination that the "Planning Department" had violated the Ordinance. (Appx. B, page 82-83.) The Order did not mention Mr. Lewis or Mr. Fu. The service list at the end of the Order listed only Ms. Hwang as a Respondent. The Order was sent to Mr. Ringel, Ms. Hwang, Mr. Fu, Mr. Rahaim, and AnMarie Rodgers on October 23, 2013. (Appx. C, page 13.)

9. On November 19, 2013, the Compliance and Amendments Committee ("CAC") of the Task Force convened to monitor compliance with the Order. Ms. Hwang, Nannie Turrell, Mr. Lewis, Mr. Fu, all from the Department, and Mr. Ringel were present. After a discussion of the Department's document retention policy for non-substantive e-mails, the CAC voted to send the matter back to the Task Force "for consideration of whether to refer to the Ethics Commission."[5]

C. Accessing the Department of Technology's Backup Files

10. At the request of the CAC, the Department agreed to request a search of deleted e-mails in the custody of the Department of Technology ("DT"). DT searched for "480 Potrero Avenue" in the deleted e-mail of Mr. Lewis and Mr. Fu from August 1, 2012 to November 30, 2013. The Department provided a fifth CD of documents to Mr. Ringel on December 2, 2013, which contained the result of this DT search, including e-mails not previously provided. Mr. Ringel objected to the date range and search term used in the DT search.

11. Two days later, the Task Force met and voted to send the matter to its Education, Outreach and Training Committee ("EOTC") "and to have Ms. Hwang and her supervisor present."[6] According to the draft minutes of this meeting, this motion was to "refer to the

[5] November 19, 2013 CAC meeting audio recording, starting at 1:08:15.

[6] December 4, 2013 Task Force meeting audio recording, starting at 1:17:47. An earlier motion to refer the matter to the Commission failed. December 4, 2013 Task Force meeting audio recording, starting at 1:03:26.

[EOTC] to discuss possible changes to the Planning Department procedures."[7] (Appx. B, page 334.)

12. The EOTC met on December 9, 2013; no one from the Department appeared, although Jonas Ionin, the Department's new Custodian of Records, had requested a continuance. The EOTC met again on January 13, 2014. Mr. Ionin informed the EOTC that the Department had provided all documents within its custody and that the Department was not withholding any documents. He stated that the Department does not maintain non-substantive correspondence and that the Department had already gone above and beyond its normal practice to request a search from DT. The EOTC referred the matter to the Task Force and authorized the Chair of the EOTC to issue a letter stating search terms that the Department would use to perform an additional search.[8]

13. The EOTC Chair wrote a letter regarding a second DT search and the Department received the letter on February 11, 2014. (Appx. B, pages 669-670.) The next day, the Department requested that DT search the deleted e-mails in 23 mailboxes. (Appx. C, pages 27-28.) DT conducted the search and Mr. Ringel received a CD with the results on March 5, 2014. No e-mails from Mr. Rahaim's mailbox were recovered in the second DT search.

14. According to Mr. Ringel, certain e-mails relating to the Project were not included in the results, the search failed to yield results from all 23 mailboxes, and no e-mails were provided from before the fall of 2012. Mr. Ringel alleges that Mr. Lewis and Mr. Fu continue to withhold documents. Ethics Commission staff reviewed every document from the search and confirmed with DT staff that not every mailbox yielded results.[9] No e-mails from 2011 were recovered.

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[7] Only draft minutes were available on the Task Force's website as of the date of issuance of this Report.

[8] January 13, 2014 EOTC meeting audio recording, starting at 53:02, 1:33:05, and 1:44:41.

[9] During staff's investigation, DT was unable to access Mr. Lewis' mailbox. DT staff was unable to provide an estimate of when or whether they would be able to access that mailbox.

D. Referral to the Commission

15. On February 5, 2014, the Task Force referred the matter to the Commission. Prior to this meeting, Director Rahaim had never been named as a Respondent in this matter. No evidence was presented that Mr. Rahaim deleted or withheld responsive records or participated in the responses to Mr. Ringel's records requests. Contrary to the advice of its Deputy City Attorney, [10] the Task Force named Mr. Rahaim as the Respondent, noting that "there has to be a person" named for willful failure and that the "department head is responsible for what happens in the department."[11]

16. No evidence was presented or found in staff's investigation that Mr. Rahaim had any role in the responses to this document request. Mr. Ringel has never alleged, and staff has found no evidence, that Mr. Rahaim deleted or withheld responsive records or otherwise participated in the responses to Mr. Ringel's records requests.

17. Staff's investigation required more than 30 days due to the voluminous nature of the documents reviewed, the numerous meetings held regarding the matter at the Task Force, and multiple belated responses from the Department.

SUMMARY OF APPLICABLE LAW[12]

A. City Law Relevant to the Procedural Issues in This Matter.

1. Ordinance, section 67.21(e) empowers the Task Force to conduct a public hearing concerning a failure to comply completely with a records request. (Appx. A, page 81.)

2. Pursuant to the Task Force's Public Complaint Procedure ("CP"), the Task Force must notify the complainant and respondent of any Order issued after a public hearing stating whether

[10] February 5, 2014 Task Force meeting audio recording, starting at 2:19:10.
[11] February 5, 2014 Task Force meeting audio recording, starting at 2:14:22 and 2:17:14.
[12] Staff has attached relevant code sections and legal authority to the Report and Recommendation in Appendix A.

a record is public in writing, and the CAC is responsible for monitoring compliance with that Order. (CP, § D.4, § F.1.; Appx. A, pages 109-110.)

3. If the CAC determines that there is a failure to comply with the Order, the CAC may recommend that the Task Force notify the Commission to take "measures they deem necessary to ensure compliance with the Ordinance."[13] (CP, § F.2.; Appx. A, page 110.)

4. Ordinance section 67.30(c) permits the Task Force to make referrals whenever it concludes that any person has violated the Ordinance or the California Public Records Act. (Appx. A, page 89.)

5. Neither the Ordinance nor the CP indicate that the Task Force may find additional violations of the Ordinance or respondents after the issuance of an Order, whether at a CAC meeting, an EOTC meeting, or a subsequent meeting of the full Task Force to vote on a referral.

6. Referrals concerning willful violations of the Ordinance by elected officials or department heads are handled pursuant to Chapter Three of the Regulations. For the Commission to find a willful violation of the Ordinance, it must conclude that, based upon a preponderance of the evidence, a respondent acted or failed to act with the knowledge of such act or failure to act was a violation of the Ordinance. (Regulations, Ch. One, § II.U; and Ch. Three, § III.B.2; Appx. A, pages 95 and 102.)

7. The Commission's Regulations do not contemplate that a City department may be named as a Respondent in an Ordinance enforcement matter adjudicated by the Commission.[14]

B. City Law and Guidance Relevant to Gaining Access to Public Records.

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[13] The Task Force may also notify the District Attorney, the Attorney General, and/or the Board of Supervisors.

[14] "Respondent" is defined as "a City officer or City employee who is alleged or identified in a complaint to have committed a violation of the Sunshine Ordinance." (Regulations, Ch. One, § II.R; Appx. A, page 94.)

1. Ordinance section 67.21(a) provides that a custodian of a public record shall, without unreasonable delay, permit a public record (or any segregable portion of a record) to be inspected and examined by any person and copied. (Appx. A, page 81.)

2. Ordinance section 67.21(b) requires a custodian of a public record to comply with a request for inspection or copy of a public record within ten days following receipt of the request, although some exceptions may apply. [15] (Appx. A, page 81.)

3. Departments need not search back-up tapes for public records requests, according to the City Attorney's Office. [16]

C. City Law and Guidance Relevant to the Maintenance and Preservation of Documents.

1. Ordinance section 67.29-7(a) provides that "[t]he Mayor and all Department Heads shall maintain and preserve in a professional and businesslike manner all documents and correspondence, including but not limited to letters, e-mails, drafts, memorandum, invoices, reports and proposals and shall disclose all such records in accordance with this ordinance." (Appx. A, page 88.)

2. The City Attorney's Office has interpreted Ordinance section 67.29-7(a) to require City department heads and elected officials, but not other City employees, to maintain records in a manner consistent with his or her department's document retention policy. (2/25/13 Commission Meeting, Item IV.a, at 3:23:23.) The Office of the City Attorney has also stated in its *Good Government Guide* that "institution of and compliance with the department's records retention policy satisfies [Ordinance section 67.29-7(a)]." (Appx. A, page 140.)

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[15] California Government Code section 6253; Ordinance section 67.25. (Appx. A, pages 2-3; 85-86.)

[16] The Office of the City Attorney provides guidance to City departments regarding their obligations under the Government Code and Ordinance in its *Good Government Guide.* While this guide is not legal advice, it is the primary resource for all City departments to determine how best to comply with various good government provisions. (Appx. A, page 124.)

D. City Law Relevant to the Retention of Documents.

1. Chapter 8 of the San Francisco Administrative Code requires the establishment of department records retention policies and governs the retention and destruction of records.[17]

2. The Department's Record Retention and Destruction Policy does not require retention of records that "are not necessary to the functioning or continuity of the Department and which have no legal significance...[which include]...miscellaneous correspondence not requiring follow-up or departmental action, notepads, emails that do not contain information required to be retained under this policy...."[18] (Appx. C, page 15.)

LEGAL FINDINGS

A. Procedural Issues.

1. No authority exists in the Ordinance or the CP which permitted the Task Force to name John Rahaim as a respondent after the hearing on the matter concluded and the Order was issued.[19]

2. Nevertheless, based on the plain language of the referral, this matter concerns a complaint alleging that Director Rahaim willfully violated the Ordinance. Therefore, any finding of a violation against Director Rahaim must be supported by a preponderance of the evidence.

B. Allowing the Timely Inspection of Records.

1. No evidence indicates that Mr. Rahaim either willfully or non-willfully failed to allow any public record to be inspected or copied. Therefore, Mr. Rahaim did not violate Ordinance section 67.21(a).

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[17] This Chapter does not mention the Task Force in any way. (Appendix A, pages 37-69.)

[18] The Department's retention schedule identifies "General Correspondence" as records that must be retained for two years. (Appx. C, page 22.)

[19] In *Ethics Complaint No. 03-140303* (Ginsburg), the Commission considered a willful violation referral where the named Respondent was not originally listed in the Task Force's Order. However, the Commission did not conclude whether the Respondent was properly added as a Respondent after the issuance of the Order.

2. Mr. Fu, Mr. Lewis, Ms. Hwang, and Mr. Ionin (collectively, the "Department Staff") were responsible for the Department's responses to Mr. Ringel's records requests. Ms. Hwang was unreasonably delayed in her production, on behalf of the Department, of some responsive records in early June 2013. This delay constituted a violation of Ordinance section 67.21(a).

4. Department Staff otherwise properly and timely responded to Mr. Ringel's records requests. Department Staff also demonstrated good faith by responding to Mr. Ringel's various other requests, providing responsive records created after his initial request, and requesting that DT conduct two searches of deleted emails.

C. Maintaining Records in Professional and Businesslike Manner.

1. No evidence indicates that Mr. Rahaim either willfully or non-willfully deleted or otherwise failed to maintain records responsive to Mr. Ringel's request in a manner that is inconsistent with the Department's records retention policy. The DT search of Mr. Rahaim's mailbox produced no responsive documents. Therefore, Mr. Rahaim did not violate Ordinance section 67.29-7(a).

2. Ordinance section 67.29-7(a) does not impose any enforceable duties on City employees who are not department heads. However, staff reviewed the e-mails from the two DT searches and found no correspondence that Department staff should have maintained in accordance with its records retention policy.

RECOMMENDATION

Staff recommends that the Commission find that Director Rahaim did not willfully or non-willfully violate the Ordinance.

APPENDIX A

Table of Contents	Starts at Bates Number
California Public Records Act (PRA)	001
Chapter 8, San Francisco Administrative Code	037
Chapter 67, San Francisco Administrative Code (Sunshine Ordinance)	070
Ethics Commission Regulations for Handling Violations of the Sunshine Ordinance	091
Sunshine Ordinance Task Force Complaint Procedures	107
Good Government Guide, Part Three	112

GOVERNMENT CODE
SECTION 6250-6270

6250. In enacting this chapter, the Legislature, mindful of the right of individuals to privacy, finds and declares that access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in this state.

6251. This chapter shall be known and may be cited as the California Public Records Act.

6252. As used in this chapter:

(a) "Local agency" includes a county; city, whether general law or chartered; city and county; school district; municipal corporation; district; political subdivision; or any board, commission or agency thereof; other local public agency; or entities that are legislative bodies of a local agency pursuant to subdivisions (c) and (d) of Section 54952.

(b) "Member of the public" means any person, except a member, agent, officer, or employee of a federal, state, or local agency acting within the scope of his or her membership, agency, office, or employment.

(c) "Person" includes any natural person, corporation, partnership, limited liability company, firm, or association.

(d) "Public agency" means any state or local agency.

(e) "Public records" includes any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics. "Public records" in the custody of, or maintained by, the Governor's office means any writing prepared on or after January 6, 1975.

(f) "State agency" means every state office, officer, department, division, bureau, board, and commission or other state body or agency, except those agencies provided for in Article IV (except Section 20 thereof) or Article VI of the California Constitution.

(g) "Writing" means any handwriting, typewriting, printing, photostating, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored.

6252.5. Notwithstanding the definition of "member of the public" in Section 6252, an elected member or officer of any state or local

agency is entitled to access to public records of that agency on the same basis as any other person. Nothing in this section shall limit the ability of elected members or officers to access public records permitted by law in the administration of their duties.

This section does not constitute a change in, but is declaratory of, existing law.

6252.6. Notwithstanding paragraph (2) of subdivision (a) of Section 827 of the Welfare and Institutions Code, after the death of a foster child who is a minor, the name, date of birth, and date of death of the child shall be subject to disclosure by the county child welfare agency pursuant to this chapter.

6252.7. Notwithstanding Section 6252.5 or any other provision of law, when the members of a legislative body of a local agency are authorized to access a writing of the body or of the agency as permitted by law in the administration of their duties, the local agency, as defined in Section 54951, shall not discriminate between or among any of those members as to which writing or portion thereof is made available or when it is made available.

6253. (a) Public records are open to inspection at all times during the office hours of the state or local agency and every person has a right to inspect any public record, except as hereafter provided. Any reasonably segregable portion of a record shall be available for inspection by any person requesting the record after deletion of the portions that are exempted by law.

(b) Except with respect to public records exempt from disclosure by express provisions of law, each state or local agency, upon a request for a copy of records that reasonably describes an identifiable record or records, shall make the records promptly available to any person upon payment of fees covering direct costs of duplication, or a statutory fee if applicable. Upon request, an exact copy shall be provided unless impracticable to do so.

(c) Each agency, upon a request for a copy of records, shall, within 10 days from receipt of the request, determine whether the request, in whole or in part, seeks copies of disclosable public records in the possession of the agency and shall promptly notify the person making the request of the determination and the reasons therefor. In unusual circumstances, the time limit prescribed in this section may be extended by written notice by the head of the agency or his or her designee to the person making the request, setting forth the reasons for the extension and the date on which a determination is expected to be dispatched. No notice shall specify a date that would result in an extension for more than 14 days. When the agency dispatches the determination, and if the agency determines that the request seeks disclosable public records, the agency shall state the estimated date and time when the records will be made available. As used in this section, "unusual circumstances" means the following, but only to the extent reasonably necessary to the proper processing of the particular request:

(1) The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request.

(2) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records that are demanded in a single request.

(3) The need for consultation, which shall be conducted with all practicable speed, with another agency having substantial interest in the determination of the request or among two or more components of the agency having substantial subject matter interest therein.

(4) The need to compile data, to write programming language or a computer program, or to construct a computer report to extract data.

(d) Nothing in this chapter shall be construed to permit an agency to delay or obstruct the inspection or copying of public records. The notification of denial of any request for records required by Section 6255 shall set forth the names and titles or positions of each person responsible for the denial.

(e) Except as otherwise prohibited by law, a state or local agency may adopt requirements for itself that allow for faster, more efficient, or greater access to records than prescribed by the minimum standards set forth in this chapter.

6253.1. (a) When a member of the public requests to inspect a public record or obtain a copy of a public record, the public agency, in order to assist the member of the public make a focused and effective request that reasonably describes an identifiable record or records, shall do all of the following, to the extent reasonable under the circumstances:

(1) Assist the member of the public to identify records and information that are responsive to the request or to the purpose of the request, if stated.

(2) Describe the information technology and physical location in which the records exist.

(3) Provide suggestions for overcoming any practical basis for denying access to the records or information sought.

(b) The requirements of paragraph (1) of subdivision (a) shall be deemed to have been satisfied if the public agency is unable to identify the requested information after making a reasonable effort to elicit additional clarifying information from the requester that will help identify the record or records.

(c) The requirements of subdivision (a) are in addition to any action required of a public agency by Section 6253.

(d) This section shall not apply to a request for public records if any of the following applies:

(1) The public agency makes available the requested records pursuant to Section 6253.

(2) The public agency determines that the request should be denied and bases that determination solely on an exemption listed in Section 6254.

(3) The public agency makes available an index of its records.

6253.2. (a) Notwithstanding any other provision of this chapter to the contrary, information regarding persons paid by the state to

provide in-home supportive services pursuant to Article 7 (commencing with Section 12300) of Chapter 3 of Part 3 of Division 9 of the Welfare and Institutions Code, or services provided pursuant to Section 14132.95, 14132.952, or 14132.956 of the Welfare and Institutions Code, is not subject to public disclosure pursuant to this chapter, except as provided in subdivision (b).

(b) Copies of names, addresses, and telephone numbers of persons described in subdivision (a) shall be made available, upon request, to an exclusive bargaining agent and to any labor organization seeking representation rights pursuant to Section 12301.6 or 12302.25 of the Welfare and Institutions Code or the In-Home Supportive Services Employer-Employee Relations Act (Title 23 (commencing with Section 110000)). This information shall not be used by the receiving entity for any purpose other than the employee organizing, representation, and assistance activities of the labor organization.

(c) This section applies solely to individuals who provide services under the In-Home Supportive Services Program (Article 7 (commencing with Section 12300) of Chapter 3 of Part 3 of Division 9 of the Welfare and Institutions Code), the Personal Care Services Program pursuant to Section 14132.95 of the Welfare and Institutions Code, the In-Home Supportive Services Plus Option pursuant to Section 14132.952 of the Welfare and Institutions Code, or the Community First Choice Option pursuant to Section 14132.956 of the Welfare and Institutions Code.

(d) Nothing in this section is intended to alter or shall be interpreted to alter the rights of parties under the In-Home Supportive Services Employer-Employee Relations Act (Title 23 (commencing with Section 110000)) or any other labor relations law.

(e) This section shall be inoperative if the Coordinated Care Initiative becomes inoperative pursuant to Section 34 of the act that added this subdivision.

6253.2. (a) Notwithstanding any other provision of this chapter to the contrary, information regarding persons paid by the state to provide in-home supportive services pursuant to Article 7 (commencing with Section 12300) of Chapter 3 of Part 3 of Division 9 of the Welfare and Institutions Code or personal care services pursuant to Section 14132.95 of the Welfare and Institutions Code, is not subject to public disclosure pursuant to this chapter, except as provided in subdivision (b).

(b) Copies of names, addresses, and telephone numbers of persons described in subdivision (a) shall be made available, upon request, to an exclusive bargaining agent and to any labor organization seeking representation rights pursuant to subdivision (c) of Section 12301.6 or Section 12302.25 of the Welfare and Institutions Code or Chapter 10 (commencing with Section 3500) of Division 4 of Title 1. This information shall not be used by the receiving entity for any purpose other than the employee organizing, representation, and assistance activities of the labor organization.

(c) This section applies solely to individuals who provide services under the In-Home Supportive Services Program (Article 7 (commencing with Section 12300) of Chapter 3 of Part 3 of Division 9 of the Welfare and Institutions Code) or the Personal Care Services Program pursuant to Section 14132.95 of the Welfare and Institutions Code.

(d) Nothing in this section is intended to alter or shall be

interpreted to alter the rights of parties under the Meyers-Milias-Brown Act (Chapter 10 (commencing with Section 3500) of Division 4) or any other labor relations law.

(e) This section shall be operative only if Section 1 of the act that added this subdivision becomes inoperative pursuant to subdivision (e) of that Section 1.

6253.3. A state or local agency may not allow another party to control the disclosure of information that is otherwise subject to disclosure pursuant to this chapter.

6253.31. Notwithstanding any contract term to the contrary, a contract entered into by a state or local agency subject to this chapter, including the University of California, that requires a private entity to review, audit, or report on any aspect of that agency shall be public to the extent the contract is otherwise subject to disclosure under this chapter.

6253.4. (a) Every agency may adopt regulations stating the procedures to be followed when making its records available in accordance with this section.

The following state and local bodies shall establish written guidelines for accessibility of records. A copy of these guidelines shall be posted in a conspicuous public place at the offices of these bodies, and a copy of the guidelines shall be available upon request free of charge to any person requesting that body's records:

Department of Motor Vehicles
Department of Consumer Affairs
Transportation Agency
Bureau of Real Estate
Department of Corrections and Rehabilitation
Division of Juvenile Justice
Department of Justice
Department of Insurance
Department of Business Oversight
Department of Managed Health Care
Secretary of State
State Air Resources Board
Department of Water Resources
Department of Parks and Recreation
San Francisco Bay Conservation and Development Commission
State Board of Equalization
State Department of Health Care Services
Employment Development Department
State Department of Public Health
State Department of Social Services
State Department of State Hospitals
State Department of Developmental Services
Public Employees' Retirement System
Teachers' Retirement Board
Department of Industrial Relations

Department of General Services
Department of Veterans Affairs
Public Utilities Commission
California Coastal Commission
State Water Resources Control Board
San Francisco Bay Area Rapid Transit District
All regional water quality control boards
Los Angeles County Air Pollution Control District
Bay Area Air Pollution Control District
Golden Gate Bridge, Highway and Transportation District
Department of Toxic Substances Control
Office of Environmental Health Hazard Assessment

(b) Guidelines and regulations adopted pursuant to this section shall be consistent with all other sections of this chapter and shall reflect the intention of the Legislature to make the records accessible to the public. The guidelines and regulations adopted pursuant to this section shall not operate to limit the hours public records are open for inspection as prescribed in Section 6253.

6253.5. Notwithstanding Sections 6252 and 6253, statewide, county, city, and district initiative, referendum, and recall petitions, petitions circulated pursuant to Section 5091 of the Education Code, petitions for the reorganization of school districts submitted pursuant to Article 1 (commencing with Section 35700) of Chapter 4 of Part 21 of the Education Code, petitions for the reorganization of community college districts submitted pursuant to Part 46 (commencing with Section 74000) of the Education Code and all memoranda prepared by the county elections officials in the examination of the petitions indicating which registered voters have signed particular petitions shall not be deemed to be public records and shall not be open to inspection except by the public officer or public employees who have the duty of receiving, examining or preserving the petitions or who are responsible for the preparation of that memoranda and, if the petition is found to be insufficient, by the proponents of the petition and the representatives of the proponents as may be designated by the proponents in writing in order to determine which signatures were disqualified and the reasons therefor. However, the Attorney General, the Secretary of State, the Fair Political Practices Commission, a district attorney, a school district or a community college district attorney, and a city attorney shall be permitted to examine the material upon approval of the appropriate superior court.

If the proponents of a petition are permitted to examine the petition and memoranda, the examination shall commence not later than 21 days after certification of insufficiency.

(a) As used in this section, "petition" shall mean any petition to which a registered voter has affixed his or her signature.

(b) As used in this section "proponents of the petition" means the following:

(1) For statewide initiative and referendum measures, the person or persons who submit a draft of a petition proposing the measure to the Attorney General with a request that he or she prepare a title and summary of the chief purpose and points of the proposed measure.

(2) For other initiative and referenda on measures, the person or persons who publish a notice of intention to circulate petitions, or,

where publication is not required, who file petitions with the elections official.

(3) For recall measures, the person or persons defined in Section 343 of the Elections Code.

(4) For petitions circulated pursuant to Section 5091 of the Education Code, the person or persons having charge of the petition who submit the petition to the county superintendent of schools.

(5) For petitions circulated pursuant to Article 1 (commencing with Section 35700) of Chapter 4 of Part 21 of the Education Code, the person or persons designated as chief petitioners under Section 35701 of the Education Code.

(6) For petitions circulated pursuant to Part 46 (commencing with Section 74000) of the Education Code, the person or persons designated as chief petitioners under Sections 74102, 74133, and 74152 of the Education Code.

6253.6. (a) Notwithstanding the provisions of Sections 6252 and 6253, information compiled by public officers or public employees revealing the identity of persons who have requested bilingual ballots or ballot pamphlets, made in accordance with any federal or state law, or other data that would reveal the identity of the requester, shall not be deemed to be public records and shall not be provided to any person other than public officers or public employees who are responsible for receiving those requests and processing the same.

(b) Nothing contained in subdivision (a) shall be construed as prohibiting any person who is otherwise authorized by law from examining election materials, including, but not limited to, affidavits of registration, provided that requests for bilingual ballots or ballot pamphlets shall be subject to the restrictions contained in subdivision (a).

6253.8. (a) Every final enforcement order issued by an agency listed in subdivision (b) under any provision of law that is administered by an entity listed in subdivision (b), shall be displayed on the entity's Internet website, if the final enforcement order is a public record that is not exempt from disclosure pursuant to this chapter.

(b) This section applies to the California Environmental Protection Agency and to all of the following entities within the agency:

(1) The State Air Resources Board.

(2) The California Integrated Waste Management Board.

(3) The State Water Resources Control Board, and each California regional water quality control board.

(4) The Department of Pesticide Regulation.

(5) The Department of Toxic Substances Control.

(c) (1) Except as provided in paragraph (2), for purposes of this section, an enforcement order is final when the time for judicial review has expired on or after January 1, 2001, or when all means of judicial review have been exhausted on or after January 1, 2001.

(2) In addition to the requirements of paragraph (1), with regard to a final enforcement order issued by the State Water Resources Control Board or a California regional water quality control board,

this section shall apply only to a final enforcement order adopted by that board or a regional board at a public meeting.

(d) An order posted pursuant to this section shall be posted for not less than one year.

(e) The California Environmental Protection Agency shall oversee the implementation of this section.

(f) This section shall become operative April 1, 2001.

6253.9. (a) Unless otherwise prohibited by law, any agency that has information that constitutes an identifiable public record not exempt from disclosure pursuant to this chapter that is in an electronic format shall make that information available in an electronic format when requested by any person and, when applicable, shall comply with the following:

(1) The agency shall make the information available in any electronic format in which it holds the information.

(2) Each agency shall provide a copy of an electronic record in the format requested if the requested format is one that has been used by the agency to create copies for its own use or for provision to other agencies. The cost of duplication shall be limited to the direct cost of producing a copy of a record in an electronic format.

(b) Notwithstanding paragraph (2) of subdivision (a), the requester shall bear the cost of producing a copy of the record, including the cost to construct a record, and the cost of programming and computer services necessary to produce a copy of the record when either of the following applies:

(1) In order to comply with the provisions of subdivision (a), the public agency would be required to produce a copy of an electronic record and the record is one that is produced only at otherwise regularly scheduled intervals.

(2) The request would require data compilation, extraction, or programming to produce the record.

(c) Nothing in this section shall be construed to require the public agency to reconstruct a record in an electronic format if the agency no longer has the record available in an electronic format.

(d) If the request is for information in other than electronic format, and the information also is in electronic format, the agency may inform the requester that the information is available in electronic format.

(e) Nothing in this section shall be construed to permit an agency to make information available only in an electronic format.

(f) Nothing in this section shall be construed to require the public agency to release an electronic record in the electronic form in which it is held by the agency if its release would jeopardize or compromise the security or integrity of the original record or of any proprietary software in which it is maintained.

(g) Nothing in this section shall be construed to permit public access to records held by any agency to which access is otherwise restricted by statute.

6254. Except as provided in Sections 6254.7 and 6254.13, nothing in this chapter shall be construed to require disclosure of records that are any of the following:

(a) Preliminary drafts, notes, or interagency or intra-agency

memoranda that are not retained by the public agency in the ordinary course of business, if the public interest in withholding those records clearly outweighs the public interest in disclosure.

(b) Records pertaining to pending litigation to which the public agency is a party, or to claims made pursuant to Division 3.6 (commencing with Section 810), until the pending litigation or claim has been finally adjudicated or otherwise settled.

(c) Personnel, medical, or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy.

(d) Contained in or related to any of the following:

(1) Applications filed with any state agency responsible for the regulation or supervision of the issuance of securities or of financial institutions, including, but not limited to, banks, savings and loan associations, industrial loan companies, credit unions, and insurance companies.

(2) Examination, operating, or condition reports prepared by, on behalf of, or for the use of, any state agency referred to in paragraph (1).

(3) Preliminary drafts, notes, or interagency or intra-agency communications prepared by, on behalf of, or for the use of, any state agency referred to in paragraph (1).

(4) Information received in confidence by any state agency referred to in paragraph (1).

(e) Geological and geophysical data, plant production data, and similar information relating to utility systems development, or market or crop reports, that are obtained in confidence from any person.

(f) Records of complaints to, or investigations conducted by, or records of intelligence information or security procedures of, the office of the Attorney General and the Department of Justice, the Office of Emergency Services and any state or local police agency, or any investigatory or security files compiled by any other state or local police agency, or any investigatory or security files compiled by any other state or local agency for correctional, law enforcement, or licensing purposes. However, state and local law enforcement agencies shall disclose the names and addresses of persons involved in, or witnesses other than confidential informants to, the incident, the description of any property involved, the date, time, and location of the incident, all diagrams, statements of the parties involved in the incident, the statements of all witnesses, other than confidential informants, to the victims of an incident, or an authorized representative thereof, an insurance carrier against which a claim has been or might be made, and any person suffering bodily injury or property damage or loss, as the result of the incident caused by arson, burglary, fire, explosion, larceny, robbery, carjacking, vandalism, vehicle theft, or a crime as defined by subdivision (b) of Section 13951, unless the disclosure would endanger the safety of a witness or other person involved in the investigation, or unless disclosure would endanger the successful completion of the investigation or a related investigation. However, nothing in this division shall require the disclosure of that portion of those investigative files that reflects the analysis or conclusions of the investigating officer.

Customer lists provided to a state or local police agency by an alarm or security company at the request of the agency shall be construed to be records subject to this subdivision.

Notwithstanding any other provision of this subdivision, state and

local law enforcement agencies shall make public the following information, except to the extent that disclosure of a particular item of information would endanger the safety of a person involved in an investigation or would endanger the successful completion of the investigation or a related investigation:

(1) The full name and occupation of every individual arrested by the agency, the individual's physical description including date of birth, color of eyes and hair, sex, height and weight, the time and date of arrest, the time and date of booking, the location of the arrest, the factual circumstances surrounding the arrest, the amount of bail set, the time and manner of release or the location where the individual is currently being held, and all charges the individual is being held upon, including any outstanding warrants from other jurisdictions and parole or probation holds.

(2) Subject to the restrictions imposed by Section 841.5 of the Penal Code, the time, substance, and location of all complaints or requests for assistance received by the agency and the time and nature of the response thereto, including, to the extent the information regarding crimes alleged or committed or any other incident investigated is recorded, the time, date, and location of occurrence, the time and date of the report, the name and age of the victim, the factual circumstances surrounding the crime or incident, and a general description of any injuries, property, or weapons involved. The name of a victim of any crime defined by Section 220, 236.1, 261, 261.5, 262, 264, 264.1, 265, 266, 266a, 266b, 266c, 266e, 266f, 266j, 267, 269, 273a, 273d, 273.5, 285, 286, 288, 288a, 288.2, 288.3 (as added by Chapter 337 of the Statutes of 2006), 288.3 (as added by Section 6 of Proposition 83 of the November 7, 2006, statewide general election), 288.5, 288.7, 289, 422.6, 422.7, 422.75, 646.9, or 647.6 of the Penal Code may be withheld at the victim's request, or at the request of the victim's parent or guardian if the victim is a minor. When a person is the victim of more than one crime, information disclosing that the person is a victim of a crime defined in any of the sections of the Penal Code set forth in this subdivision may be deleted at the request of the victim, or the victim's parent or guardian if the victim is a minor, in making the report of the crime, or of any crime or incident accompanying the crime, available to the public in compliance with the requirements of this paragraph.

(3) Subject to the restrictions of Section 841.5 of the Penal Code and this subdivision, the current address of every individual arrested by the agency and the current address of the victim of a crime, where the requester declares under penalty of perjury that the request is made for a scholarly, journalistic, political, or governmental purpose, or that the request is made for investigation purposes by a licensed private investigator as described in Chapter 11.3 (commencing with Section 7512) of Division 3 of the Business and Professions Code. However, the address of the victim of any crime defined by Section 220, 236.1, 261, 261.5, 262, 264, 264.1, 265, 266, 266a, 266b, 266c, 266e, 266f, 266j, 267, 269, 273a, 273d, 273.5, 285, 286, 288, 288a, 288.2, 288.3 (as added by Chapter 337 of the Statutes of 2006), 288.3 (as added by Section 6 of Proposition 83 of the November 7, 2006, statewide general election), 288.5, 288.7, 289, 422.6, 422.7, 422.75, 646.9, or 647.6 of the Penal Code shall remain confidential. Address information obtained pursuant to this paragraph may not be used directly or indirectly, or furnished to another, to sell a product or service to any individual or group of

individuals, and the requester shall execute a declaration to that effect under penalty of perjury. Nothing in this paragraph shall be construed to prohibit or limit a scholarly, journalistic, political, or government use of address information obtained pursuant to this paragraph.

(g) Test questions, scoring keys, and other examination data used to administer a licensing examination, examination for employment, or academic examination, except as provided for in Chapter 3 (commencing with Section 99150) of Part 65 of Division 14 of Title 3 of the Education Code.

(h) The contents of real estate appraisals or engineering or feasibility estimates and evaluations made for or by the state or local agency relative to the acquisition of property, or to prospective public supply and construction contracts, until all of the property has been acquired or all of the contract agreement obtained. However, the law of eminent domain shall not be affected by this provision.

(i) Information required from any taxpayer in connection with the collection of local taxes that is received in confidence and the disclosure of the information to other persons would result in unfair competitive disadvantage to the person supplying the information.

(j) Library circulation records kept for the purpose of identifying the borrower of items available in libraries, and library and museum materials made or acquired and presented solely for reference or exhibition purposes. The exemption in this subdivision shall not apply to records of fines imposed on the borrowers.

(k) Records, the disclosure of which is exempted or prohibited pursuant to federal or state law, including, but not limited to, provisions of the Evidence Code relating to privilege.

(l) Correspondence of and to the Governor or employees of the Governor's office or in the custody of or maintained by the Governor's Legal Affairs Secretary. However, public records shall not be transferred to the custody of the Governor's Legal Affairs Secretary to evade the disclosure provisions of this chapter.

(m) In the custody of or maintained by the Legislative Counsel, except those records in the public database maintained by the Legislative Counsel that are described in Section 10248.

(n) Statements of personal worth or personal financial data required by a licensing agency and filed by an applicant with the licensing agency to establish his or her personal qualification for the license, certificate, or permit applied for.

(o) Financial data contained in applications for financing under Division 27 (commencing with Section 44500) of the Health and Safety Code, where an authorized officer of the California Pollution Control Financing Authority determines that disclosure of the financial data would be competitively injurious to the applicant and the data is required in order to obtain guarantees from the United States Small Business Administration. The California Pollution Control Financing Authority shall adopt rules for review of individual requests for confidentiality under this section and for making available to the public those portions of an application that are subject to disclosure under this chapter.

(p) Records of state agencies related to activities governed by Chapter 10.3 (commencing with Section 3512), Chapter 10.5 (commencing with Section 3525), and Chapter 12 (commencing with Section 3560) of Division 4, that reveal a state agency's deliberative processes, impressions, evaluations, opinions, recommendations, meeting minutes,

research, work products, theories, or strategy, or that provide instruction, advice, or training to employees who do not have full collective bargaining and representation rights under these chapters. Nothing in this subdivision shall be construed to limit the disclosure duties of a state agency with respect to any other records relating to the activities governed by the employee relations acts referred to in this subdivision.

(q) (1) Records of state agencies related to activities governed by Article 2.6 (commencing with Section 14081), Article 2.8 (commencing with Section 14087.5), and Article 2.91 (commencing with Section 14089) of Chapter 7 of Part 3 of Division 9 of the Welfare and Institutions Code, that reveal the special negotiator's deliberative processes, discussions, communications, or any other portion of the negotiations with providers of health care services, impressions, opinions, recommendations, meeting minutes, research, work product, theories, or strategy, or that provide instruction, advice, or training to employees.

(2) Except for the portion of a contract containing the rates of payment, contracts for inpatient services entered into pursuant to these articles, on or after April 1, 1984, shall be open to inspection one year after they are fully executed. If a contract for inpatient services that is entered into prior to April 1, 1984, is amended on or after April 1, 1984, the amendment, except for any portion containing the rates of payment, shall be open to inspection one year after it is fully executed. If the California Medical Assistance Commission enters into contracts with health care providers for other than inpatient hospital services, those contracts shall be open to inspection one year after they are fully executed.

(3) Three years after a contract or amendment is open to inspection under this subdivision, the portion of the contract or amendment containing the rates of payment shall be open to inspection.

(4) Notwithstanding any other provision of law, the entire contract or amendment shall be open to inspection by the Joint Legislative Audit Committee and the Legislative Analyst's Office. The committee and that office shall maintain the confidentiality of the contracts and amendments until the time a contract or amendment is fully open to inspection by the public.

(r) Records of Native American graves, cemeteries, and sacred places and records of Native American places, features, and objects described in Sections 5097.9 and 5097.993 of the Public Resources Code maintained by, or in the possession of, the Native American Heritage Commission, another state agency, or a local agency.

(s) A final accreditation report of the Joint Commission on Accreditation of Hospitals that has been transmitted to the State Department of Health Care Services pursuant to subdivision (b) of Section 1282 of the Health and Safety Code.

(t) Records of a local hospital district, formed pursuant to Division 23 (commencing with Section 32000) of the Health and Safety Code, or the records of a municipal hospital, formed pursuant to Article 7 (commencing with Section 37600) or Article 8 (commencing with Section 37650) of Chapter 5 of Part 2 of Division 3 of Title 4 of this code, that relate to any contract with an insurer or nonprofit hospital service plan for inpatient or outpatient services for alternative rates pursuant to Section 10133 of the Insurance Code. However, the record shall be open to inspection within one year after the contract is fully executed.

(u) (1) Information contained in applications for licenses to carry firearms issued pursuant to Section 26150, 26155, 26170, or 26215 of the Penal Code by the sheriff of a county or the chief or other head of a municipal police department that indicates when or where the applicant is vulnerable to attack or that concerns the applicant's medical or psychological history or that of members of his or her family.

(2) The home address and telephone number of prosecutors, public defenders, peace officers, judges, court commissioners, and magistrates that are set forth in applications for licenses to carry firearms issued pursuant to Section 26150, 26155, 26170, or 26215 of the Penal Code by the sheriff of a county or the chief or other head of a municipal police department.

(3) The home address and telephone number of prosecutors, public defenders, peace officers, judges, court commissioners, and magistrates that are set forth in licenses to carry firearms issued pursuant to Section 26150, 26155, 26170, or 26215 of the Penal Code by the sheriff of a county or the chief or other head of a municipal police department.

(v) (1) Records of the Managed Risk Medical Insurance Board and the State Department of Health Care Services related to activities governed by Part 6.3 (commencing with Section 12695), Part 6.5 (commencing with Section 12700), Part 6.6 (commencing with Section 12739.5), and Part 6.7 (commencing with Section 12739.70) of Division 2 of the Insurance Code, and Chapter 2 (commencing with Section 15850) of Part 3.3 of Division 9 of the Welfare and Institutions Code, and that reveal any of the following:

(A) The deliberative processes, discussions, communications, or any other portion of the negotiations with entities contracting or seeking to contract with the board or the department, entities with which the board or the department is considering a contract, or entities with which the board is considering or enters into any other arrangement under which the board or the department provides, receives, or arranges services or reimbursement.

(B) The impressions, opinions, recommendations, meeting minutes, research, work product, theories, or strategy of the board or its staff or the department or its staff, or records that provide instructions, advice, or training to their employees.

(2) (A) Except for the portion of a contract that contains the rates of payment, contracts entered into pursuant to Part 6.3 (commencing with Section 12695), Part 6.5 (commencing with Section 12700), Part 6.6 (commencing with Section 12739.5), or Part 6.7 (commencing with Section 12739.70) of Division 2 of the Insurance Code, or Chapter 2.2 (commencing with Section 15850) of Part 3.3 of Division 9 of the Welfare and Institutions Code, on or after July 1, 1991, shall be open to inspection one year after their effective dates.

(B) If a contract that is entered into prior to July 1, 1991, is amended on or after July 1, 1991, the amendment, except for any portion containing the rates of payment, shall be open to inspection one year after the effective date of the amendment.

(3) Three years after a contract or amendment is open to inspection pursuant to this subdivision, the portion of the contract or amendment containing the rates of payment shall be open to inspection.

(4) Notwithstanding any other law, the entire contract or amendments to a contract shall be open to inspection by the Joint

Legislative Audit Committee. The committee shall maintain the confidentiality of the contracts and amendments thereto, until the contracts or amendments to the contracts are open to inspection pursuant to paragraph (3).

(w) (1) Records of the Managed Risk Medical Insurance Board related to activities governed by Chapter 8 (commencing with Section 10700) of Part 2 of Division 2 of the Insurance Code, and that reveal the deliberative processes, discussions, communications, or any other portion of the negotiations with health plans, or the impressions, opinions, recommendations, meeting minutes, research, work product, theories, or strategy of the board or its staff, or records that provide instructions, advice, or training to employees.

(2) Except for the portion of a contract that contains the rates of payment, contracts for health coverage entered into pursuant to Chapter 8 (commencing with Section 10700) of Part 2 of Division 2 of the Insurance Code, on or after January 1, 1993, shall be open to inspection one year after they have been fully executed.

(3) Notwithstanding any other law, the entire contract or amendments to a contract shall be open to inspection by the Joint Legislative Audit Committee. The committee shall maintain the confidentiality of the contracts and amendments thereto, until the contracts or amendments to the contracts are open to inspection pursuant to paragraph (2).

(x) Financial data contained in applications for registration, or registration renewal, as a service contractor filed with the Director of Consumer Affairs pursuant to Chapter 20 (commencing with Section 9800) of Division 3 of the Business and Professions Code, for the purpose of establishing the service contractor's net worth, or financial data regarding the funded accounts held in escrow for service contracts held in force in this state by a service contractor.

(y) (1) Records of the Managed Risk Medical Insurance Board related to activities governed by Part 6.2 (commencing with Section 12693) or Part 6.4 (commencing with Section 12699.50) of Division 2 of the Insurance Code, and that reveal any of the following:

(A) The deliberative processes, discussions, communications, or any other portion of the negotiations with entities contracting or seeking to contract with the board, entities with which the board is considering a contract, or entities with which the board is considering or enters into any other arrangement under which the board provides, receives, or arranges services or reimbursement.

(B) The impressions, opinions, recommendations, meeting minutes, research, work product, theories, or strategy of the board or its staff, or records that provide instructions, advice, or training to employees.

(2) (A) Except for the portion of a contract that contains the rates of payment, contracts entered into pursuant to Part 6.2 (commencing with Section 12693) or Part 6.4 (commencing with Section 12699.50) of Division 2 of the Insurance Code, on or after January 1, 1998, shall be open to inspection one year after their effective dates.

(B) If a contract entered into pursuant to Part 6.2 (commencing with Section 12693) or Part 6.4 (commencing with Section 12699.50) of Division 2 of the Insurance Code is amended, the amendment shall be open to inspection one year after the effective date of the amendment.

(3) Three years after a contract or amendment is open to

inspection pursuant to this subdivision, the portion of the contract or amendment containing the rates of payment shall be open to inspection.

(4) Notwithstanding any other law, the entire contract or amendments to a contract shall be open to inspection by the Joint Legislative Audit Committee. The committee shall maintain the confidentiality of the contracts and amendments thereto until the contract or amendments to a contract are open to inspection pursuant to paragraph (2) or (3).

(5) The exemption from disclosure provided pursuant to this subdivision for the contracts, deliberative processes, discussions, communications, negotiations, impressions, opinions, recommendations, meeting minutes, research, work product, theories, or strategy of the board or its staff shall also apply to the contracts, deliberative processes, discussions, communications, negotiations, impressions, opinions, recommendations, meeting minutes, research, work product, theories, or strategy of applicants pursuant to Part 6.4 (commencing with Section 12699.50) of Division 2 of the Insurance Code.

(z) Records obtained pursuant to paragraph (2) of subdivision (f) of Section 2891.1 of the Public Utilities Code.

(aa) A document prepared by or for a state or local agency that assesses its vulnerability to terrorist attack or other criminal acts intended to disrupt the public agency's operations and that is for distribution or consideration in a closed session.

(ab) Critical infrastructure information, as defined in Section 131(3) of Title 6 of the United States Code, that is voluntarily submitted to the California Emergency Management Agency for use by that office, including the identity of the person who or entity that voluntarily submitted the information. As used in this subdivision, "voluntarily submitted" means submitted in the absence of the office exercising any legal authority to compel access to or submission of critical infrastructure information. This subdivision shall not affect the status of information in the possession of any other state or local governmental agency.

(ac) All information provided to the Secretary of State by a person for the purpose of registration in the Advance Health Care Directive Registry, except that those records shall be released at the request of a health care provider, a public guardian, or the registrant's legal representative.

(ad) The following records of the State Compensation Insurance Fund:

(1) Records related to claims pursuant to Chapter 1 (commencing with Section 3200) of Division 4 of the Labor Code, to the extent that confidential medical information or other individually identifiable information would be disclosed.

(2) Records related to the discussions, communications, or any other portion of the negotiations with entities contracting or seeking to contract with the fund, and any related deliberations.

(3) Records related to the impressions, opinions, recommendations, meeting minutes of meetings or sessions that are lawfully closed to the public, research, work product, theories, or strategy of the fund or its staff, on the development of rates, contracting strategy, underwriting, or competitive strategy pursuant to the powers granted to the fund in Chapter 4 (commencing with Section 11770) of Part 3 of Division 2 of the Insurance Code.

(4) Records obtained to provide workers' compensation insurance

under Chapter 4 (commencing with Section 11770) of Part 3 of Division 2 of the Insurance Code, including, but not limited to, any medical claims information, policyholder information provided that nothing in this paragraph shall be interpreted to prevent an insurance agent or broker from obtaining proprietary information or other information authorized by law to be obtained by the agent or broker, and information on rates, pricing, and claims handling received from brokers.

(5) (A) Records that are trade secrets pursuant to Section 6276.44, or Article 11 (commencing with Section 1060) of Chapter 4 of Division 8 of the Evidence Code, including without limitation, instructions, advice, or training provided by the State Compensation Insurance Fund to its board members, officers, and employees regarding the fund's special investigation unit, internal audit unit, and informational security, marketing, rating, pricing, underwriting, claims handling, audits, and collections.

(B) Notwithstanding subparagraph (A), the portions of records containing trade secrets shall be available for review by the Joint Legislative Audit Committee, the Bureau of State Audits, Division of Workers' Compensation, and the Department of Insurance to ensure compliance with applicable law.

(6) (A) Internal audits containing proprietary information and the following records that are related to an internal audit:

(i) Personal papers and correspondence of any person providing assistance to the fund when that person has requested in writing that his or her papers and correspondence be kept private and confidential. Those papers and correspondence shall become public records if the written request is withdrawn, or upon order of the fund.

(ii) Papers, correspondence, memoranda, or any substantive information pertaining to any audit not completed or an internal audit that contains proprietary information.

(B) Notwithstanding subparagraph (A), the portions of records containing proprietary information, or any information specified in subparagraph (A) shall be available for review by the Joint Legislative Audit Committee, the Bureau of State Audits, Division of Workers' Compensation, and the Department of Insurance to ensure compliance with applicable law.

(7) (A) Except as provided in subparagraph (C), contracts entered into pursuant to Chapter 4 (commencing with Section 11770) of Part 3 of Division 2 of the Insurance Code shall be open to inspection one year after the contract has been fully executed.

(B) If a contract entered into pursuant to Chapter 4 (commencing with Section 11770) of Part 3 of Division 2 of the Insurance Code is amended, the amendment shall be open to inspection one year after the amendment has been fully executed.

(C) Three years after a contract or amendment is open to inspection pursuant to this subdivision, the portion of the contract or amendment containing the rates of payment shall be open to inspection.

(D) Notwithstanding any other law, the entire contract or amendments to a contract shall be open to inspection by the Joint Legislative Audit Committee. The committee shall maintain the confidentiality of the contracts and amendments thereto until the contract or amendments to a contract are open to inspection pursuant to this paragraph.

(E) This paragraph is not intended to apply to documents related

to contracts with public entities that are not otherwise expressly confidential as to that public entity.

(F) For purposes of this paragraph, "fully executed" means the point in time when all of the necessary parties to the contract have signed the contract.

This section shall not prevent any agency from opening its records concerning the administration of the agency to public inspection, unless disclosure is otherwise prohibited by law.

This section shall not prevent any health facility from disclosing to a certified bargaining agent relevant financing information pursuant to Section 8 of the National Labor Relations Act (29 U.S.C. Sec. 158).

6254.1. (a) Except as provided in Section 6254.7, nothing in this chapter requires disclosure of records that are the residence address of any person contained in the records of the Department of Housing and Community Development, if the person has requested confidentiality of that information, in accordance with Section 18081 of the Health and Safety Code.

(b) Nothing in this chapter requires the disclosure of the residence or mailing address of any person in any record of the Department of Motor Vehicles except in accordance with Section 1808.21 of the Vehicle Code.

(c) Nothing in this chapter requires the disclosure of the results of a test undertaken pursuant to Section 12804.8 of the Vehicle Code.

6254.2. (a) Nothing in this chapter exempts from public disclosure the same categories of pesticide safety and efficacy information that are disclosable under paragraph (1) of subsection (d) of Section 10 of the federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. Sec. 136h(d)(1)), if the individual requesting the information is not an officer, employee, or agent specified in subdivision (h) and signs the affirmation specified in subdivision (h).

(b) The Director of Pesticide Regulation, upon his or her initiative, or upon receipt of a request pursuant to this chapter for the release of data submitted and designated as a trade secret by a registrant or applicant, shall determine whether any or all of the data so submitted is a properly designated trade secret. In order to assure that the interested public has an opportunity to obtain and review pesticide safety and efficacy data and to comment prior to the expiration of the public comment period on a proposed pesticide registration, the director shall provide notice to interested persons when an application for registration enters the registration evaluation process.

(c) If the director determines that the data is not a trade secret, the director shall notify the registrant or applicant by certified mail.

(d) The registrant or applicant shall have 30 days after receipt of this notification to provide the director with a complete justification and statement of the grounds on which the trade secret privilege is claimed. This justification and statement shall be submitted by certified mail.

(e) The director shall determine whether the data is protected as

a trade secret within 15 days after receipt of the justification and statement or, if no justification and statement is filed, within 45 days of the original notice. The director shall notify the registrant or applicant and any party who has requested the data pursuant to this chapter of that determination by certified mail. If the director determines that the data is not protected as a trade secret, the final notice shall also specify a date, not sooner than 15 days after the date of mailing of the final notice, when the data shall be available to any person requesting information pursuant to subdivision (a).

(f) "Trade secret" means data that is nondisclosable under paragraph (1) of subsection (d) of Section 10 of the federal Insecticide, Fungicide, and Rodenticide Act.

(g) This section shall be operative only so long as, and to the extent that, enforcement of paragraph (1) of subsection (d) of Section 10 of the federal Insecticide, Fungicide, and Rodenticide Act has not been enjoined by federal court order, and shall become inoperative if an unappealable federal court judgment or decision becomes final that holds that paragraph invalid, to the extent of the invalidity.

(h) The director shall not knowingly disclose information submitted to the state by an applicant or registrant pursuant to Article 4 (commencing with Section 12811) of Chapter 2 of Division 7 of the Food and Agricultural Code to any officer, employee, or agent of any business or other entity engaged in the production, sale, or distribution of pesticides in countries other than the United States or in countries in addition to the United States, or to any other person who intends to deliver this information to any foreign or multi-national business or entity, unless the applicant or registrant consents to the disclosure. To implement this subdivision, the director shall require the following affirmation to be signed by the person who requests such information:

AFFIRMATION OF STATUS

This affirmation is required by Section 6254.2 of the Government Code.

I have requested access to information submitted to the Department of Pesticide Regulation (or previously submitted to the Department of Food and Agriculture) by a pesticide applicant or registrant pursuant to the California Food and Agricultural Code. I hereby affirm all of the following statements:

(1) I do not seek access to the information for purposes of delivering it or offering it for sale to any business or other entity, including the business or entity of which I am an officer, employee, or agent engaged in the production, sale, or distribution of pesticides in countries other than the United States or in countries in addition to the United States, or to the officers, employees, or agents of such a business or entity.

(2) I will not purposefully deliver or negligently cause the data to be delivered to a business or entity specified in paragraph (1) or its officers, employees, or agents.

I am aware that I may be subject to criminal penalties under Section 118 of the Penal Code if I make any statement of material facts knowing that the statement is false or if I willfully conceal any material fact.

Name of Requester	Name of Requester's Organization
Signature of Requester	Address of Requester
Date / Request No.	Telephone Number of Requester
Name, Address, and Telephone Number of Requester's Client, if the requester has requested access to the information on behalf of someone other than the requester or the requester's organization listed above.	

(i) Notwithstanding any other provision of this section, the director may disclose information submitted by an applicant or registrant to any person in connection with a public proceeding conducted under law or regulation, if the director determines that the information is needed to determine whether a pesticide, or any ingredient of any pesticide, causes unreasonable adverse effects on health or the environment.

(j) The director shall maintain records of the names of persons to whom data is disclosed pursuant to this section and the persons or organizations they represent and shall inform the applicant or registrant of the names and the affiliation of these persons.

(k) Section 118 of the Penal Code applies to any affirmation made pursuant to this section.

(l) Any officer or employee of the state or former officer or employee of the state who, because of this employment or official position, obtains possession of, or has access to, material which is prohibited from disclosure by this section, and who, knowing that disclosure of this material is prohibited by this section, willfully discloses the material in any manner to any person not entitled to receive it, shall, upon conviction, be punished by a fine of not more than ten thousand dollars ($10,000), or by imprisonment in the county jail for not more than one year, or by both fine and imprisonment.

For purposes of this subdivision, any contractor with the state who is furnished information pursuant to this section, or any employee of any contractor, shall be considered an employee of the state.

(m) This section does not prohibit any person from maintaining a civil action for wrongful disclosure of trade secrets.

(n) The director may limit an individual to one request per month pursuant to this section if the director determines that a person has made a frivolous request within the past 12-month period.

6254.3. (a) The home addresses and home telephone numbers of state

employees and employees of a school district or county office of education shall not be deemed to be public records and shall not be open to public inspection, except that disclosure of that information may be made as follows:

(1) To an agent, or a family member of the individual to whom the information pertains.

(2) To an officer or employee of another state agency, school district, or county office of education when necessary for the performance of its official duties.

(3) To an employee organization pursuant to regulations and decisions of the Public Employment Relations Board, except that the home addresses and home telephone numbers of employees performing law enforcement-related functions shall not be disclosed.

(4) To an agent or employee of a health benefit plan providing health services or administering claims for health services to state, school districts, and county office of education employees and their enrolled dependents, for the purpose of providing the health services or administering claims for employees and their enrolled dependents.

(b) Upon written request of any employee, a state agency, school district, or county office of education shall not disclose the employee's home address or home telephone number pursuant to paragraph (3) of subdivision (a) and an agency shall remove the employee's home address and home telephone number from any mailing list maintained by the agency, except if the list is used exclusively by the agency to contact the employee.

6254.4. (a) The home address, telephone number, e-mail address, precinct number, or other number specified by the Secretary of State for voter registration purposes, and prior registration information shown on the voter registration card for all registered voters, are confidential and shall not be disclosed to any person, except pursuant to Section 2194 of the Elections Code.

(b) For purposes of this section, "home address" means street address only, and does not include an individual's city or post office address.

(c) The California driver's license number, the California identification card number, the social security number, and any other unique identifier used by the State of California for purposes of voter identification shown on a voter registration card of a registered voter, or added to the voter registration records to comply with the requirements of the Help America Vote Act of 2002 (42 U.S.C. Sec. 15301 et seq.), are confidential and shall not be disclosed to any person.

(d) The signature of the voter that is shown on the voter registration card is confidential and shall not be disclosed to any person.

6254.5. Notwithstanding any other provisions of the law, whenever a state or local agency discloses a public record which is otherwise exempt from this chapter, to any member of the public, this disclosure shall constitute a waiver of the exemptions specified in Sections 6254, 6254.7, or other similar provisions of law. For

purposes of this section, "agency" includes a member, agent, officer, or employee of the agency acting within the scope of his or her membership, agency, office, or employment.

This section, however, shall not apply to disclosures:

(a) Made pursuant to the Information Practices Act (commencing with Section 1798 of the Civil Code) or discovery proceedings.

(b) Made through other legal proceedings or as otherwise required by law.

(c) Within the scope of disclosure of a statute which limits disclosure of specified writings to certain purposes.

(d) Not required by law, and prohibited by formal action of an elected legislative body of the local agency which retains the writings.

(e) Made to any governmental agency which agrees to treat the disclosed material as confidential. Only persons authorized in writing by the person in charge of the agency shall be permitted to obtain the information. Any information obtained by the agency shall only be used for purposes which are consistent with existing law.

(f) Of records relating to a financial institution or an affiliate thereof, if the disclosures are made to the financial institution or affiliate by a state agency responsible for the regulation or supervision of the financial institution or affiliate.

(g) Of records relating to any person that is subject to the jurisdiction of the Department of Corporations, if the disclosures are made to the person that is the subject of the records for the purpose of corrective action by that person, or if a corporation, to an officer, director, or other key personnel of the corporation for the purpose of corrective action, or to any other person to the extent necessary to obtain information from that person for the purpose of an investigation by the Department of Corporations.

(h) Made by the Commissioner of Financial Institutions under Section 280, 282, 8009, or 18396 of the Financial Code.

(i) Of records relating to any person that is subject to the jurisdiction of the Department of Managed Health Care, if the disclosures are made to the person that is the subject of the records for the purpose of corrective action by that person, or if a corporation, to an officer, director, or other key personnel of the corporation for the purpose of corrective action, or to any other person to the extent necessary to obtain information from that person for the purpose of an investigation by the Department of Managed Health Care.

6254.6. Whenever a city and county or a joint powers agency, pursuant to a mandatory statute or charter provision to collect private industry wage data for salary setting purposes, or a contract entered to implement that mandate, is provided this data by the federal Bureau of Labor Statistics on the basis that the identity of private industry employers shall remain confidential, the identity of the employers shall not be open to the public or be admitted as evidence in any action or special proceeding.

6254.7. (a) All information, analyses, plans, or specifications that disclose the nature, extent, quantity, or degree of air contaminants or other pollution which any article, machine,

equipment, or other contrivance will produce, which any air pollution control district or air quality management district, or any other state or local agency or district, requires any applicant to provide before the applicant builds, erects, alters, replaces, operates, sells, rents, or uses the article, machine, equipment, or other contrivance, are public records.

(b) All air or other pollution monitoring data, including data compiled from stationary sources, are public records.

(c) All records of notices and orders directed to the owner of any building of violations of housing or building codes, ordinances, statutes, or regulations which constitute violations of standards provided in Section 1941.1 of the Civil Code, and records of subsequent action with respect to those notices and orders, are public records.

(d) Except as otherwise provided in subdivision (e) and Chapter 3 (commencing with Section 99150) of Part 65 of the Education Code, trade secrets are not public records under this section. "Trade secrets," as used in this section, may include, but are not limited to, any formula, plan, pattern, process, tool, mechanism, compound, procedure, production data, or compilation of information which is not patented, which is known only to certain individuals within a commercial concern who are using it to fabricate, produce, or compound an article of trade or a service having commercial value and which gives its user an opportunity to obtain a business advantage over competitors who do not know or use it.

(e) Notwithstanding any other provision of law, all air pollution emission data, including those emission data which constitute trade secrets as defined in subdivision (d), are public records. Data used to calculate emission data are not emission data for the purposes of this subdivision and data which constitute trade secrets and which are used to calculate emission data are not public records.

(f) Data used to calculate the costs of obtaining emissions offsets are not public records. At the time that an air pollution control district or air quality management district issues a permit to construct to an applicant who is required to obtain offsets pursuant to district rules and regulations, data obtained from the applicant consisting of the year the offset transaction occurred, the amount of offsets purchased, by pollutant, and the total cost, by pollutant, of the offsets purchased is a public record. If an application is denied, the data shall not be a public record.

6254.8. Every employment contract between a state or local agency and any public official or public employee is a public record which is not subject to the provisions of Sections 6254 and 6255.

6254.9. (a) Computer software developed by a state or local agency is not itself a public record under this chapter. The agency may sell, lease, or license the software for commercial or noncommercial use.

(b) As used in this section, "computer software" includes computer mapping systems, computer programs, and computer graphics systems.

(c) This section shall not be construed to create an implied warranty on the part of the State of California or any local agency

for errors, omissions, or other defects in any computer software as provided pursuant to this section.

(d) Nothing in this section is intended to affect the public record status of information merely because it is stored in a computer. Public records stored in a computer shall be disclosed as required by this chapter.

(e) Nothing in this section is intended to limit any copyright protections.

6254.10. Nothing in this chapter requires disclosure of records that relate to archaeological site information and reports maintained by, or in the possession of, the Department of Parks and Recreation, the State Historical Resources Commission, the State Lands Commission, the Native American Heritage Commission, another state agency, or a local agency, including the records that the agency obtains through a consultation process between a California Native American tribe and a state or local agency.

6254.11. Nothing in this chapter requires the disclosure of records that relate to volatile organic compounds or chemical substances information received or compiled by an air pollution control officer pursuant to Section 42303.2 of the Health and Safety Code.

6254.12. Any information reported to the North American Securities Administrators Association/National Association of Securities Dealers' Central Registration Depository and compiled as disciplinary records which are made available to the Department of Corporations through a computer system, shall constitute a public record. Notwithstanding any other provision of law, the Department of Corporations may disclose that information and the current license status and the year of issuance of the license of a broker-dealer upon written or oral request pursuant to Section 25247 of the Corporations Code.

6254.13. Notwithstanding Section 6254, upon the request of any Member of the Legislature or upon request of the Governor or his or her designee, test questions or materials that would be used to administer an examination and are provided by the State Department of Education and administered as part of a statewide testing program of pupils enrolled in the public schools shall be disclosed to the requester. These questions or materials may not include an individual examination that has been administered to a pupil and scored. The requester may not take physical possession of the questions or materials, but may view the questions or materials at a location selected by the department. Upon viewing this information, the requester shall keep the materials that he or she has seen confidential.

6254.14. (a) (1) Except as provided in Sections 6254 and 6254.7, nothing in this chapter shall be construed to require disclosure of

records of the Department of Corrections and Rehabilitation that relate to health care services contract negotiations, and that reveal the deliberative processes, discussions, communications, or any other portion of the negotiations, including, but not limited to, records related to those negotiations such as meeting minutes, research, work product, theories, or strategy of the department, or its staff, or members of the California Medical Assistance Commission, or its staff, who act in consultation with, or on behalf of, the department.

(2) Except for the portion of a contract that contains the rates of payment, contracts for health services entered into by the Department of Corrections and Rehabilitation or the California Medical Assistance Commission on or after July 1, 1993, shall be open to inspection one year after they are fully executed. In the event that a contract for health services that is entered into prior to July 1, 1993, is amended on or after July 1, 1993, the amendment, except for any portion containing rates of payment, shall be open to inspection one year after it is fully executed.

(3) Three years after a contract or amendment is open to inspection under this subdivision, the portion of the contract or amendment containing the rates of payment shall be open to inspection.

(4) Notwithstanding any other provision of law, including, but not limited to, Section 1060 of the Evidence Code, the entire contract or amendment shall be open to inspection by the Joint Legislative Audit Committee, the California State Auditor's Office, and the Legislative Analyst's Office. The Joint Legislative Audit Committee, the California State Auditor's Office, and the Legislative Analyst's Office shall maintain the confidentiality of the contracts and amendments until the contract or amendment is fully open to inspection by the public.

(5) It is the intent of the Legislature that confidentiality of health care provider contracts, and of the contracting process as provided in this subdivision, is intended to protect the competitive nature of the negotiation process, and shall not affect public access to other information relating to the delivery of health care services.

(b) The inspection authority and confidentiality requirements established in subdivisions (q), (v), and (y) of Section 6254 for the Legislative Audit Committee shall also apply to the California State Auditor's Office and the Legislative Analyst's Office.

6254.15. Nothing in this chapter shall be construed to require the disclosure of records that are any of the following: corporate financial records, corporate proprietary information including trade secrets, and information relating to siting within the state furnished to a government agency by a private company for the purpose of permitting the agency to work with the company in retaining, locating, or expanding a facility within California. Except as provided below, incentives offered by state or local government agencies, if any, shall be disclosed upon communication to the agency or the public of a decision to stay, locate, relocate, or expand, by a company, or upon application by that company to a governmental agency for a general plan amendment, rezone, use permit, building permit, or any other permit, whichever occurs first.

The agency shall delete, prior to disclosure to the public, information that is exempt pursuant to this section from any record describing state or local incentives offered by an agency to a private business to retain, locate, relocate, or expand the business within California.

6254.16. Nothing in this chapter shall be construed to require the disclosure of the name, credit history, utility usage data, home address, or telephone number of utility customers of local agencies, except that disclosure of name, utility usage data, and the home address of utility customers of local agencies shall be made available upon request as follows:

(a) To an agent or authorized family member of the person to whom the information pertains.

(b) To an officer or employee of another governmental agency when necessary for the performance of its official duties.

(c) Upon court order or the request of a law enforcement agency relative to an ongoing investigation.

(d) Upon determination by the local agency that the utility customer who is the subject of the request has used utility services in a manner inconsistent with applicable local utility usage policies.

(e) Upon determination by the local agency that the utility customer who is the subject of the request is an elected or appointed official with authority to determine the utility usage policies of the local agency, provided that the home address of an appointed official shall not be disclosed without his or her consent.

(f) Upon determination by the local agency that the public interest in disclosure of the information clearly outweighs the public interest in nondisclosure.

6254.17. (a) Nothing in this chapter shall be construed to require disclosure of records of the California Victim Compensation and Government Claims Board that relate to a request for assistance under Article 1 (commencing with Section 13950) of Chapter 5 of Part 4 of Division 3 of Title 2.

(b) This section shall not apply to a disclosure of the following information, if no information is disclosed that connects the information to a specific victim, derivative victim, or applicant under Article 1 (commencing with Section 13950) of Chapter 5 of Part 4 of Division 3 of Title 2:

(1) The amount of money paid to a specific provider of services.

(2) Summary data concerning the types of crimes for which assistance is provided.

6254.18. (a) Nothing in this chapter shall be construed to require disclosure of any personal information received, collected, or compiled by a public agency regarding the employees, volunteers, board members, owners, partners, officers, or contractors of a reproductive health services facility who have notified the public agency pursuant to subdivision (d) if the personal information is

contained in a document that relates to the facility.

(b) For purposes of this section, the following terms have the following meanings:

(1) "Contractor" means an individual or entity that contracts with a reproductive health services facility for services related to patient care.

(2) "Personal information" means the following information related to an individual that is maintained by a public agency: social security number, physical description, home address, home telephone number, statements of personal worth or personal financial data filed pursuant to subdivision (n) of Section 6254, personal medical history, employment history, electronic mail address, and information that reveals any electronic network location or identity.

(3) "Public agency" means all of the following:

(A) The State Department of Health Care Services.

(B) The Department of Consumer Affairs.

(C) The Department of Managed Health Care.

(D) The State Department of Public Health.

(4) "Reproductive health services facility" means the office of a licensed physician and surgeon whose specialty is family practice, obstetrics, or gynecology, or a licensed clinic, where at least 50 percent of the patients of the physician or the clinic are provided with family planning or abortion services.

(c) Any person may institute proceedings for injunctive or declarative relief or writ of mandate in any court of competent jurisdiction to obtain access to employment history information pursuant to Sections 6258 and 6259. If the court finds, based on the facts of a particular case, that the public interest served by disclosure of employment history information clearly outweighs the public interest served by not disclosing the information, the court shall order the officer or person charged with withholding the information to disclose employment history information or show cause why he or she should not do so pursuant to Section 6259.

(d) In order for this section to apply to an individual who is an employee, volunteer, board member, officer, or contractor of a reproductive health services facility, the individual shall notify the public agency to which his or her personal information is being submitted or has been submitted that he or she falls within the application of this section. The reproductive health services facility shall retain a copy of all notifications submitted pursuant to this section. This notification shall be valid if it complies with all of the following:

(1) Is on the official letterhead of the facility.

(2) Is clearly separate from any other language present on the same page and is executed by a signature that serves no other purpose than to execute the notification.

(3) Is signed and dated by both of the following:

(A) The individual whose information is being submitted.

(B) The executive officer or his or her designee of the reproductive health services facility.

(e) The privacy protections for personal information authorized pursuant to this section shall be effective from the time of notification pursuant to subdivision (d) until either one of the following occurs:

(1) Six months after the date of separation from a reproductive health services facility for an individual who has served for not more than one year as an employee, contractor, volunteer, board

member, or officer of the reproductive health services facility.

(2) One year after the date of separation from a reproductive health services facility for an individual who has served for more than one year as an employee, contractor, volunteer, board member, or officer of the reproductive health services facility.

(f) Within 90 days of separation of an employee, contractor, volunteer, board member, or officer of the reproductive health services facility who has provided notice to a public agency pursuant to subdivision (c), the facility shall provide notice of the separation to the relevant agency or agencies.

(g) Nothing in this section shall prevent the disclosure by a government agency of data regarding age, race, ethnicity, national origin, or gender of individuals whose personal information is protected pursuant to this section, so long as the data contains no individually identifiable information.

6254.19. Nothing in this chapter shall be construed to require the disclosure of an information security record of a public agency, if, on the facts of the particular case, disclosure of that record would reveal vulnerabilities to, or otherwise increase the potential for an attack on, an information technology system of a public agency. Nothing in this section shall be construed to limit public disclosure of records stored within an information technology system of a public agency that are not otherwise exempt from disclosure pursuant to this chapter or any other provision of law.

6254.20. Nothing in this chapter shall be construed to require the disclosure of records that relate to electronically collected personal information, as defined by Section 11015.5, received, collected, or compiled by a state agency.

6254.21. (a) No state or local agency shall post the home address or telephone number of any elected or appointed official on the Internet without first obtaining the written permission of that individual.

(b) No person shall knowingly post the home address or telephone number of any elected or appointed official, or of the official's residing spouse or child, on the Internet knowing that person is an elected or appointed official and intending to cause imminent great bodily harm that is likely to occur or threatening to cause imminent great bodily harm to that individual. A violation of this subdivision is a misdemeanor. A violation of this subdivision that leads to the bodily injury of the official, or his or her residing spouse or child, is a misdemeanor or a felony.

(c) (1) (A) No person, business, or association shall publicly post or publicly display on the Internet the home address or telephone number of any elected or appointed official if that official has made a written demand of that person, business, or association to not disclose his or her home address or telephone number.

(B) A written demand made under this paragraph by a state constitutional officer, a mayor, or a Member of the Legislature, a

city council, or a board of supervisors shall include a statement describing a threat or fear for the safety of that official or of any person residing at the official's home address.

(C) A written demand made under this paragraph by an elected official shall be effective for four years, regardless of whether or not the official's term has expired prior to the end of the four-year period.

(D) (i) A person, business, or association that receives the written demand of an elected or appointed official pursuant to this paragraph shall remove the official's home address or telephone number from public display on the Internet, including information provided to cellular telephone applications, within 48 hours of delivery of the written demand, and shall continue to ensure that this information is not reposted on the same Internet Web site, subsidiary site, or any other Internet Web site maintained by the recipient of the written demand.

(ii) After receiving the elected or appointed official's written demand, the person, business, or association shall not transfer the appointed or elected official's home address or telephone number to any other person, business, or association through any other medium.

(iii) Clause (ii) shall not be deemed to prohibit a telephone corporation, as defined in Section 234 of the Public Utilities Code, or its affiliate, from transferring the elected or appointed official's home address or telephone number to any person, business, or association, if the transfer is authorized by federal or state law, regulation, order, or tariff, or necessary in the event of an emergency, or to collect a debt owed by the elected or appointed official to the telephone corporation or its affiliate.

(E) For purposes of this paragraph, "publicly post" or "publicly display" means to intentionally communicate or otherwise make available to the general public.

(2) An official whose home address or telephone number is made public as a result of a violation of paragraph (1) may bring an action seeking injunctive or declarative relief in any court of competent jurisdiction. If a court finds that a violation has occurred, it may grant injunctive or declarative relief and shall award the official court costs and reasonable attorney's fees. A fine not exceeding one thousand dollars ($1,000) may be imposed for a violation of the court's order for an injunction or declarative relief obtained pursuant to this paragraph.

(3) An elected or appointed official may designate in writing the official's employer, a related governmental entity, or any voluntary professional association of similar officials to act, on behalf of that official, as that official's agent with regard to making a written demand pursuant to this section. A written demand made by an agent pursuant to this paragraph shall include a statement describing a threat or fear for the safety of that official or of any person residing at the official's home address.

(d) (1) No person, business, or association shall solicit, sell, or trade on the Internet the home address or telephone number of an elected or appointed official with the intent to cause imminent great bodily harm to the official or to any person residing at the official's home address.

(2) Notwithstanding any other law, an official whose home address or telephone number is solicited, sold, or traded in violation of paragraph (1) may bring an action in any court of competent jurisdiction. If a jury or court finds that a violation has occurred,

it shall award damages to that official in an amount up to a maximum of three times the actual damages but in no case less than four thousand dollars ($4,000).

(e) An interactive computer service or access software provider, as defined in Section 230(f) of Title 47 of the United States Code, shall not be liable under this section unless the service or provider intends to abet or cause imminent great bodily harm that is likely to occur or threatens to cause imminent great bodily harm to an elected or appointed official.

(f) For purposes of this section, "elected or appointed official" includes, but is not limited to, all of the following:

(1) State constitutional officers.

(2) Members of the Legislature.

(3) Judges and court commissioners.

(4) District attorneys.

(5) Public defenders.

(6) Members of a city council.

(7) Members of a board of supervisors.

(8) Appointees of the Governor.

(9) Appointees of the Legislature.

(10) Mayors.

(11) City attorneys.

(12) Police chiefs and sheriffs.

(13) A public safety official, as defined in Section 6254.24.

(14) State administrative law judges.

(15) Federal judges and federal defenders.

(16) Members of the United States Congress and appointees of the President.

(g) Nothing in this section is intended to preclude punishment instead under Sections 69, 76, or 422 of the Penal Code, or any other provision of law.

6254.22. Nothing in this chapter or any other provision of law shall require the disclosure of records of a health plan that is licensed pursuant to the Knox-Keene Health Care Service Plan Act of 1975 (Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code) and that is governed by a county board of supervisors, whether paper records, records maintained in the management information system, or records in any other form, that relate to provider rate or payment determinations, allocation or distribution methodologies for provider payments, formulae or calculations for these payments, and contract negotiations with providers of health care for alternative rates for a period of three years after the contract is fully executed. The transmission of the records, or the information contained therein in an alternative form, to the board of supervisors shall not constitute a waiver of exemption from disclosure, and the records and information once transmitted to the board of supervisors shall be subject to this same exemption. The provisions of this section shall not prevent access to any records by the Joint Legislative Audit Committee in the exercise of its powers pursuant to Article 1 (commencing with Section 10500) of Chapter 4 of Part 2 of Division 2 of Title 2. The provisions of this section also shall not prevent access to any records by the Department of Corporations in the exercise of its powers pursuant to Article 1 (commencing with Section 1340) of

Chapter 2.2 of Division 2 of the Health and Safety Code.

6254.23. Nothing in this chapter or any other provision of law shall require the disclosure of a risk assessment or railroad infrastructure protection program filed with the Public Utilities Commission, the Director of Homeland Security, and the Office of Emergency Services pursuant to Article 7.3 (commencing with Section 7665) of Chapter 1 of Division 4 of the Public Utilities Code.

6254.24. As used in this chapter, "public safety official" means the following parties, whether active or retired:

(a) A peace officer as defined in Sections 830 to 830.65, inclusive, of the Penal Code, or a person who is not a peace officer, but may exercise the powers of arrest during the course and within the scope of their employment pursuant to Section 830.7 of the Penal Code.

(b) A public officer or other person listed in Sections 1808.2 and 1808.6 of the Vehicle Code.

(c) An "elected or appointed official" as defined in subdivision (f) of Section 6254.21.

(d) An attorney employed by the Department of Justice, the State Public Defender, or a county office of the district attorney or public defender, the United States Attorney, or the Federal Public Defender.

(e) A city attorney and an attorney who represent cities in criminal matters.

(f) An employee of the Department of Corrections and Rehabilitation who supervises inmates or is required to have a prisoner in his or her care or custody.

(g) A sworn or nonsworn employee who supervises inmates in a city police department, a county sheriff's office, the Department of the California Highway Patrol, federal, state, or a local detention facility, and a local juvenile hall, camp, ranch, or home, and a probation officer as defined in Section 830.5 of the Penal Code.

(h) A federal prosecutor, a federal criminal investigator, and a National Park Service Ranger working in California.

(i) The surviving spouse or child of a peace officer defined in Section 830 of the Penal Code, if the peace officer died in the line of duty.

(j) State and federal judges and court commissioners.

(k) An employee of the Attorney General, a district attorney, or a public defender who submits verification from the Attorney General, district attorney, or public defender that the employee represents the Attorney General, district attorney, or public defender in matters that routinely place that employee in personal contact with persons under investigation for, charged with, or convicted of, committing criminal acts.

(l) A nonsworn employee of the Department of Justice or a police department or sheriff's office that, in the course of his or her employment, is responsible for collecting, documenting, and preserving physical evidence at crime scenes, testifying in court as an expert witness, and other technical duties, and a nonsworn employee that, in the course of his or her employment, performs a

variety of standardized and advanced laboratory procedures in the examination of physical crime evidence, determines their results, and provides expert testimony in court.

6254.25. Nothing in this chapter or any other provision of law shall require the disclosure of a memorandum submitted to a state body or to the legislative body of a local agency by its legal counsel pursuant to subdivision (q) of Section 11126 or Section 54956.9 until the pending litigation has been finally adjudicated or otherwise settled. The memorandum shall be protected by the attorney work-product privilege until the pending litigation has been finally adjudicated or otherwise settled.

6254.26. (a) Notwithstanding any provision of this chapter or other law, the following records regarding alternative investments in which public investment funds invest shall not be subject to disclosure pursuant to this chapter, unless the information has already been publicly released by the keeper of the information:

(1) Due diligence materials that are proprietary to the public investment fund or the alternative investment vehicle.

(2) Quarterly and annual financial statements of alternative investment vehicles.

(3) Meeting materials of alternative investment vehicles.

(4) Records containing information regarding the portfolio positions in which alternative investment funds invest.

(5) Capital call and distribution notices.

(6) Alternative investment agreements and all related documents.

(b) Notwithstanding subdivision (a), the following information contained in records described in subdivision (a) regarding alternative investments in which public investment funds invest shall be subject to disclosure pursuant to this chapter and shall not be considered a trade secret exempt from disclosure:

(1) The name, address, and vintage year of each alternative investment vehicle.

(2) The dollar amount of the commitment made to each alternative investment vehicle by the public investment fund since inception.

(3) The dollar amount of cash contributions made by the public investment fund to each alternative investment vehicle since inception.

(4) The dollar amount, on a fiscal yearend basis, of cash distributions received by the public investment fund from each alternative investment vehicle.

(5) The dollar amount, on a fiscal yearend basis, of cash distributions received by the public investment fund plus remaining value of partnership assets attributable to the public investment fund's investment in each alternative investment vehicle.

(6) The net internal rate of return of each alternative investment vehicle since inception.

(7) The investment multiple of each alternative investment vehicle since inception.

(8) The dollar amount of the total management fees and costs paid on an annual fiscal yearend basis, by the public investment fund to each alternative investment vehicle.

(9) The dollar amount of cash profit received by public investment funds from each alternative investment vehicle on a fiscal year-end basis.

(c) For purposes of this section, the following definitions shall apply:

(1) "Alternative investment" means an investment in a private equity fund, venture fund, hedge fund, or absolute return fund.

(2) "Alternative investment vehicle" means the limited partnership, limited liability company, or similar legal structure through which the public investment fund invests in portfolio companies.

(3) "Portfolio positions" means individual portfolio investments made by the alternative investment vehicles.

(4) "Public investment fund" means any public pension or retirement system, and any public endowment or foundation.

6254.27. Nothing in this chapter shall be construed to require the disclosure by a county recorder of any "official record" if a "public record" version of that record is available pursuant to Article 3.5 (commencing with Section 27300) of Chapter 6 of Part 3 of Division 2 of Title 3.

6254.28. Nothing in this chapter shall be construed to require the disclosure by a filing office of any "official record" if a "public record" version of that record is available pursuant to Section 9526.5 of the Commercial Code.

6254.29. (a) It is the intent of the Legislature that, in order to protect against the risk of identity theft, local agencies shall redact social security numbers from records before disclosing them to the public pursuant to this chapter.

(b) Nothing in this chapter shall be construed to require a local agency to disclose a social security number.

(c) This section shall not apply to records maintained by a county recorder.

6254.30. A state or local law enforcement agency shall not require a victim of an incident, or an authorized representative thereof, to show proof of the victim's legal presence in the United States in order to obtain the information required to be disclosed by that law enforcement agency pursuant to subdivision (f) of Section 6254. However, if, for identification purposes, a state or local law enforcement agency requires identification in order for a victim of an incident, or an authorized representative thereof, to obtain that information, the agency shall, at a minimum, accept a current driver's license or identification card issued by any state in the United States, a current passport issued by the United States or a foreign government with which the United States has a diplomatic relationship, or a current Matricula Consular card.

6255. (a) The agency shall justify withholding any record by demonstrating that the record in question is exempt under express provisions of this chapter or that on the facts of the particular case the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record.

(b) A response to a written request for inspection or copies of public records that includes a determination that the request is denied, in whole or in part, shall be in writing.

6257.5. This chapter does not allow limitations on access to a public record based upon the purpose for which the record is being requested, if the record is otherwise subject to disclosure.

6258. Any person may institute proceedings for injunctive or declarative relief or writ of mandate in any court of competent jurisdiction to enforce his or her right to inspect or to receive a copy of any public record or class of public records under this chapter. The times for responsive pleadings and for hearings in these proceedings shall be set by the judge of the court with the object of securing a decision as to these matters at the earliest possible time.

6259. (a) Whenever it is made to appear by verified petition to the superior court of the county where the records or some part thereof are situated that certain public records are being improperly withheld from a member of the public, the court shall order the officer or person charged with withholding the records to disclose the public record or show cause why he or she should not do so. The court shall decide the case after examining the record in camera, if permitted by subdivision (b) of Section 915 of the Evidence Code, papers filed by the parties and any oral argument and additional evidence as the court may allow.

(b) If the court finds that the public official's decision to refuse disclosure is not justified under Section 6254 or 6255, he or she shall order the public official to make the record public. If the judge determines that the public official was justified in refusing to make the record public, he or she shall return the item to the public official without disclosing its content with an order supporting the decision refusing disclosure.

(c) In an action filed on or after January 1, 1991, an order of the court, either directing disclosure by a public official or supporting the decision of the public official refusing disclosure, is not a final judgment or order within the meaning of Section 904.1 of the Code of Civil Procedure from which an appeal may be taken, but shall be immediately reviewable by petition to the appellate court for the issuance of an extraordinary writ. Upon entry of any order pursuant to this section, a party shall, in order to obtain review of the order, file a petition within 20 days after service upon him or her of a written notice of entry of the order, or within such further time not exceeding an additional 20 days as the trial court may for good cause allow. If the notice is served by mail, the period within

which to file the petition shall be increased by five days. A stay of an order or judgment shall not be granted unless the petitioning party demonstrates it will otherwise sustain irreparable damage and probable success on the merits. Any person who fails to obey the order of the court shall be cited to show cause why he or she is not in contempt of court.

(d) The court shall award court costs and reasonable attorney fees to the plaintiff should the plaintiff prevail in litigation filed pursuant to this section. The costs and fees shall be paid by the public agency of which the public official is a member or employee and shall not become a personal liability of the public official. If the court finds that the plaintiff's case is clearly frivolous, it shall award court costs and reasonable attorney fees to the public agency.

6260. The provisions of this chapter shall not be deemed in any manner to affect the status of judicial records as it existed immediately prior to the effective date of this section, nor to affect the rights of litigants, including parties to administrative proceedings, under the laws of discovery of this state, nor to limit or impair any rights of discovery in a criminal case.

6261. Notwithstanding Section 6252, an itemized statement of the total expenditures and disbursement of any agency provided for in Article VI of the California Constitution shall be open for inspection.

6262. The exemption of records of complaints to, or investigations conducted by, any state or local agency for licensing purposes under subdivision (f) of Section 6254 shall not apply when a request for inspection of such records is made by a district attorney.

6263. A state or local agency shall allow an inspection or copying of any public record or class of public records not exempted by this chapter when requested by a district attorney.

6264. The district attorney may petition a court of competent jurisdiction to require a state or local agency to allow him to inspect or receive a copy of any public record or class of public records not exempted by this chapter when the agency fails or refuses to allow inspection or copying within 10 working days of a request. The court may require a public agency to permit inspection or copying by the district attorney unless the public interest or good cause in withholding such records clearly outweighs the public interest in disclosure.

6265. Disclosure of records to a district attorney under the

provisions of this chapter shall effect no change in the status of the records under any other provision of law.

6267. All patron use records of any library which is in whole or in part supported by public funds shall remain confidential and shall not be disclosed by a public agency, or private actor that maintains or stores patron use records on behalf of a public agency, to any person, local agency, or state agency except as follows:

(a) By a person acting within the scope of his or her duties within the administration of the library.

(b) By a person authorized, in writing, by the individual to whom the records pertain, to inspect the records.

(c) By order of the appropriate superior court.

As used in this section, the term "patron use records" includes the following:

(1) Any written or electronic record, that is used to identify the patron, including, but not limited to, a patron's name, address, telephone number, or e-mail address, that a library patron provides in order to become eligible to borrow or use books and other materials.

(2) Any written record or electronic transaction that identifies a patron's borrowing information or use of library information resources, including, but not limited to, database search records, borrowing records, class records, and any other personally identifiable uses of library resources information requests, or inquiries.

This section shall not apply to statistical reports of patron use nor to records of fines collected by the library.

6268. Public records, as defined in Section 6252, in the custody or control of the Governor when he or she leaves office, either voluntarily or involuntarily, shall, as soon as is practical, be transferred to the State Archives. Notwithstanding any other provision of law, the Governor, by written instrument, the terms of which shall be made public, may restrict public access to any of the transferred public records, or any other writings he or she may transfer, which have not already been made accessible to the public. With respect to public records, public access, as otherwise provided for by this chapter, shall not be restricted for a period greater than 50 years or the death of the Governor, whichever is later, nor shall there be any restriction whatsoever with respect to enrolled bill files, press releases, speech files, or writings relating to applications for clemency or extradition in cases which have been closed for a period of at least 25 years. Subject to any restrictions permitted by this section, the Secretary of State, as custodian of the State Archives, shall make all such public records and other writings available to the public as otherwise provided for in this chapter.

Except as to enrolled bill files, press releases, speech files, or writings relating to applications for clemency or extradition, this section shall not apply to public records or other writings in the direct custody or control of any Governor who held office between 1974 and 1988 at the time of leaving office, except to the extent

that that Governor may voluntarily transfer those records or other writings to the State Archives.

Notwithstanding any other provision of law, the public records and other writings of any Governor who held office between 1974 and 1988 may be transferred to any educational or research institution in California provided that with respect to public records, public access, as otherwise provided for by this chapter, shall not be restricted for a period greater than 50 years or the death of the Governor, whichever is later. No records or writings may be transferred pursuant to this paragraph unless the institution receiving them agrees to maintain, and does maintain, the materials according to commonly accepted archival standards. No public records transferred shall be destroyed by that institution without first receiving the written approval of the Secretary of State, as custodian of the State Archives, who may require that the records be placed in the State Archives rather than being destroyed. An institution receiving those records or writings shall allow the Secretary of State, as custodian of the State Archives, to copy, at state expense, and to make available to the public, any and all public records, and inventories, indices, or finding aids relating to those records, which the institution makes available to the public generally. Copies of those records in the custody of the State Archives shall be given the same legal effect as is given to the originals.

6270. (a) Notwithstanding any other provision of law, no state or local agency shall sell, exchange, furnish, or otherwise provide a public record subject to disclosure pursuant to this chapter to a private entity in a manner that prevents a state or local agency from providing the record directly pursuant to this chapter. Nothing in this section requires a state or local agency to use the State Printer to print public records. Nothing in this section prevents the destruction of records pursuant to law.

(b) This section shall not apply to contracts entered into prior to January 1, 1996, between the County of Santa Clara and a private entity for the provision of public records subject to disclosure under this chapter.

CHAPTER 8:
DOCUMENTS, RECORDS AND PUBLICATIONS

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SEC. 8.1. "RECORDS" DEFINED.

"Records," as used in this Chapter, shall mean such paper, book, photograph, film, sound recording, map, drawing or other document, or any copy thereof, as has been made or received by the department in connection with the transaction of public business and may have been retained by the department as evidence of the department's activities, for the information contained therein, or to protect the legal or financial rights of the City and County or of persons directly affected by the activities of the City and County.

(Ord. No. 7070(1939), Sec. 1)

SEC. 8.2. RESPONSIBILITY FOR PRESERVATION AND FILING

OF RECORDS.

The head of every department shall be responsible for the preservation and proper filing of papers, film or other records of the department and the ultimate disposition of the same in accordance with the applicable law.

(Ord No. 7070(1939), Sec. 1; amended by Ord. 530-88, App. 12/16/88)

SEC. 8.3. RETENTION AND DESTRUCTION OF RECORDS GENERALLY.

It shall be the duty of each department head to classify the department's records, using the classifications set forth in Section 8.4 of this Code, and to prepare a schedule for the systematic retention and destruction of such records, which schedule shall comply with the provisions of this Section and of Sections 8.4 and 8.9 of this Code and will be effective only upon approval by the officers and boards specified below.

Current records and storage records, as defined in Section 8.4 of this Code, may be destroyed five years after they were created if they have served their purpose and are no longer required for any public business or other public purpose, except that records pertaining to financial matters shall be destroyed only after approval by the Controller; those having legal significance only after approval by the City Attorney; and payroll checks, time cards and related documents only after approval by the Retirement Board.

If requested by the Retirement Board, payroll checks, time cards and related documents shall be delivered to the Retirement Board instead of being destroyed. Current records and storage records less than five years old may be destroyed or otherwise disposed of if their destruction or other disposition within a shorter length of time will not be detrimental to the City and County or defeat any public purpose and if a definitive description of such records and the retention period applicable to them are set forth in a schedule for the systematic retention and destruction of records that is prepared by the department head, approved by the Mayor or the Mayor's designee, or the board or commission concerned, and approved by the City Attorney as to records of legal significance, by the Controller as to records relating to financial matters, by the Retirement Board as to time rolls, time cards, payroll checks and related matters.

Permanent records, as defined in Section 8.4 of this Code, and essential records, as defined in Section 8.9 of this Code, shall not be destroyed or otherwise disposed of except as set forth in those sections.

The provisions of this Section do not apply to sound recordings of radio or telephone communications as described in Section 8.3-1.

Nothing in this Section shall be deemed to apply to or authorize the destruction of any records that are required to be retained by local, State or federal law.

(Amended by Ord. 583-81, App. 12/10/81; Ord. 530-88, App. 12/16/88; Ord. 278-96, App. 7/3/96)

SEC. 8.3-1. SOUND RECORDINGS.

(a) The words "sound recordings," as used in this Section, mean the routine daily taping and recording of telephone communications to and from a department of the City and County of San Francisco and all radio communications relating to the operations of that department.

(b) The San Francisco Municipal Railway shall retain sound recordings relating to its operations for at least one year. The San Francisco Police Department and Fire Department shall retain sound recordings relating to their respective operations for at least six months.

(c) Any department not mentioned in Section 8.3-1(b) shall retain sound recordings relating to its operations for at least 100 days.

(d) Sound recordings of any department may be destroyed or otherwise disposed of at any time upon authorization of the department head and the written consent of the City Attorney; provided, that the minimum time limits for retention set forth in this section are complied with and provided further that in the event that sound recordings maintained by a department are evidence in any claim filed or any pending litigation, such recordings shall be preserved until pending litigation is resolved.

(Added by Ord. 583-81, App. 12/10/81)

SEC. 8.4. RECORDS CLASSIFICATIONS.

"Records," as defined in Section 8.1 of this Code, shall for the purposes of this Chapter be divided into three classifications: current records, storage records and permanent records.

"Current records" are records which for convenience, ready reference or other reason are retained in office space and equipment of the department involved.

"Storage records" are records which need not be retained in office space and equipment of the department involved, but which must be, or should be, prudently preserved for a time or permanently in the facilities of a records center, as specified in the following section.

"Permanent records" are records required by law to be permanently retained. Unless otherwise required by law or regulation, permanent records shall be stored by microfilming the paper records or placing them on an optical imaging storage system, placing the original film or tape in a State-approved storage vault and delivering a copy to the department. The paper records may then be destroyed.

(Ord. No. 7070(1939), Sec. 3; amended by Ord. 530-88, App. 12/16/88)

SEC. 8.5. ESTABLISHMENT, USE, ETC., OF RECORDS CENTER.

The Director of Administrative Services shall provide for the establishment, maintenance and operation of a records center for the orderly storage, care, management and safeguarding of storage records of the departments and offices of the City and County and of the San Francisco Unified School District and for the destruction of storage records pursuant to retention and destruction schedules prepared and approved as provided in Section 8.3 of this Code. The Director of Administrative Services may establish, maintain and operate such a records center as a function of one of the departments under the Director of Administrative Services' jurisdiction or, in lieu thereof may contract with a reputable and experienced archival firm to establish, maintain and operate such a records center and to provide retrieval and accession services.

A representative of the Director of Administrative Services may also be available as a consultant to departments in the formulation of paper records storage alternatives such as microfilming and optical imaging records storage systems.

Within two years from the effective date of such contract, and at three-year intervals thereafter, the Director of Administrative Services shall have prepared for public hearing at the Board of Supervisors a report on the merits and demerits of the contract as compared with a municipal records center. Any of the departments or offices of the City and County and the San Francisco Unified School District may elect to use the facilities of the records center for its storage records provided that: (a) copies of an approved schedule for systematic retention and destruction of records shall first be delivered to the Director of Administrative Services and to the records center; and (b) the cost for the use of the records center facilities shall be the obligation of, and be paid by, the department or office using the facilities or by the San Francisco Unified School District if it shall use the facilities.

(Amended by Ord. 111-76, App. 4/1/76; Ord. 530-88, App. 12/16/88; Ord. 278-96, App. 7/3/96)

SEC. 8.7. PREREQUISITES TO DESTRUCTION OF RECORDS; SALE IN LIEU OF DESTRUCTION.

(a) Before any book, document, photograph, map, architectural drawing, record, bond certificate, or other material of historical significance is destroyed, the following procedure shall be observed:

(1) It shall be offered by the officer concerned, i.e., the Mayor or the Mayor's designee, or by boards or commissions for departments under their respective jurisdiction, to the San Francisco History Room of the San Francisco Public Library;

(2) Such items not accepted by the San Francisco Public Library may be sold by the office of the Mayor, together with copies thereof;

(3) In the event the Public Library declines to accept said historical material, or after sale thereof by the Mayor, any remaining such historical material may be offered to an historical society.

(b) After all the steps outlined in Paragraph (a) above have been observed, any remaining historical records, as well as any large volume of records without historic significance which are to be destroyed, shall be offered for sale by the City Purchaser. The sales contract must provide that the buyer guarantees to the satisfaction of the City Purchaser that the records will be shredded beyond identification or otherwise destroyed within a short period of time after taking delivery.

(Amended by Ord. 306-72, App. 10/19/72; Ord. 70-95, App. 3/24/95; Ord. 278-96, App. 7/3/96; Ord. 260-99, File No. 991365, App. 10/15/99)

SEC. 8.8. DISPOSAL OF OBSOLETE LAW BOOKS.

The City Attorney is authorized to destroy or otherwise dispose of any and all obsolete law books or other published legal materials in his or her possession or control which have been a part of the library of the office of the City Attorney once such materials have been superseded or are otherwise determined to be obsolete.

(Ord. No. 3646(1939), Sec. 1; amended by Ord. 330-00, File No. 001964, App. 12/28/2000)

SEC. 8.9. PRESERVATION OF ESSENTIAL RECORDS.

It is hereby declared that the public interest demands that various City and County records which would

be essential to the continuity of government and the protection of rights and interests of individuals in event of a major disaster (hereinafter referred to as "essential records") be preserved against possible destruction by fire, earthquake, flood, enemy attack or other cause. It shall be the duty of each department head to develop a program for the selection and preservation of the essential records of the department and to arrange for safe storage of those essential records and duplicates thereof in the same manner as is provided for the storage of permanent records under Section 8.4 of this Code.

(Amended by Ord. 126-62, App. 5/24/62; Ord. 530-88, App. 12/16/88)

SEC. 8.12.2. COST OF PUBLICATION, ETC.

When funds have been provided, the Purchaser of Supplies may publish such manuals, documents, pamphlets, bulletins or other publications as may be deemed to be in the best interests of the City and County, or for information, upon the recommendation of a department head, and with the approval of the Mayor or the Mayor's designee, board or commission.

The cost of handling and distribution by the Purchaser of Supplies in accordance herewith shall be payable out of the departmental funds referred to in this Section.

(Added by Ord. 259-73, App. 7/3/73; amended by Ord. 278-96, App. 7/3/96)

SEC. 8.12.3. DISPOSITION OF MONEY.

All moneys received from the sale of documents or printed publications shall be paid as revenue into the City and County treasury to the credit of the fund from which the cost of the printing of the manuals, documents, pamphlets or other publications sold shall have been paid.

(Added by Ord. 259-73, App. 7/3/73)

SEC. 8.12.4. FREE PUBLICATIONS.

Copies of publications of the Board of Supervisors required for the use of a City and County department shall be furnished upon issuance of a proper requisition supported by available funds of the requisitioning department. Subject to the requirements of Section 8.12.5, the Purchaser of Supplies shall, upon requisition from the Clerk of the Board of Supervisors, furnish, free of charge, copies of publications for distribution to such governmental agencies, persons or institutions affected with a public interest outside the City and County as request them, and which, in the opinion of the Clerk, are entitled to them by reason either of reciprocation or policy.

(Added by Ord. 259-73, App. 7/3/73; amended by Ord. 316-10, File No. 101098, App. 12/21/2010)

SEC. 8.12.5. ELECTRONIC DISTRIBUTION OF MULTI-PAGE DOCUMENTS.

(a) Subject to the provisions of subsection (b), no City officer, department, or agency shall publish, print or otherwise reproduce on paper multiple copies of any report, memorandum, study, form, or other document for general distribution, including an annual report required under Section 1.56, where the document is more than 10 pages in length. The officer, department, or agency shall instead distribute copies

of such documents electronically. Transmission of an electronic copy of the document to the appropriate person shall satisfy any requirement of the Municipal Code that a City officer, department, or agency submit or file the document.

(b) The City Administrator may waive the requirements of subsection (a) in whole or in part where an officer, department, or agency demonstrates that the use of paper copies is required by law or standard business practice, or that the use of paper copies will best inform members of the public.

(c) The City Administrator may adopt regulations to implement this Section, including regulations addressing the publication of particular classes of documents. Nothing in this Section shall prohibit a City officer or employee from printing a copy of any document for individual use, or upon request from a member of the public.

(d) Notwithstanding the provisions of subsection (a), boards, commissions, committees or other meeting bodies subject to the Brown Act or the Sunshine Ordinance may provide paper copies of their agenda and related materials to the general public, as well as provide paper copies of their agenda and related materials to their members upon request.

(e) It shall be City policy that where a City officer, department, or agency does publish, print or otherwise reproduce on paper multiple copies of any report, memorandum, study, form, or other document for general distribution under subsections (b), (c), or (d), the officer, department, or agency shall use the City's central print facility to reproduce the document.

(Added by Ord. 316-10, File No. 101098, App. 12/21/2010)

SEC. 8.13. SALE OF SYSTEMS TIME AND PROGRAMMING TIME.

The Purchaser of Supplies, with the approval of the Director of Telecommunications and Information Services, and the recommendation of the Controller, is authorized to enter into agreements to sell systems time and programming time at rates established by the Purchaser and the Controller.

(Added by Ord. 364-68, App. 12/26/68; amended by Ord. 278-96, App. 7/3/96; Ord. 316-10, File No. 101098, App. 12/21/2010)

SEC. 8.14. MEDICAL EXAMINER'S FEES FOR COPIES OF DOCUMENTS AND CERTAIN SERVICES.

(a) The Office of the Chief Medical Examiner is hereby authorized to charge the following fees to any persons or government agencies, including departments or agencies of the City and County of San Francisco, that request or require such documents or services:

Proof of death letter	$7.00
Statement of non-contagion	7.00
Certified copy of Medical Examiner's report	34.00

Disaster bag	49.00
Forensic autopsy by request	3,274.00
X-rays, per film	113.00
Copies of X-rays, per film	24.00
Re-cut microscopic slides, per slide	24.00
Use of viewing room by request	34.00
Storage of remains, per day	56.00
Removal of remains from place of death to OCME facility, Medical Examiner's cases	461.00
Transport of remains from rest homes or other agencies, non-Medical Examiner's cases	113.00
Cremation of remains by request	873.00
Certified forensic toxicology report	12.00
Certified supporting documentation for results of forensic toxicology report, per page	.90
Packaging and delivery of subpoenaed records to court	18.00
Specimen storage, per month	28.00
Expert testimony or consultation by OCME toxicologist (non-Ph.D.), per hour	282.00/ hour**
Expert testimony or consultation by OCME toxicologist (Ph.D.), per hour	400.00*[1]
Expert testimony or consultation by OCME forensic pathologist, per hour	584.00**
Expert testimony or consultation by OCME investigator, per hour	282.00**
Drug screening in blood or urine by ELISA (4 common drug categories)	400.00
Drug screening in blood or urine by ELISA (8 common drug categories)	600.00
Drug screening in blood or urine by ELISA (12 common drug categories)	800.00
Drug screening in blood or urine by GC/MS	1,200.00
Drug confirmation in urine, per drug	300.00
Drug confirmation and quantitation in blood, per drug	300.00
Drug screening in gastric contents or tissue by GC/MS	1,500.00
Drug confirmation in gastric contents or tissue, per drug	400.00
Date rape drug screening in urine	1,200.00
Date rape drug confirmation in urine, per drug	300.00

Drug screening and confirmation in hair, per hair specimen	4,000.00
Decedent's property mailing fee	40.00
Histology service, including embedding, cutting, routine H & E staining and coverslipping, per 4 cassettes	120.00
Forensic alcohol analysis, per case	160.00
Drug screening and confirmation in nails, per nail specimen	1,143.00
Preparation of specimen for shipment or release	60.00

** Travel and accommodation charges will be the responsibility of the requesting party.

Except as otherwise provided by law, the Office of the Chief Medical Examiner is authorized to charge a fee on a time-and-materials basis to issue documents or perform services other than those specified above. The fee charged shall not exceed the actual cost that the OCME incurs in providing the document or service to the requesting party.

(b) All cases brought into the Medical Examiner's Office facility shall be billed for transportation, personnel handling, and storage costs, except for the following categories of cases:

(1) Decedents under 14 years of age;

(2) Homicides;

(3) In custody or police-involved cases;

(4) Indigents (County disposition);

(5) Cases in which private charitable funds available to pay funeral costs would thereby be reduced so as to preclude payment;

(6) Cases specifically exempted by the Chief Medical Examiner or his or her designee.

(c) Beginning with fiscal year 2003-2004, fees set in this Section may be adjusted each year, without further action by the Board of Supervisors, to reflect changes in the relevant Consumer Price Index, as determined by the Controller.

No later than April 15th of each year, the Medical Examiner's Office shall submit its current fee schedule to the Controller, who shall apply the price index adjustment to produce a new fee schedule for the following year. The adjusted rates shall become operative on July 1.

(d) All fees received for documents and services mentioned in this Section shall be deposited with the Treasurer and shall be used to defray the costs incurred by the Medical Examiner in issuing such documents or providing such services.

(Amended by Ord. 231-82, App. 5/13/82; Ord. 120-87, App. 4/17/87; Ord. 222-92, App. 7/14/92; Ord. 169-95, App. 5/26/95; Ord. 384-96, App. 10/16/96; Ord. 156-02, File No. 021080, App. 7/12/2002; Ord. 163-04, File No. 040750, App. 7/22/2004; Ord. 177-05, File No. 050984, App. 7/29/2005; Ord. 182-07, File No. 070808, App. 8/3/2007; Ord. 167-09, File No. 090721, App. 7/21/2009; Ord. 168-13; File No. 130543, App. 8/2/2013, Eff. 9/1/2013)

CODIFICATION NOTE

1. So in Ord. 168-13.

SEC. 8.14-1. PENALTY ASSESSMENT FOR TESTING FOR ALCOHOL CONTENT.

(a) Pursuant to Penal Code Section 1463.14(b), there shall be an additional penalty of fifty dollars ($50.00) for criminal convictions for violation of Vehicle Code Sections 23152 or 23153, in addition to any other fines and forfeitures provided by law.

(b) All penalties collected under this Section shall be deposited with the Treasurer and shall be used to defray the costs incurred by the Medical Examiner in performing for the City and County analysis of blood, breath, or urine for alcohol content, or for services related to that testing.

(Added by Ord. 182-09, File No. 090837, 7/27/2009)

SEC. 8.15. FILING OR POSTING OF DEPARTMENTAL RULES AND REGULATIONS.

Rules and regulations of every department, board or commission shall be posted in a conspicuous place, or available for public inspection, in the principal office of the board, commission or department during normal business hours. Such rules and regulations shall be maintained in said principal offices in a current form. All additions, amendments and deletions to such rules and regulations shall be posted within 10 days of their enactment.

Any violation of the provisions of this Section shall be deemed to be official misconduct by those responsible and shall be punishable as provided in Section 15.104 of the Charter.

(Amended by Ord. 195-72, App. 7/7/72; Ord. 260-99, File No. 991365, App. 10/15/99)

SEC. 8.16. FILING OF ANNUAL REPORTS AND OFFICIAL DOCUMENTS WITH SAN FRANCISCO PUBLIC LIBRARY.

It shall be the duty of every official, board, commission or department, who or which publishes an annual report or other official published documents in hard copy, relative to the affairs under his or her or its control or related to his or her or its functions, to file at least two copies thereof with the Documents Department of the San Francisco Public Library within 10 days after publication of each such report or document. For annual reports posted on the City's website in accordance with Administrative Code Section 1.56, or other documents that are posted electronically, but not printed, posting the document and transmitting the Uniform Resource Location (URL) of the document to the Documents Department within 10 days after final approval of the report or other document shall constitute compliance with this paragraph.

Further, it shall be the duty of the secretary or other executive officer of each board, commission or committee thereof, to file with the Documents Department two copies of the agenda of each regularly scheduled meeting of such board, commission or committee thereof, at least 72 hours prior to the time of such meeting. For special meetings of boards, commissions or committees, the agenda shall be filed with the Documents Department not less than 24 hours prior to the meeting. In addition, such secretary shall file with the Documents Department two copies of the minutes of the action taken at any meeting of such board,

commission or committee thereof within 10 days of the date of such meeting. Any corrections, additions or amendments to said minutes shall be filed with the Documents Department within five working days after the date of any such correction, addition or amendment. The Documents Department shall retain such copies of agendas and minutes for a minimum period of 90 days.

The City Librarian shall designate a place in the central public library, accessible to the public, for the posting of agenda filed with the City Library pursuant to this Section. The City Librarian shall cause such agenda to be posted immediately upon receipt.

The reports or documents required to be filed pursuant to the provisions of this Section shall be made available by the Documents Department for reference thereto by the People of the City and County.

Any violation of the provisions of this Section on the part of any elective officer or any member of any board or commission shall be deemed to be official misconduct and any violation of the provisions of this Section on the part of any employee shall be deemed to be inattention to duties and considered cause for suspension or dismissal from service.

The provisions of this Section shall be deemed directory only. Failure to comply with the provisions of this Section shall not provide a basis for invalidating any action taken.

(Amended by Ord. 51-87, App. 2/27/87; Ord. 14-03, File No. 021815, App. 1/31/2003)

SEC. 8.17. MAILING OF DOCUMENTS.

Unless otherwise provided in this Section, each City employee, official, department, board or commission shall use interdepartmental mail, electronic mail, fax or in-person delivery by a City staff member, rather than using U.S. mail or private express, messenger or overnight delivery services when sending documents to other City departments, offices or agencies. This Section shall not apply to documents that are urgent, time-sensitive or confidential, including, but not limited to, personnel records, legal memoranda, documents relating to subpoenas, court filings or administrative hearings and other attorney-client communications. The responsible City department head or official shall determine for his or her department, board or commission, the types of documents that are urgent, time-sensitive or confidential for purposes of this Section, including the documents specified above. This Section shall not apply to documents sent to or from the Public Defender's Office, the District Attorney's office, the City Attorney's Office, the Hall of Justice, the Police Department, the Courts, the Grand Jury, the Airport, Port, Treasure Island or the offices of City departments or agencies outside of the boundaries of the City and County of San Francisco.

Further, it shall be the duty of the secretary or other executive officer of each board, commission or committee thereof, to update the mailing lists at least once annually for the meetings of their respective board, commission or committee in order to remove addresses of individuals or organizations who are no longer interested in receiving the materials or who are no longer residing or operating at the listed address.

(Added by Ord. 61-05, File No. 050136, App. 4/1/2005)

SEC. 8.21. LIBRARY COMMISSION – NOTE CARDS.

The Library Commission is hereby authorized to print and sell note cards depicting books and other works of art in its library collection. The sales price for said note cards shall be established jointly by the Library Commission and the Purchaser of Supplies. Any and all moneys received from the sale of such note

cards shall be deposited in the treasury in accordance with Charter provisions.

(Added by Ord. 279-65, App. 11/17/65)

SEC. 8.21-1. ESTABLISHMENT OF A LIBRARY PUBLICATION FUND.

(a) **Authority.** The Library Commission is hereby authorized to publish and sell, at no cost to the City and County, periodicals, monographs, pamphlets and books so published relating only to library subjects, San Francisco area subjects and San Francisco Library authorship as approved by the Library Commission.

(b) **Establish Fund.** There shall be established in the treasury of the City and County of San Francisco a special fund to be known and designated as the Library Publication Fund into which shall be deposited all monies received from the sale of any and all periodicals, monographs, pamphlets and books published pursuant to the authority herein contained.

The Library Commission is hereby authorized to accept any gift, devise or bequest for this purpose.

(c) **Use of Money in Publication Fund.** The monies received into the publication fund are hereby appropriated exclusively for the purpose of publishing and selling the items authorized and approved by the Library Commission.

(d) **Administration of an Expenditure from Publication Fund.** The sales price for said items shall be fixed by the Library Commission. Balances not in excess of $10,000 remaining in the fund at the close of any fiscal year shall have been deemed to have been provided for a specific purpose within the meaning of Section 6.306 of the Charter, and shall be carried forward and accumulated in said fund for the purposes recited herein. Monies in excess of $10,000 shall be transferred to the General Fund.

The Library Commission shall annually submit in writing to the Mayor, to the controller and to the Board of Supervisors a report showing the total receipts and disbursements of the preceding year together with a description of the items published.

(Added by Ord. 73-71, App. 3/25/71; amended by Ord. 156-99, File No. 990743, App. 6/2/99)

SEC. 8.21-2. LIBRARY FINES AND FEES.

(a) **Fee Schedule.** The Library Commission is hereby authorized to charge fines and fees for the use of library materials and services in accordance with the following schedule:

SAN FRANCISCO PUBLIC LIBRARY FINES & FEES SCHEDULE

OVERDUE FINES By Material		
ADULT MATERIALS	**DAILY**	**MAXIMUM**
Books	$0.10	$5.00
Phonorecords	$0.10	$5.00
Audiocassettes	$0.10	$5.00
Books on Tape	$0.10	$5.00

Compact Discs	$0.10	$5.00
Magazines	$0.10	$5.00
Paperbacks (Cataloged)	$0.10	$5.00
Paperbacks (Uncataloged)	$0.10	$2.00
Videos and Digital Video Discs (DVDs)	$0.10	$5.00
JUVENILE MATERIALS		
Depends on age of borrower (See Overdue Fines "by Patron" below.)		
SPECIAL MATERIALS	**DAILY**	**MAXIMUM**
Sheet Music	$0.10	$5.00
Orchestral/Music Sets	$0.25	$10.00
Vertical File Materials	$0.10	$5.00

OVERDUE FINES by Patron		
Fines: Adults (18-64 years)	$0.10	$5.00
Fines: Seniors (over 65)	$0.05	$5.00
Fines: Teens (13-17 years)	No fines	No fines
Fines: Children (0-12 years)	No fines	No fines
LIBRARY CARD REPLACEMENT		
Lost Card: Adult/Seniors	$1.00	
Lost Card: Youth (0-17 years)	$0.50	
PROCESSING FEE (PF)		
Processing fee; cataloged materials	$5.00	
Note regarding lost materials: Except for materials on interlibrary loan, (see subsection (c) below "Fees for Lost and Damaged Materials Owned by Other Libraries") the Library will charge the fair market value (FMV) of lost materials. The FMV shall be determined by the Library staff after consulting with relevant sources, which may include The Bowker Annual: Library and Book Trade Almanac. Where there is a conflict between the standard prices below and the FMV as determined by the Library, the Library shall charge the FMV.		
REPLACEMENT OF LOST MATERIALS		
Materials	Per Item	Maximum
Hardback: Adult/Teen Non-Fiction	$35.00 + PF	$40.00
Hardback: Adult/Teen Fiction	$25.00 + PF	$30.00
Hardback: Juvenile Non-Fiction	$20.00 + PF	$25.00
Hardback: Juvenile Fiction	$15.00 + PF	$20.00
Paperback: Cataloged		
Adult/Teen Non-Fiction	$20.00 + PF	$25.00
Adult/Teen Fiction	$10.00 + PF	$15.00
Juvenile Non-Fiction	$10.00 + PF	$15.00
Juvenile Fiction	$5.00 + PF	$10.00
Paperback: Uncataloged		
	$5.00	
Paperback/Hardback: International Generic Record		
	Price varies: $5.00-$15.00 depending on FMV	
Periodicals/Magazines	$5.00	

REPLACEMENT OF LOST MATERIALS		
Materials	Per Item	Maximum
Phonorecords	$15.00 + PF	$20.00
Audiocassettes	$10.00/tape	FMV of set + PF
Videos and DVDs	$20.00 + PF	$25.00
Supplementary materials, including booklets, libretti, maps, CDs, etc.	$3.00/item	
Sheet Music/Scores	$30.00 + PF	$35.00
Sheet Music/Uncataloged	$30.00 + PF	$35.00
Audio Books	$5.00/tape or CD	FMV of set + PF
Compact Discs	$15.00 + PF	$20.00
Language Sets	$10.00/item	FMV of set + PF
Vertical/Picture File	$5.00/item	
LOST/DAMAGED FEES		
Media case (lost)	$1.00	
Barcode label	$0.25	
Barcode & flyleaf	$1.00	
SERVICE FEES		
Borrowers		
San Francisco & California Residents	Free	
Visitor's Card (non-California)	$10.00	Non refundable 3 months duration
Firm (business) card	Free	
Restricted (no proof of residency)	Free	
Reserves	Free	
Inter-Library Loan and LINK +	Free	
Returned Check Fee	$10.00 (current City-wide charge, subject to revision by City)	
Books-by-mail	$3.00 or cost of shipping and handling, whichever is greater	
DOCUMENT DELIVERY AND SPECIAL SERVICES		
Inter-Library Loan; Photocopy	$0.25/page	
(maximum: 50 pages/day)		$5.00 rush
San Francisco History Center: photo shoot of photographs	$1.00/photo	
San Francisco History Center: scanning of photographs	$15.00 per 300 dpi existing scan; $20.00 per 300 dpi new scan; $35.00 per 600 dpi scan; $50.00 per 1,200 dpi scan; $35.00 per 3,000 dpi slides, negatives, or glass plates; $1.00 per CD	
San Francisco History Center: permission to publish photographs (for commercial purposes)	$15.00 per project in a single type of media or $100.00 per project in unlimited types of media + FMV of any additional labor required due to age or condition of photograph	

(b) **Fees for Special Meeting Room Uses.** The Library Commission is hereby authorized to charge fees for special uses of library meeting rooms in accordance with the following schedule:

Meeting Room Use	Free
Special Meeting Room Services	Flat Fee
Non-standard furniture set-up	$25.00
Custodial Services, Light Refreshments	$25.00
Custodial Sendees, Refreshments	$100.00
VHS/VCR Monitor/Technician	$30.00
Microphone	$30.00
Slide, VCR, Overhead projection	$30.00 flat fee (per/hour in Koret Auditorium)
	Per Hour Fee
Video/Film Projector/Projectionist	$30.00/hour
Multiple Microphone Set-up/Mixing	$30.00/hour
Web site patch. Powerpoint presentations	$30.00/hour
Audio Duplication/Technician	$30.00/hour
Engineer "Fire Watch" fee	$30.00/hour

(c) **Fees for Lost and Damaged Materials Owned by Other Libraries.** The Library is hereby authorized to collect fees for lost or damaged materials that its patrons have borrowed from another library via interlibrary loan (ILL) in accordance with the following:

(i) in the case of lost or damaged materials borrowed from a member library of the LINK+ library consortium, the Library may collect the replacement fee set by LINK+ which is currently $115.00 per item, provided that the Library shall collect only the actual replacement cost of the item when authorized to do so by the lending library:

(ii) for all other lost or damaged materials borrowed from another library via ILL, the Library may charge a replacement fee in the amount that is required by the lending library, which shall be either the FMV of the lost item(s) or an amount set by the lending library not to exceed $200.00 per item.

The fees authorized by this subsection shall be collected for the sole purpose of forwarding them to the lending library from which the lost or damaged item(s) was borrowed.

(d) **Ratification of Prior Fines and Fees.** All fines and fees previously charged for the use of library materials and services are hereby ratified.

(Added by Ord. 53-01, File No. 002067, App. 4/6/2001; amended by Ord. 171-08, File No. 080749, 7/30/2008; Ord. 164-13, File No. 130539, App. 8/2/2013, Eff. 9/1/2013)

SEC. 8.21-3. LIBRARY FEE AMNESTY PROGRAM.

The San Francisco Public Library ("Library") Commission shall be authorized to establish a library fee amnesty program to take place during a two-week period prior to July 1, 2001. The Library Commission, after notice and public hearing, is authorized to waive all fees charged for overdue San Francisco Public Library materials ("late fees") based on a finding that this amnesty program is likely to promote the return of needed Library materials or promote the increased use of the Library. Such amnesty program shall allow persons to return overdue Library materials without having to pay any late fees. However, in order for a person to obtain a waiver of their late fees, such person must return all overdue materials on their Library

account during the two-week amnesty period designated by the Library Commission. The Board of Supervisors, by resolution, may authorize the Library Commission to establish subsequent Library fee amnesty programs under the standards set forth in this section.

(Added by Ord. 64-01, File No. 010452, App. 4/27/2001)

SEC. 8.22. REGISTRAR'S FEES.

For the copying, certification, preparation or the borrowing of such records of the Registrar of Voters which citizens have a right by law to inspect and take a copy thereof, shall be paid to the Registrar of Voters, as follows:

(a) Photocopy of any such record not exceeding the size 8½ inches by 14 inches (per page) $ .50

(b) Photocopy of any such record exceeding the size of 8½ inches by 14 inches (per page) 2.00

(c) Certifying any such record (per page) 1.00

(d) Preparing any abstract of such record (this is in addition to certifying or searching) 1.00

(e) Searching voter registration lists (per year) .50

(f) Precinct book (per copy) at cost

(g) Index of registered voters (per 1000 names) .50

(h) Electronic data processing tape of the master index of voter registration for use in connection with election (as referred to in Resolution No. 517-67) (borrowing-per reel) 100.00

Such fees received by the Registrar of Voters shall be deposited with the City and County Treasurer, and the Controller shall reimburse the Registrar of Voters for the costs of materials and for the costs of interdepartmental services which must be paid for by the Registrar of Voters in order to perform the services and copy the documents referred to in this Section.

(Amended by Ord. 50-70, App. 3/2/70)

SEC. 8.23. POLICE DEPARTMENT FEES.

Notwithstanding the provisions of any other ordinance or resolution relating to application fees payable to secure any permit or license, the Police Commission of the City and County of San Francisco shall from time to time when necessary, with the concurrence of the Controller, fix the fees to be charged by the Police Department when furnishing reproductions of reports, records, documents, data, other material and for the imprinting and processing of fingerprints.

Such fees shall be not less than the cost to the Police Department for the reproducing, processing and furnishing of such reports, records, documents, data, other material and for the imprinting and processing of fingerprints.

There shall be no charge to governmental agencies or other institutions affected with a public interest which in the opinion of the Chief of Police are entitled to such reproductions of reports, records, documents, data, other material and for the imprinting and processing of fingerprints, by reason of policy or

reciprocation and for which the Police Department is not required to incur expenses in the reproducing, furnishing, imprinting or processing of such reports, records, documents, data, other material or fingerprints.

The Police Commission shall have full authority to adopt such rules, regulations and procedures as it deems necessary and properly related to the reproducing, furnishing and processing of said reproductions and shall have full authority to adopt rules, regulations and procedures for the imprinting and processing of fingerprints and the terms and conditions upon which said reproducing and furnishing of reports, records, documents, data, other material and the imprinting and processing of fingerprints shall be accomplished.

(Added by Ord. 225-71, App. 9/2/71)

SEC. 8.24. RECORDER'S FEES.

The Recorder is hereby authorized to charge fees for the copying of the microfiche grantor-grantee index as follows:

Photocopy of such grantor-grantee index (per page) $1.00.

Such fees received by the Recorder shall be deposited with the County Treasurer. The Controller shall reimburse the Recorder for the costs of materials and for the costs of interdepartmental services which must be paid for by the Recorder in order to copy the index referred to in this section.

(Added by Ord. 489-76, App. 12/10/76)

SEC. 8.24-1. ESTABLISHMENT OF A RECORDER'S FUND.

(a) The Recorder is hereby authorized to charge an additional one dollar for filing every instrument, paper, or notice for record, as permitted by Subdivision (a) of Section 27361.4 of the Government Code of the State of California.

(b) There shall be established in the treasury of the City and County of San Francisco a special fund to be known as the Document Storage Conversion Fund into which shall be deposited all the additional fees collected by the Recorder under the statutory authority above-referenced. The monies received into this fund are to be used exclusively to defray the cost of converting the Recorder's documents to micrographics, which includes the purchasing of reader/printers and a rapid computer-assisted retrieval system; the hiring of personnel; and the funding for micrographic training expenses, cabinets for storage and other related supplies, equipment, furniture and moving expenses. The expenditures from said fund shall be in accordance with the budget and fiscal provisions of the Charter. Any balance remaining in the fund at the close of any fiscal year shall have been deemed to have been provided for a specific purpose within the meaning of Section 6.306 of the Charter and shall be carried forward and accumulated in said fund for the purpose recited above. Upon completion of the conversion and payment of the costs therefor the additional fees authorized by this section shall no longer be imposed and the fund shall be terminated.

(Added by Ord. 13-81, App. 1/7/81; amended by Ord. 420-93, App. 12/29/93)

SEC. 8.24-2. ESTABLISHMENT OF A RECORDER'S MODERNIZATION FUND.

(a) There shall be established in the treasury of the City and County of San Francisco a special fund to

be known as the Recorder's Modernization Fund into which shall be deposited those portions of the fees collected by the Recorder that are described in Subsection (b) hereof. The monies received into this fund are to be used exclusively to pay the costs required to support, maintain, improve, and provide for the full operation for modernized creation, retention, and retrieval of information in the Recorder's system of recorded documents. The expenditures from said fund shall be in accordance with the budget and fiscal provisions of the Charter. Any balance remaining in the fund at the close of any fiscal year shall be deemed to have been provided for a specific purpose within the meaning of Section 6.306 of the Charter and shall be carried forward and accumulated in the fund for the purpose recited above.

(b) There shall be deposited into the Recorder's Modernization Fund the following:

(i) From the fees collected by the Recorder pursuant to the version of California Government Code Section 27361 that was adopted by Section 1 of Chapter 1156 of the Statutes of 1984 (which is operative until January 1, 1990, unless extended as provided therein), there shall be deposited $1 for each first page and $1 for each additional page or fraction of a page that is recorded; and

(ii) From the fees collected by the Recorder pursuant to the version of California Government Code Section 27361.3 that was adopted by Section 2 of Chapter 1156 of the Statutes of 1984 (which is operative until January 1, 1990, unless extended as provided therein), there shall be deposited $2 for each release of a lien, encumbrance or notice that is recorded.

(Added by Ord. 286-87, App. 7/2/87)

SEC. 8.24-3. ADDITIONAL FEE FOR FILING OF PRELIMINARY 20-DAY NOTICES.

(a) In addition to all other fees authorized by law for the recording, filing or indexing of instruments, papers or notices, the Recorder is hereby authorized to charge a fee of $15 for the filing of a preliminary 20-day notice pursuant to Section 3097, Subdivision (o), Paragraph (1) of the California Civil Code.

(b) The additional $15 fees that are collected by the Recorder pursuant to Subsection (a) of this Section 8.24-3 are to be used exclusively to defray the cost of implementing and maintaining a system to facilitate compliance with Section 3097, Subdivision (o), Paragraph (2) of the California Civil Code, which requires the mailing of certain notices to persons filing preliminary 20-day notices.

(Added by Ord. 316-88, App. 7/17/88)

SEC. 8.24-4. RECORDER'S ACCESS AND INDEXING FEES AND FUND.

(a) In addition to all other fees authorized by law for the recording, filing, or indexing of instruments, papers or notices for record, pursuant to Subdivisions (b) and (c) of Section 27361.4 of the California Government Code, the Recorder is hereby authorized to charge the following additional fees:

(i) A fee of $1 for the filing of every instrument, paper, or notice for record, provided, however, that the Recorder's Office shall be open every business day except for legal holidays and those holidays designated as judicial holidays pursuant to Section 135 of the California Code of Civil Procedure;

(ii) A fee of $1 for the filing of every instrument, paper, or notice for record, provided, however, that

every instrument, paper or notice charged with the additional fee hereby imposed shall be indexed within two business days after the date of recordation.

(b) There is hereby established in the treasury of the City and County of San Francisco a special fund to be known as the Recorder's Access and Indexing Fund into which shall be deposited all the additional fees collected pursuant to Subsection (a) of this Section. The monies in this fund shall be appropriated solely to defray the costs of maintaining Recorder's office open to the public every business day (with the exception of legal holidays and judicial holidays) and to defray the costs of indexing every instrument, paper, or notice for record within two business days after the date of recordation. Expenditures from the fund shall be in accordance with the budget and fiscal provisions of the Charter. Any balance remaining in the fund at the close of any fiscal year shall be deemed to have been provided for a specific purpose within the meaning of Section 6.306 of the Charter and shall be carried forward and accumulated in said fund for the purposes recited above.

(Added by Ord. 420-93, App. 12/29/93)

SEC. 8.24-5. REAL ESTATE FRAUD PROSECUTION RECORDATION FEE.

(a) **Establishment of Fee.** Pursuant to Section 27388 of the California Government Code, there is hereby established a fee of $3.00 that shall be paid to the Recorder at the time of recording every real estate instrument, paper, or notice required or permitted by law. This fee may be adjusted by the Controller, upon notice from the District Attorney, that the allowable recordation fee has been increased. Such fee shall be collected, administered, and expended in accordance with Section 27388 of the California Government Code. Money collected pursuant to this Section shall be used to fund programs to enhance the capacity of local police and prosecutors to deter, investigate, and prosecute real estate fraud crimes and other purposes hereafter authorized by State law.

(b) **Real Estate Fraud Prosecution Trust Fund Committee.** There is hereby established a Real Estate Fraud Prosecution Trust Fund Committee ("Committee") composed of the District Attorney, City Administrator, and City Attorney, each of whom may appoint an appropriate representative to serve on the committee. The Committee shall review applications and make determinations by majority vote as to the award of funds using the procedures and criteria required by Section 27388 of the California Government Code.

(c) **Annual Review.** The Board of Supervisors shall annually review the effectiveness of the District Attorney in deterring, investigating, and prosecuting real estate fraud crimes based upon information provided by the District Attorney in an annual report submitted to the Board of Supervisors in accordance with Section 27388(d) of the Government Code.

(d) **Administration of Funds.** Pursuant to Section 27388(g) of the Government Code, no money collected pursuant to this Section shall be expended to offset a reduction in any other source of funds. Funds from the Real Estate Fraud Prosecution Trust Fund shall be used only in connection with criminal investigations or prosecutions involving recorded real estate documents.

(e) Monies in this fund, including all interest earned, shall be deemed provided for specific purposes, as stated in this ordinance, and shall be carried forward at the end of each fiscal year, consistent with the provisions of the City Charter.

(Added by Ord. 413-97, App. 10/31/97; amended by Ord. 70-10, File No. 100045, App. 4/8/2010)

SEC. 8.24-6. SURVEY MONUMENT PRESERVATION FEE.

(a) Pursuant to California Government Code Sections 27584 and 27585, the Assessor-Recorder of the City and County of San Francisco is hereby authorized to collect a ten dollar ($10.00) user fee over and above any other fees required by law at the time of recording any grant deed subject to a documentary transfer tax for the conveyance of real property within the City and County of San Francisco.

(b) Grant deeds subject to the user fee shall include but not be limited to the following: parcels or lots created by Records of Survey; parcels or lots created by Official Maps; parcels or lots created by government surveys; and, parcels, lots, condominium units, or easements created by metes and bounds, exception, portion, or acreage descriptions, except those metes and bounds descriptions describing an entire lot or lots created by a recorded Parcel Map or Final Map. Grant deeds excluded from payment of the fee shall include the following: trust deeds; deeds conveying easements of oil or mineral rights only; deeds to or from government entities or agencies or officers thereof acting in their official capacities; deeds recorded or recorded solely for the purpose of correcting an error in a previously recorded document; and, deeds which describe the property conveyed as an entire lot or lots created by a recorded Parcel Map or Final Map.

(Added by Ord. 258-05, File No. 051461, App. 11/17/2005)

SEC. 8.24-7. SOCIAL SECURITY NUMBER TRUNCATION PROGRAM FEE.

(a) Pursuant to Government Code section 27301, the Assessor-Recorder of the City and County of San Francisco is hereby authorized to collect an additional recording fee of one dollar ($1.00) for recording the first page of every instrument, paper, or notice required or permitted by law to be recorded to be used solely for the implementation and ongoing operation of a Social Security Number Truncation Program.

(b) The fee authorized pursuant to this resolution shall discontinue after December 31, 2017 unless reauthorized by the Board of Supervisors;

(c) The Controller of the City and County of San Francisco shall conduct two reviews to verify that the funds generated by this fee are used only for the purpose of the Social Security Number Truncation Program within the timeframes provided under Section 27361(d)(4).

(Added by Ord. 163-08, File No. 080708, App. 7/30/2008)

SEC. 8.25. DESTRUCTION OF CRIMINAL HISTORY RECORDS.

Notwithstanding the provisions of any other ordinance or resolution relating to the copying and retention of records under its control, the Police Commission of the City and County of San Francisco is empowered to destroy criminal history records maintained or in the possession of the San Francisco Police Department in accordance with the current schedule of destruction of criminal history records of the Office of the Attorney General of the State of California.

If there be no current schedule of destruction of criminal history records of the Attorney General, the

Police Commission may establish such a schedule which in its good judgment will not adversely affect law enforcement.

The Police Commission shall have full authority to adopt such rules, regulations and procedures as it deems necessary and properly relating to the destruction of criminal history records.

(Added by Ord. 63-75, App. 2/26/75)

SEC. 8.26. CIVIL SERVICE COMMISSION INSPECTION AND FINGERPRINT FEES.

Following posting of a tentative list of eligibles, the examination papers of anyone eligible shall be available for inspection for a fee of five dollars, which fee is waived for eligibles who wish to inspect their own papers.

Notwithstanding the provisions of any other ordinance or resolution relating to fees, the Civil Service Commission of the City and County of San Francisco shall from time to time when necessary fix the fees to be charged by the Civil Service Commission when furnishing reproductions of reports, records, documents, data, other material and for the imprinting and processing of fingerprints.

Such fees shall not be less than the cost to the Civil Service Commission for the reproducing, processing and furnishing of such reports, records, documents, data, other material and for the imprinting and processing of fingerprints.

The Civil Service Commission shall have full authority to adopt such rules, regulations and procedures as it deems necessary and properly related to the reproducing, furnishing and processing of said reproductions. It shall have full authority to adopt rules, regulations and procedures for the imprinting and processing of fingerprints and the terms and conditions upon which said reproducing and furnishing of reports, records, documents, data, other material and the imprinting and processing of fingerprints shall be accomplished.

(Amended by Ord. 66-79, App. 2/9/79)

SEC. 8.27. SHERIFF'S DEPARTMENT FEES.

Notwithstanding the provisions of any other ordinance or resolution relating to application fees payable to secure any permit or license, the Sheriff of the City and County of San Francisco shall from time to time when necessary, with the concurrence of the Controller and the Board of Supervisors, fix the fees to be charged by the Sheriff's Department for the care and maintenance of prisoners from other jurisdictions; for the furnishing of reproductions of reports, records, documents, data, other materials; and for the imprinting and processing of fingerprints.

Such fees shall be not less than the cost to the Sheriff's Department for the care and maintenance of such prisoners; the reproducing, processing and furnishing of such reports, records, documents, data and other materials; and for the imprinting and processing of fingerprints.

There shall be no charge to governmental agencies or other institutions affected with a public interest and which in the opinion of the Sheriff are entitled to such reproductions of reports, records, documents, data, other material and for the imprinting and processing of fingerprints, by reason of policy or reciprocation and

for which the Sheriff's Department is not required to incur expenses in the reproducing, furnishing, imprinting or processing of such reports, records, documents, data, other material or fingerprints.

The Sheriff shall have full authority to adopt such rules, regulations and procedures as he or she deems necessary and properly related to the care and maintenance of prisoners from other jurisdictions and for the reproducing, furnishing and processing of said reproductions. The Sheriff shall have full authority to adopt rules, regulations and procedures for the imprinting and processing of fingerprints and the terms and conditions.

(Amended by Ord. 520-79, App. 10/19/79)

SEC. 8.27-1. BOOKING FEE; SHERIFF AND POLICE DEPARTMENTS.

If the State enacts booking fee legislation and budgets reimbursement funding for local governments, the Sheriff and Police Departments shall implement a booking fee and file for reimbursement from the State of California. If such a fee is implemented, the Controller shall establish a work order authorization between the Sheriff and Police Departments covering the full costs of the activity and revise each department's budget accordingly.

(Added by Ord. 201-05, File No. 051139, App. 7/29/2005)

SEC. 8.28. CITY PLANNING FEES.

The Department of City Planning is hereby authorized to charge fees for reproducing records which citizens have a right by law to inspect and copy as follows:

1. Photocopy of any record not exceeding 8-½ inches by 14 inches (per page) $0.10

2. Photocopy of any record exceeding 8-½ inches by 14 inches (per page) $0.10

The Department of City Planning is hereby authorized to sell printed copies of the Master Plan, or any element thereof, and printed copies of other reports produced by the Department. The charges for such printed copies shall be determined by the Department of City Planning, but shall not exceed the cost to the Department for the reproduction of such reports.

There shall be no charge for one copy of the Master Plan and any elements thereof to governmental agencies or to a person who certifies under penalty of perjury that he or she is a duly authorized representative of an organization that is on the Department of City Planning's list of San Francisco neighborhood nonprofit organizations. The Department of City Planning shall issue written guidelines setting forth the procedure for an organization being included on such list.

(Added by Ord. 92-86, App. 3/21/86; amended by Ord. 214-94, App. 6/2/94)

SEC. 8.29. RESERVED.

(Added by Ord. 393-87, App. 9/18/87; amended by Ord. 156-99, File No. 990743, App. 6/2/99; repealed by Ord. 65-10, File No. 100044, App. 4/2/2010)

SEC. 8.30. ADULT PROBATION DEPARTMENT – PROJECT 20 ADMINISTRATIVE FEE.

(a) The Adult Probation Department is hereby authorized to charge adult offenders an administrative fee to participate in the community service alternative sentencing program of Project 20, when offenders elect to participate as an alternative to the payment of fines, pursuant to California Vehicle Code Section 40700 (b). Such fee shall be charged to defray the costs of interviewing, placing, monitoring, and reporting the performance of Project 20 participants.

(b) Adult offenders, who elect to perform a specified number of hours of community service through Project 20 of the Adult Probation Department, shall be subject to the payment of an administrative fee to the Adult Probation Department. Such fee shall be determined by the Adult Probation Department to recover costs incurred for the administration of the program and shall be approved by the Board of Supervisors. Such fee shall be at a rate that is no less than $10 and no more than $75. Performance of alternative community service work shall not commence until the total fee due is paid in full to the Adult Probation Department.

The Project 20 administrative fee shall be determined according to the following schedule:

Number of Community Service Hours Ordered	**Fee Amount**
1 to 25	$10.00
26 to 50	20.00
51 to 75	30.00
76 to 100	40.00
101 to 125	50.00
126 to 150	60.00
151 to 175	70.00
176 and up	75.00

(c) **Inter-County Transfer Fee.** An Inter-County Transfer Fee shall be charged at a fixed rate of $25 to offenders who request or who are referred by a court or a probation department of a jurisdiction outside of the City and County of San Francisco to perform alternative community service within the boundaries of the City and County of San Francisco. The Inter-County Transfer Fee shall also be charged at the same rate for the administrative costs incurred by the Adult Probation Department to process requests for referral of San Francisco residents to perform alternative sentencing community service outside of the City and County of San Francisco.

(d) **Waiver or Adjustment of Fees.** Guidelines to determine the financial ability of offenders to pay the administrative fee shall be established by the Adult Probation Department. Such guidelines shall include, but not be limited to, a review by the Adult Probation Department of documentation sufficient to evaluate the offender's income level. Upon its review, the Adult Probation Department may reduce the rate or waive the

administrative fee where it determines that the offender is unable to pay all or a portion of the full fee. Any person 65 years of age or over and who has no source of income other than Social Security Benefits shall not be subject to the payment of the Project 20 administrative fee.

(e) **Deposit of Revenue.** Project 20 administrative fees received by the Adult Probation Department shall be deposited with the City and County Treasurer, and the Controller shall reimburse the Adult Probation Department for the costs of departmental services to perform the functions and operations referred to in this Section.

(Added by Ord. 362-88, App. 8/5/88; amended by Ord. 430-88, App. 9/16/88)

SEC. 8.31. ADULT PROBATION DEPARTMENT – RESTITUTION COLLECTION FEE.

(a) The Adult Probation Department is hereby authorized to collect a fee to cover the actual administrative cost of collecting any victim restitution included in an order of the court. The administrative fee shall be paid in addition to the restitution payment and shall be 10 percent of the amount ordered to be paid to the victim. The proceeds of the fee collection shall be deposited in the general fund for appropriation by the Board of Supervisors.

(Added by Ord. 222-89, App. 6/22/89)

SEC. 8.31-1. ADULT PROBATION DEPARTMENT – RESTITUTION FINE ADMINISTRATIVE FEE.

(a) The Adult Probation Department is hereby authorized to charge a fee to cover the actual administrative cost of collecting any restitution fine and shall be 10 percent of the amount ordered to be paid, pursuant to Section 13967 of the Government Code. The fee shall be added to the restitution fine and included in the order of the court. The fee collection proceeds shall be deposited in the general fund and appropriated by the Board of Supervisors.

(Added by Ord. 223-89, App. 6/22/89)

SEC. 8.32. SMALL CLAIMS COURT JUDGMENT DEBTOR FEE.

In accordance with the provisions of Section 117.9 (c)(2) of the California Code of Civil Procedure, the Clerk of the Municipal Court of the City and County of San Francisco is hereby authorized and directed to collect the sum of $25 from each judgment debtor who pays the judgment of a small claims court to the court in which the judgment was entered rather than to the judgment creditor directly.

(Added by Ord. 27-90, App. 1/24/90)

SEC. 8.33.1. COUNTY CLERK'S FEES.

(a) Pursuant to Government Code Sections 54985 through 54987 and 26831 and Business and Professions Code Section 22352, the County Clerk is hereby authorized to charge fees to defray the actual cost of issuance of the following documents and the provision of the following services, notwithstanding the fees otherwise set or limited by State law. Any persons requesting the following documents or services shall

pay the following fees:

Public marriage license (County Clerk's portion of license fee only; additional statutory surcharges apply)	$50.00
Confidential marriage license (County Clerk's portion of license fee only; additional statutory surcharges apply)	50.00
Filing of Declaration of Domestic Partnership	40.00
Filing of Amendment to Declaration of Domestic Partnership	40.00
Duplicate copy of marriage license	16.00
Amendment to marriage license	20.00
Souvenir marriage certificate with seal	5.00
Performance of marriage/Domestic Partnership ceremony in City Hall	60.00
During regular business hours	60.00
On weekends or holidays	100.00
Issuance of authority to perform ceremony and oath	100.00
Filing fictitious business name statement	37.00
Additional name or registrant on same statement	9.00
Filing affidavit of publication	6.00
Withdrawing partner or abandoning fictitious business statement	30.00
Administration of oath and filing notary public bond (does not include additional state fees for recording)	30.00
Surrender of notary journal	12.00
Filing, revoking, canceling or withdrawing power of attorney (surety insurer)	27.00
Additional name	7.00
Process server identification card	10.00
Processing of fingerprint cards (not including State Department of Justice fee)	10.00
Verification of public official/notary public authentication	10.00
Search of County Clerk's files	7.50
Copies of records on file	
(per page, pages 1 through 3)	4.50
(each additional page)	0.10
Certifying/endorsing documents or copies of documents	1.50
Fictitious business name or marriage license index records	
Records for one day	9.50
Records for one week	9.50
Records for two weeks	20.00
Records for one month	20.00
Diskette	1.00
New client fee	15.00
Delivery handling fee	10.00
Environmental impact report, administration fee	30.00

Notary Services	
Acknowledgement	10.00
Jurat	10.00

Such fees received by the County Clerk shall be deposited with the City and County Treasurer. Portions of the fees for marriage licenses shall be disbursed in accordance with Government Code Sections 26840, 26840.1, 26840.3, 26840.7, and 26840.8 and San Francisco Administrative Code Section 10.117-21.

(b) Beginning with fiscal year 2003-2004, fees set in this Section shall be adjusted each year, without further action by the Board of Supervisors, to reflect changes in the relevant Consumer Price Index, as determined by the Controller. Except, fees charged for notary services provided by the County Clerk shall be adjusted, without further action of the Board of Supervisors, to reflect changes in Government Code Section 8211, or any subsequent amendment of that section.

No later than April 15th of each year, the County Clerk shall submit its current fee schedule to the Controller, who shall apply the price index adjustment to produce a new fee schedule for the following year.

No later than May 15th of each year, the Controller shall file a report with the Board of Supervisors reporting the new fee schedule and certifying that: (a) the fees produce sufficient revenue to support the costs of providing the services for which each fee is assessed, and (b) the fees do not produce revenue which is significantly more than the costs of providing the services for which each fee is assessed.

(Added by Ord. 323-98, App. 10/30/98; amended by Ord. 155-02, File No. 021079, App. 7/12/2002; Ord. 83-04, File No. 040102, App. 5/20/2004; Ord. 227-04, File No. 040505, App. 9/23/2004)

SEC. 8.33.2. COUNTY ASSESSOR-RECORDER'S FEES.

Pursuant to Government Code Sections 54985 through 54987 and 27366, the County Assessor-Recorder is hereby authorized to charge fees to defray the actual cost of issuance of the following documents and the provision of the following services, notwithstanding the fees otherwise set or limited by State law. Any persons requesting the following documents or services shall pay the following fees:

Duplicates of recorded maps	
(first page)	$5.00
(each additional page)	3.00
Copies of records on file	
(per page, pages 1 through 3)	3.00
(each additional page)	0.50
Certifying/conforming copies of documents	1.00
Microfilm of daily film of recordings (per roll)	25.00
Microfiche (per frame)	2.00
Notary Services	
Acknowledgment	10.00

Jurat	10.00

(b) Such fees received by the Assessor-Recorder shall be deposited with the City and County Treasurer. Fees charged for notary services provided by the Assessor-Recorder shall be adjusted, without further action of the Board of Supervisors, to reflect changes in Government Code Section 8211, or any subsequent amendment of that section.

(Added by Ord. 323-98, App. 10/30/98; amended by Ord. 227-04, File No. 040505, App. 9/23/2004)

SEC. 8.34. TAX COLLECTOR FEES.

The Tax Collector is hereby authorized and directed to advertise the sale of tax-defaulted real estate and all specific parcels intended for tax-default sale by preparing lists which include all parcels included in the tax sale and the specific information for each parcel that is required to be disclosed by State law and mailing those lists to interested persons upon their specific request. The Tax Collector is hereby authorized to charge and collect a fee of $20 for each list of tax-defaulted real estate parcels mailed to interested persons in advance of the date when the notice of sale is published in a newspaper of general circulation. This fee represents the reasonable cost of preparing and mailing the list to interested prospective bidders.

(Added by Ord. 163-92, App. 6/10/92)

SEC. 8.34.1. TAX BILLING – ADMINISTRATIVE FEES.

(a) **Application for Separate Valuation.** Pursuant to Section 2821 of the California Revenue and Taxation Code, a fee of fifty dollars ($50.00) shall be collected by the Tax Collector at the time any person applies to the Tax Collector to have any parcel separately valued on the current roll for the purpose of paying taxes. The fee shall be for the actual costs incurred by the Tax Collector for the processing of an application for separate assessment, and the initial ongoing costs of separate assessment, billings, and mailings. The fee may be billed separately or prior to initial separate tax bills, or both, or collected on subsequent tax bills, and shall be deposited in the General Fund.

(b) **Delinquent Property Taxes - Payments.** Pursuant to Section 4217 of the California Revenue and Taxation Code, persons that request to pay delinquent property taxes in installments shall be subject to a processing fee of twenty dollars ($20.00). The fee shall be paid to the Tax Collector and may be collected on the tax bill.

(c) **Preparation and Provision of Documents.** Pursuant to Section 162 of the California Revenue and Taxation Code, the Tax Collector shall charge and collect a fee of one dollar ($1.00) for preparing each of the following documents:

(1) A certified copy of a redemption certificate;

(2) A certified copy of an installment redemption receipt;

(3) A certificate of payment showing taxes paid;

(4) A certified copy of an assessment as entered on the assessment role.

The fee for providing a copy of any of these records or documents by photographic process shall be the

actual cost thereof plus the sum of one dollar ($1.00). The fee shall be placed in the General Fund.

(d) **Notary Fees.** Any person requesting notary service shall pay the following fees:

Notary Services	
Acknowledgment	$10.00
Jurat	$10.00

(e) Notary fees received by the Tax Collector shall be deposited with the City and County Treasurer. Fees charged for notary services provided by the Tax Collector shall be adjusted, without further action of the Board of Supervisors, to reflect changes in Government Code Section 8211, or any subsequent amendment of that section.

(f) **Notice of Delinquency.** Pursuant to California Revenue and Taxation Code Section 2621 and California Government Code Section 54985, after the second installment of taxes on the secured roll is delinquent, the Tax Collector may charge a forty-five dollar ($45.00) fee for preparing the delinquent tax records and for giving notice of delinquency on each separate valuation on the secured property tax roll of (a) real property, except possessory interests; and (b) possessory interests; and personal property cross-secured to real property.

(g) **Redemption of Tax-Defaulted Property.** Pursuant to California Revenue and Taxation Code Section 4102 and California Government Code Section 54985, the Tax Collector may charge a fifty-five dollars ($55.00) fee for processing the redemption of each separately valued tax-defaulted parcel.

(h) **Automatic Adjustment for Inflation.** Beginning with fiscal year 2009-2010, the fees set in subsections (f) and (g) shall be adjusted each year, without further action by the Board of Supervisors, to reflect changes in the relevant Consumer Price Index, as determined by the Controller.

No later than April 15th of each year, the Tax Collector shall submit its current fee schedule to the Controller, who shall apply the price index adjustment to produce a new fee schedule for the following year.

No later than May 15th of each year, the Controller shall file a report with the Board of Supervisors reporting the new fee schedule and certifying that: (a) the fees produce sufficient revenue to support the costs of providing the services for which each fee is assessed, and (b) the fees do not produce revenue which is significantly more than the costs of providing the services for which each fee is assessed.

(Added by Ord. 307-96, App. 7/25/96; amended by Ord. 227-04, File No. 040505, App. 9/23/2004; Ord. 121-08, File No. 080662, App. 7/11/2008)

SEC. 8.36. JUVENILE PROBATION DEPARTMENT – RESTITUTION COLLECTION FEE.

The Juvenile Probation Department is hereby authorized to collect a fee to cover the actual administrative cost of collecting any victim restitution fine included in an order of the court pursuant to Welfare and

Institutions Code Section 730.6. The administrative fee shall not exceed 10 percent of the restitution amount ordered to be paid. The administrative fee shall be added to the restitution fine and included in the court order. Any administrative fees so collected shall be deposited in the general fund and shall be used to defray the costs incurred by the Juvenile Probation Department in collecting such restitution.

(Added by Ord. 302-92, App. 9/25/92)

SEC. 8.36-1. JUVENILE PROBATION DEPARTMENT – STEPPARENT ADOPTIONS.

(a) The Juvenile Probation Department is hereby authorized to charge fees to defray the actual costs including investigation costs, of stepparent adoptions, pursuant to Civil Code Section 227.30. Maximum charge shall not exceed $200 per adoption and the Department may waive, reduce, or defer the fee when payment would cause economic hardship to the prospective parent which would be detrimental to the adoptive child's welfare.

(b) All fees received by the Juvenile Probation Department in payment for stepparent adoptions shall be deposited in the general fund and shall be used by the Department in providing such services.

(Added by Ord. 302-92, App. 9/25/92)

SEC. 8.37. CLERK OF THE BOARD OF SUPERVISORS – FEES.

(a) The Clerk of the Board of Supervisors is hereby authorized to charge and collect fees to defray the cost of the issuance of the following specific documents and the providing of the following services and any persons requesting such documents or services shall pay the following fee:

Item	Unit	Fee Rate
Certification of document	Per document	$1.75
Copies of Audio Tape Recordings	Per tape	1.00
Photocopies of pages		
For documents routinely produced in multiple copies (such as agendas and related materials), plus postage if mailed	Per page	.01
For documents produced on a one-time basis, plus postage if mailed	Per page	.10

(b) The Clerk of the Board is further authorized, in his or her best discretion, to waive, partially or wholly, any of the fees authorized by this Section when exigent circumstances arise, such as, but not limited to, the need to work cooperatively with other governmental agencies, or the inability of the requesting person to pay for the requested service.

(c) Each of the fees listed above shall be adjusted annually to reflect changes in the Consumer Price Index, as determined by the Controller, and shall be rounded to the nearest whole dollar.

(Added by Ord. 52-93, App. 2/25/93; amended by Ord. 29-04, File No. 032026, App. 3/2/2004)

SEC. 8.38. ADULT PROBATION BOOKING FEE.

(a) Subject to the conditions and limitations of Section 29550.3 of the Government Code, the City and County of San Francisco elects to establish and collect an administrative fee pursuant to the standards and procedures set forth in Section 29550.1 of the Government Code to be collected from persons arrested, convicted, and subsequently placed on probation. This fee shall be established by the Controller in consultation with the Sheriff's Department, and shall be collected by the Adult Probation Department.

(b) The fee authorized by Subsection (a) shall reflect but not exceed the actual administrative costs, including applicable overhead costs, incurred in processing arrested persons. The fee shall be set initially at $125. The Controller shall, not later than January 1st of each year, reexamine and if necessary, adjust the fee to ensure that it continues to reflect the costs of the services provided, except that the fee shall in no event exceed $150. Proceeds received from collection of the fee shall be deposited in the General Fund.

(c) At the time the court grants probation, the Adult Probation Department shall request that the defendant be ordered to pay the fee authorized by Subsection (a). However, a defendant shall not be required to pay the fee if the court determines, based upon the following criteria, that the defendant lacks the ability to pay. A defendant's ability to pay shall mean his or her overall capability to pay the fee authorized by Subsection (a). Evaluation of a defendant's ability to pay shall include, but shall not be limited to, the individual's:

(1) Present financial position;

(2) Reasonably discernible future financial position. In no event shall the court consider a period of more than six months from the date that probation is granted for purposes of determining reasonably discernible future financial position;

(3) Likelihood that the defendant shall be able to obtain employment within six months from the date probation is granted;

(4) Any other factor or factors that may bear upon the defendant's financial capability to reimburse the County for the costs.

(Added by Ord. 237-95, App. 7/7/95)

SEC. 8.39. REGIONAL TRANSIT DISCOUNT IDENTIFICATION CARD FEES.

The Public Transportation Department is hereby authorized to charge fees to defray the actual cost of processing and issuing Regional Transit Discount Identification Cards. Any persons requesting such cards shall pay the following fees:

New Cards	$3.00
Renewed Cards	3.00

Lost Cards	5.00

All fees received for such cards shall be deposited with the Treasurer and shall be used to defray the costs incurred by the Public Transportation Department or its contractors in processing and issuing such cards.

(Added by Ord. 65-98, App. 2/26/98)

SEC. 8.40. DEPARTMENT OF PUBLIC WORKS ("DPW") GEOGRAPHIC INFORMATION SYSTEM ("GIS") DATA LICENSE AGREEMENTS; RATIFICATION OF PRIOR FEES.

All fees previously collected by the City under GIS data license agreements entered into since July 1, 1998 and before the effective date of this Section are hereby ratified.

(Added by Ord. 111-01, File No. 010105, App. 5/25/2001)

SEC. 8.41. CONTROLLER'S FEES.

(a) **Property Tax Certificate.** The Controller may collect a fee of $40.00 for issuing a property tax certificate under California Government Code Section 66492 or its successor.

(b) **W-2 Replacement.** The Controller may collect a fee of $20.00 for issuing a replacement W-2 form.

(Added by Ord. 188-03, File No. 030982, App. 7/25/2003)

SEC. 8.42. PENALTY ASSESSMENT FOR EMERGENCY MEDICAL SERVICES.

(a) Pursuant to Government Code Section 76000.5, there is hereby established an additional penalty of two dollars ($2.00) over that currently levied under Penal Code Section 1464 for every ten dollars ($10.00) or fraction thereof upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including violations of the Vehicle Code or local ordinances adopted pursuant to the Vehicle Code, as authorized by Penal Code Sections 1464 and 1465, with the exceptions noted therein. The revenues from this assessment shall go to the Public Health Emergency Medical Services Fund established in Section 10.100-195 of this Code. Pursuant to Government Code Section 76000.5(b), these increased penalties shall not offset or reduce the funding of other programs from other sources, but shall result in increased funding to those programs.

(b) This section shall expire on January 1, 2009, unless the Legislature deletes or extends the expiration date for Government Code Section 76000.5 adopted as part of Chapter 841 of the Statutes of 2006.

(Added by Ord. 120-07, File No. 070325, App. 5-25-2007)

SEC. 8.43. MAYOR'S OFFICE OF HOUSING ADMINISTRATIVE FEES.

(a) **Authority.** The Mayor's Office of Housing or its successor("MOH") is hereby authorized to charge fees to defray the cost of issuing, administering, and processing documents related to certain housing transactions. Said fees shall be due at the time of filing an application. Failure to pay such fees shall result in a return of the application as incomplete to the applicant. Any persons requesting or requiring the following services shall pay the following fees:

Mortgage Credit Certificate	$600 per application
Refinance Mortgage Credit Certificate	$600 per application
Down-payment assistance loan	$500 per application
First-time homebuyer loan	$500 per application
Escrow account administration	$200 per borrower
Loan subordination fee, single family borrowers	$500 per subordination
Loan servicing fee, multifamily rental projects	$2,000 per application plus time and materials charges

Other actions not specified above shall be based on actual costs that MOH incurs in administering and processing the action or procedure and shall be charged on a time and materials basis. MOH shall provide the applicant with a written estimate of said costs at the time of application, and the applicant shall pay such fees prior to the time that the application is deemed complete. To the extent that the estimated fees do not cover actual costs, any outstanding amount due shall be a condition of MOH's final decision on the action or procedure. To the extent that the estimated fees exceeded the actual costs, MOH shall refund the excess amount to the applicant within a reasonable period after MOH's final decision on the action or procedure.

(b) **Additional Costs.** In instances where administration of any application or document is or will exceed the fee amount established pursuant to Section 8.43(a), the Director of the Mayor's Office of Housing, in his or her discretion, may require an applicant to pay a sum in excess of the subject fee amounts. This additional sum shall be sufficient to recover actual costs that MOH incurs and shall be charged on a time and materials basis. The Director also may charge any time or materials costs that other agencies, boards, commissions, or departments of the City, including the City Attorney's, Office incur in connection with the processing or administration of a particular application. Whenever additional fees are or will be charged, the Director, upon request of the applicant, shall provide in writing the basis for the additional fees or an estimate of the additional fees to be charged.

(c) Payment of fees charged under this Code does not waive the fee requirements of other ordinances and rules and regulations pursuant thereto.

(d) **Fee Calculation Method.** Establishment of the fees for each category and use specified in section 8.43(a) shall be based on the Department's actual costs to process and administer the particular application. Said fees may include the actual costs that other agencies, boards, commission, or department of the City incur in connection with processing or administering these programs. Beginning with fiscal year 2011-2012, fees set in this Section may be adjusted each year, without further action by the Board of Supervisors, to reflect changes in the relevant Consumer Price Index, as determined by the Controller. No later than April 15th of each year, the Director shall submit its current fee schedule to the Controller, who

shall apply the price index adjustment to produce a new fee schedule for the following year. No later than May 15th of each year, the Controller shall file a report with the Board of Supervisors reporting the new fee schedule and certifying that: (a) the fees produce sufficient revenue to support the costs of providing the services for which each fee is assessed, and (b) the fees do not produce revenue which is significantly more than the costs of providing the services for which each fee is assessed. The Controller shall, if necessary, adjust the fees upward or downward for the upcoming fiscal year as appropriate to ensure that the Mayor's Office of Housing recovers the costs of operation without producing revenue that is significantly more than such costs. The adjusted rates shall become operative on July 1.

(Added by Ord. 186-10, File No. 100705, App. 7/23/2010)

Provisions of the Sunshine Ordinance - Section 67

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Select Language

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Sec. 67.1 Findings And Purpose.

The Board of Supervisors and the People of the City and County of San Francisco find and declare:

(a) Government"s duty is to serve the public, reaching its decisions in full view of the public.

(b) Elected officials, commissions, boards, councils and other agencies of the City and County exist to conduct the people"s business. The people do not cede to these entities the right to decide what the people should know about the operations of local government.

(c) Although California has a long tradition of laws designed to protect the public"s access to the workings of government, every generation of governmental leaders includes officials who feel more comfortable conducting public business away from the scrutiny of those who elect and employ them. New approaches to government constantly offer public officials additional ways to hide the making of public policy from the public. As government evolves, so must the laws designed to ensure that the process remains visible.

(d) The right of the people to know what their government and those acting on behalf of their government are doing is fundamental to democracy, and with very few exceptions, that right supersedes any other policy interest government officials may use to prevent public access to information. Only in rare and unusual circumstances does the public benefit from allowing the business of government to be conducted in secret, and those circumstances should be carefully and narrowly defined to prevent public officials from abusing their authority.

(e) Public officials who attempt to conduct the public"s business in secret should be held accountable for their actions. Only a strong Open Government and Sunshine Ordinance, enforced by a strong Sunshine Ordinance Task Force, can protect the public"s interest in open government.

(f) The people of San Francisco enact these amendments to assure that the people of the City remain in control of the government they have created.

(g) Private entities and individuals and employees and officials of the City and County of San Francisco have rights to privacy that must be respected. However, when a person or entity is before a policy body or passive meeting body, that person, and the public, has the right to an open and public process. (Added by Ord. 265-93, App. 8/18/93; amended by Proposition G, 11/2/99)

Sec. 67.2. Citation.

This Chapter may be cited as the San Francisco Sunshine Ordinance. (Added by Ord. 265-93, App. 8/18/93; amended by Proposition G, 11/2/99)

Sec. 67.3. Definitions.

Whenever in this Article the following words or phrases are used, they shall have the following meanings:

(a) "City" shall mean the City and County of San Francisco.

(b) "Meeting" shall mean any of the following:

(1) A congregation of a majority of the members of a policy body at the same time and place;

(2) A series of gatherings, each of which involves less than a majority of a policy body, to hear, discuss or deliberate upon any item that is within the subject matter jurisdiction of the City, if the cumulative result is that a majority of members has become involved in such gatherings; or

(3) Any other use of personal intermediaries or communications media that could permit a majority of the members of a policy body to become aware of an item of business and of the views or positions of other members with respect thereto, and to negotiate consensus thereupon.

(4) "Meeting" shall not include any of the following:

(A) Individual contacts or conversations between a member of a policy body and another person that do not convey to the member the views or positions of other members upon the subject matter of the contact or conversation and in which the member does not solicit or encourage the restatement of the views of the other members;

(B) The attendance of a majority of the members of a policy body at a regional, statewide or national conference, or at a meeting organized to address a topic of local community concern and open to the public, provided that a majority of the members refrains from using the occasion to collectively discuss the topic of the gathering or any other business within the subject matter jurisdiction of the City; or

(C) The attendance of a majority of the members of a policy body at a purely social, recreational or ceremonial occasion other than one sponsored or organized by or for the policy body itself, provided that a majority of the members refrains from using the occasion to discuss any business within the subject matter jurisdiction of this body. A meal gathering of a policy body before, during or after a business meeting of the body is part of that meeting and shall be conducted only under circumstances that

permit public access to hear and observe the discussion of members. Such meetings shall not be conducted in restaurants or other accommodations where public access is possible only in consideration of making a purchase or some other payment of value.

(D) Proceedings of the Department of Social Services Child Welfare Placement and Review Committee or similar committees which exist to consider confidential information and make decisions regarding Department of Social Services clients.

(c) "Passive meeting body" shall mean:

(1) Advisory committees created by the initiative of a member of a policy body, the Mayor, or a department head;

(2) Any group that meets to discuss with or advise the Mayor or any Department Head on fiscal, economic, or policy issues;

(3) Social, recreational or ceremonial occasions sponsored or organized by or for a policy body to which a majority of the body has been invited.

(4) "Passive meeting body" shall not include a committee that consists solely of employees of the City and County of San Francisco created by the initiative of a member of a policy body, the Mayor, or a department head;

(5) Notwithstanding the provisions of paragraph (4) above, "Passive meeting body" shall include a committee that consists solely of employees of the City and County of San Francisco when such committee is reviewing, developing, modifying, or creating city policies or procedures relating to the public health, safety, or welfare or relating to services for the homeless;

(d) "Policy Body" shall mean:

(1) The Board of Supervisors;

(2) Any other board or commission enumerated in the charter;

(3) Any board, commission, committee, or other body created by ordinance or resolution of the Board of Supervisors;

(4) Any advisory board, commission, committee or body, created by the initiative of a policy body;

(5) Any standing committee of a policy body irrespective of its composition.

(6) "Policy Body" shall not include a committee which consists solely of employees of the City and County of San Francisco, unless such committee was established by charter or by ordinance or resolution of the Board of Supervisors.

(7) Any advisory board, commission, committee, or council created by a federal, state, or local grant whose members are appointed by city officials, employees or agents. (Added by Ord. 265-93, App. 8/18/93; amended by Ord. 129-98, App. 4/17/98; Proposition G, 11/2/99)

Sec. 67.4. Passive Meetings.

(a) All gatherings of passive meeting bodies shall be accessible to individuals upon inquiry and to the extent possible consistent with the facilities in which they occur.

(1) Such gatherings need not be formally noticed, except on the City"s website whenever possible, although the time, place and nature of the gathering shall be disclosed upon inquiry by a member of the public, and any agenda actually prepared for the gathering shall be accessible to such inquirers as a public record.

(2) Such gatherings need not be conducted in any particular space for the accommodation of members of the public, although members of the public shall be permitted to observe on a space available basis consistent with legal and practical restrictions on occupancy.

(3) Such gatherings of a business nature need not provide opportunities for comment by members of the public, although the person presiding may, in his or her discretion, entertain such questions or comments from spectators as may be relevant to the business of the gathering.

(4) Such gatherings of a social or ceremonial nature need not provide refreshments to spectators.

(5) Gatherings subject to this subsection include the following: advisory committees or other multimember bodies created in writing or by the initiative of, or otherwise primarily formed or existing to serve as a non-governmental advisor to, a member of a policy body, the Mayor, the City Administrator, a department head, or any elective officer, and social, recreational or ceremonial occasions sponsored or organized by or for a policy body to which a majority of the body has been invited. This subsection shall not apply to a committee which consists solely of employees of the City and County of San Francisco.

(6) Gatherings defined in subdivision (5) may hold closed sessions under circumstances allowed by this Article.

(b) To the extent not inconsistent with state or federal law, a policy body shall include in any contract with an entity that owns, operates or manages any property in which the City has or will have an ownership interest, including a mortgage, and on which the entity performs a government function related to the furtherance of health, safety or welfare, a requirement that any meeting of the governing board of the entity to address any matter relating to the property or its government related

activities on the property, or performance under the contract or grant, be conducted as provided in subdivision (a) of this section. Records made available to the governing board relating to such matters shall be likewise available to the public, at a cost not to exceed the actual cost up to 10 cents per page, or at a higher actual cost as demonstrated in writing to such governing board. (Added by Ord. 265-93, App. 8/18/93; amended by Ord. 287-96, App. 7/12/96; Proposition G, 11/2/99)

Sec. 67.5. Meetings To Be Open And Public; Application Of Brown Act.

All meetings of any policy body shall be open and public, and governed by the provisions of the Ralph M. Brown Act (Government Code Sections 54950 et. seq.) and of this article. In case of inconsistent requirements under the Brown Act and this article, the requirement which would result in greater or more expedited public access shall apply. (Added by Ord. 265-93, App. 8/18/93; amended by Proposition G, 11/2/99)

Sec. 67.6. Conduct Of Business; Time And Place For Meetings.

(a) Each policy body, except for advisory bodies, shall establish by resolution or motion the time and place for holding regular meetings.

(b) Unless otherwise required by state or federal law or necessary to inspect real property or personal property which cannot be conveniently brought within the territory of the City and County of San Francisco or to meet with residents residing on property owned by the City, or to meet with residents of another jurisdiction to discuss actions of the policy body that affect those residents, all meetings of its policy bodies shall be held within the City and County of San Francisco.

(c) If a regular meeting would otherwise fall on a holiday, it shall instead be held on the next business day, unless otherwise rescheduled in advance.

(d) If, because of fire, flood, earthquake or other emergency, it would be unsafe to meet at the regular meeting place, meetings may be held for the duration of the emergency at some other place specified by the policy body. The change of meeting site shall be announced, by the most rapid means of communication available at the time, in a notice to the local media who have requested written notice of special meetings pursuant to Government Code Section 54956. Reasonable attempts shall be made to contact others regarding the change in meeting location.

(e) Meetings of passive meeting bodies as specified in Section 67.6(d)(4) of this article shall be preceded by notice delivered personally or by mail, e-mail, or facsimile as reasonably requested at least 72 hours before the time of such meeting to each person who has requested, in writing, notice of such meeting. If the advisory body elects to hold regular meetings, it shall provide by bylaws, or whatever other rule is utilized by that advisory body for the conduct of its business, for the time and place for holding such regular meetings. In such case, no notice of regular meetings, other than the posting of an agenda pursuant to Section 67.7 of this article in the place used by the policy body which it advises, is required.

(f) Special meetings of any policy body, including advisory bodies that choose to establish regular meeting times, may be called at any time by the presiding officer thereof or by a majority of the members thereof, by delivering personally or by mail written notice to each member of such policy body and the local media who have requested written notice of special meetings in writing. Such notice of a special meeting shall be delivered as described in (e) at least 72 hours before the time of such meeting as specified in the notice. The notice shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at such meetings. Such written notice may be dispensed with as to any member who at or prior to the time the meeting convenes files with the presiding officer or secretary of the body or commission a written waiver of notice. Such waiver may be given by telegram. Such written notice may also be dispensed with as to any member who is actually present at the meeting at the time it convenes. Each special meeting shall be held at the regular meeting place of the policy body except that the policy body may designate an alternate meeting place provided that such alternate location is specified in the notice of the special meeting; further provided that the notice of the special meeting shall be given at least 15 days prior to said special meeting being held at an alternate location. This provision shall not apply where the alternative meeting location is located within the same building as the regular meeting place.

(g) If a meeting must be canceled, continued or rescheduled for any reason, notice of such change shall be provided to the public as soon as is reasonably possible, including posting of a cancellation notice in the same manner as described in section 67.7(c), and mailed notice if sufficient time permits. (Added by Ord. 265-93, App. 8/18/93; amended by Proposition G, 11/2/99)

Sec. 67.7. Agenda Requirements; Regular Meetings.

(a) At least 72 hours before a regular meeting, a policy body shall post an agenda containing a meaningful description of each item of business to be transacted or discussed at the meeting. Agendas shall specify for each item of business the proposed action or a statement the item is for discussion only. In addition, a policy body shall post a current agenda on its Internet site at least 72 hours before a regular meeting.

(b) A description is meaningful if it is suf-ficiently clear and specific to alert a person of average intelligence and education whose interests are affected by the item that he or she may have reason to attend the meeting or seek more information on the item. The description should be brief, concise and written in plain, easily understood English. It shall refer to any explanatory

documents that have been provided to the policy body in connection with an agenda item, such as correspondence or reports, and such documents shall be posted adjacent to the agenda or, if such documents are of more than one page in length, made available for public inspection and copying at a location indicated on the agenda during normal office hours.

(c) The agenda shall specify the time and location of the regular meeting and shall be posted in a location that is freely accessible to members of the public.

(d) No action or discussion shall be undertaken on any item not appearing on the posted agenda, except that members of a policy body may respond to statements made or questions posed by persons exercising their public testimony rights, to the extent of asking a question for clarification, providing a reference to staff or other resources for factual information, or requesting staff to report back to the body at a subsequent meeting concerning the matter raised by such testimony.

(e) Notwithstanding subdivision (d), the policy body may take action on items of business not appearing on the posted agenda under any of the following conditions:

(1) Upon a determination by a majority vote of the body that an accident, natural disaster or work force disruption poses a threat to public health and safety.

(2) Upon a good faith, reasonable determination by a two-thirds vote of the body, or, if less than two-thirds of the members are present, a unanimous vote of those members present, that (A) the need to take immediate action on the item is so imperative as to threaten serious injury to the public interest if action were deferred to a subsequent special or regular meeting, or relates to a purely commendatory action, and (B) that the need for such action came to the attention of the body subsequent to the agenda being posted as specified in subdivision (a).

(3) The item was on an agenda posted pursuant to subdivision (a) for a prior meeting of the body occurring not more than five calendar days prior to the date action is taken on the item, and at the prior meeting the item was continued to the meeting at which action is being taken.

(f) Each board and commission enumerated in the charter shall ensure that agendas for regular and special meetings are made available to speech and hearing impaired persons through telecommunications devices for the deaf, telecommunications relay services or equivalent systems, and, upon request, to sight impaired persons through Braille or enlarged type.

(g) Each policy body shall ensure that notices and agendas for regular and special meetings shall include the following notice:

KNOW YOUR RIGHTS UNDER
THE SUNSHINE ORDINANCE

(Chapter 67 of the San Francisco Administrative Code)

Government"s duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils and other agencies of the City and County exist to conduct the people"s business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people"s review.

FOR MORE INFORMATION
ON YOUR RIGHTS UNDER THE SUNSHINE
ORDINANCE OR TO REPORT A VIOLATION
OF THE ORDINANCE, CONTACT THE
SUNSHINE ORDINANCE TASK FORCE.

(h) Each agenda of a policy body covered by this Sunshine Ordinance shall include the address, area code and phone number, fax number, e-mail address, and a contact person"s name for the Sunshine Ordinance Task Force. Information on how to obtain a free copy of the Sunshine Ordinance shall be included on each agenda. (Added by Ord. 265-93, App. 8/18/93; amended by Ord. 292-95, App. 9/8/95; Ord. 185-96, App. 5/8/96; Proposition G, 11/2/99)

Sec. 67.7-1. Public Notice Requirements.

(a) Any public notice that is mailed, posted or published by a City department, board, agency or commission to residents residing within a specific area to inform those residents of a matter that may impact their property or that neighborhood area, shall be brief, concise and written in plain, easily understood English.

(b) The notice should inform the residents of the proposal or planned activity, the length of time planned for the activity, the effect of the proposal or activity, and a telephone contact for residents who have questions.

(c) If the notice informs the public of a public meeting or hearing, then the notice shall state that persons who are unable to attend the public meeting or hearing may submit to the City, by the time the proceeding begins, written comments regarding the subject of the meeting or hearing, that these comments will be made a part of the official public record, and that the comments will be brought to the attention of the person or persons conducting the public meeting or hearing. The notice should also state the name and address of the person or persons to whom those written comments should be submitted. (Added by Ord.

185-96, App. 5/8/96; amended by Proposition G, 11/2/99)

Sec. 67.8. Agenda Disclosures: Closed Sessions.

(a) In addition to the brief general description of items to be discussed or acted upon in open and public session, the agenda posted pursuant to Government Code Section 54954.2, any mailed notice given pursuant to Government Code Section 54954.1, and any call and notice delivered to the local media and posted pursuant to Government Code Section 54956 shall specify and disclose the nature of any closed sessions by providing all of the following information:

(1) With respect to a closed session held pursuant to Government Code Section 54956.7:

LICENSE/PERMIT DETERMINATION:

applicant(s)

The space shall be used to specify the number of persons whose applications are to be reviewed.

(2) With respect to every item of business to be discussed in closed session pursuant to Government Code Section 54956.8:

CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Property:

Person(s) negotiating:

Under negotiation:

Price: Terms of payment: Both:

The space under "Property" shall be used to list an address, including cross streets where applicable, or other description or name which permits a reasonably ready identification of each parcel or structure subject to negotiation. The space under "Person(s) negotiating" shall be used to identify the person or persons with whom negotiations concerning that property are in progress. The spaces under "Under negotiation" shall be checked off as applicable to indicate which issues are to be discussed.

(3) With respect to every item of business to be discussed in closed session pursuant to Government Code Section 54956.9, either:

CONFERENCE WITH LEGAL COUNSEL

Existing litigation:

Unspecified to protect service of process

Unspecified to protect settlement posture

or:

CONFERENCE WITH LEGAL COUNSEL

Anticipated litigation:

As defendant As plaintiff

The space under "Existing litigation" shall be used to specifically identify a case under discussion pursuant to subdivision (a) of Government Code Section 54956.9, including the case name, court, and case number, unless the identification would jeopardize the City"s ability to effectuate service of process upon one or more unserved parties, in which instance the space in the next succeeding line shall be checked, or unless the identification would jeopardize the City"s ability to conclude existing settlement negotiations to its advantage, in which instance the space in the next succeeding line shall be checked. If the closed session is called pursuant to subdivision (b) or (c) of Section 54956.9, the appropriate space shall be checked under "Anticipated litigation" to indicate the City"s anticipated position as defendant or plaintiff respectively. If more than one instance of anticipated litigation is to be reviewed, space may be saved by entering the number of separate instances in the "As defendant" or "As plaintiff" spaces or both as appropriate.

(4) With respect to every item of business to be discussed in closed session pursuant to Government Code Section 54957, either:

THREAT TO PUBLIC SERVICES OR FACILITIES

Name, title and agency of law enforcement officer(s) to be conferred with:

or:

PUBLIC EMPLOYEE APPOINTMENT/HIRING

Title/description of position(s) to be filled:

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Position and, in the case of a routine evaluation, name of employee(s) being evaluated:

or:

PUBLIC EMPLOYEE DISMISSAL

Number of employees affected:

or:

(5) With respect to every item of business to be discussed in closed session pursuant to Government Code Section 54957.6, either:

CONFERENCE WITH NEGOTIATOR--COLLECTIVE BARGAINING

Name and title of City"s negotiator:

Organization(s) representing:

Police officers, firefighters and airport police

Transit Workers

Nurses

Miscellaneous Employees

Anticipated issue(s) under negotiation:

Wages

Hours

Benefits

Working Conditions

Other (specify if known)

All

Where renegotiating a memorandum of understanding or negotiating a successor memorandum of under-standing, the name of the memorandum of under-standing:

In case of multiple items of business under the same category, lines may be added and the location of information may be reformatted to eliminate unnecessary duplication and space, so long as the relationship of information concerning the same item is reasonably clear to the reader. As an alternative to the inclusion of lengthy lists of names or other information in the agenda, or as a means of adding items to an earlier completed agenda, the agenda may incorporate by reference separately prepared documents containing the required information, so long as copies of those documents are posted adjacent to the agenda within the time periods required by Government Code Sections 54954.2 and 54956 and provided with any mailed or delivered notices required by Sections 54954.1 or 54956. (Added by Ord. 265-93, App. 8/18/93; amended by Proposition G, 11/2/99)

Sec. 67.8-1. Additional Requirements for Closed Sessions.

(a) All closed sessions of any policy body covered by this Ordinance shall be either audio recorded or audio and video recorded in their entirety and all such recordings shall be retained for at least TEN years, or permanently where technologically and economically feasible. Closed session recordings shall be made available whenever all rationales for closing the session are no longer applicable. Recordings of closed sessions of a policy body covered by this Ordinance, wherein the justification for the closed session is due to "anticipated litigation" shall be released to the public in accordance with any of the following provisions: TWO years after the meeting if no litigation is filed; UPON EXPIRATION of the statute of limitations for the anticipated litigation if no litigation is filed; as soon as the controversy leading to anticipated litigation is settled or concluded.

(b) Each agenda item for a policy body covered by this ordinance that involve existing litigation shall identify the court, case number, and date the case was filed on the written agenda. For each agenda item for a group covered by this ordinance that involves anticipated litigation, the City Attorney"s Office or the policy body shall disclose at any time requested and to any member of the public whether such anticipated litigation developed into litigation and shall identify the court, case number, and date the case was filed. (Added by Proposition G, 11/2/99)

Sec. 67.9. Agendas And Related Materials: Public Records.

(a) Agendas of meetings and any other documents on file with the clerk of the policy body, when intended for distribution to all, or a majority of all, of the members of a policy body in connection with a matter anticipated for discussion or consideration at a public meeting shall be made available to the public. To the extent possible, such documents shall also be made available through the policy body"s Internet site. However, this disclosure need not include any material exempt from public disclosure under this ordinance.

(b) Records which are subject to disclosure under subdivision (a) and which are intended for distribution to a policy body prior to

commencement of a public meeting shall be made available for public inspection and copying upon request prior to commencement of such meeting, whether or not actually distributed to or received by the body at the time of the request.

(c) Records which are subject to disclosure under subdivision (a) and which are distributed during a public meeting but prior to commencement of their discussion shall be made available for public inspection prior to commencement of, and during, their discussion.

(d) Records which are subject to disclosure under subdivision (a) and which are distributed during their discussion at a public meeting shall be made available for public inspection immediately or as soon thereafter as is practicable.

(e) A policy body may charge a duplication fee of one cent per page for a copy of a public record prepared for consideration at a public meeting, unless a special fee has been established pursuant to the procedure set forth in Section 67.28(d). Neither this section nor the California Public Records Act (Government Code sections 6250 et seq.) shall be construed to limit or delay the public"s right to inspect any record required to be disclosed by that act, whether or not distributed to a policy body. (Added by Ord. 265-93, App. 8/18/93; amended by Proposition G, 11/2/99)

Sec. 67.10. Closed Sessions: Permitted Topics.

A policy body may, but is not required to, hold closed sessions:

(a) With the Attorney General, district attorney, sheriff, or chief of police, or their respective deputies, on matters posing a threat to the security of public buildings or a threat to the public"s right of access to public services or public facilities.

(b) To consider the appointment, employment, evaluation of performance, or dismissal of a City employee, if the policy body has the authority to appoint, employ, or dismiss the employee, or to hear complaints or charges brought against the employee by another person or employee unless the employee complained of requests a public hearing. The body may exclude from any such public meeting, and shall exclude from any such closed meeting, during the comments of a complainant, any or all other complainants in the matter. The term "employee" as used in this section shall not include any elected official, member of a policy body or applicant for such a position, or person providing services to the City as an independent contractor or the employee thereof, including but not limited to independent attorneys or law firms providing legal services to the City for a fee rather than a salary.

(c) Notwithstanding section (b), an Executive Compensation Committee established pursuant to a Memorandum of Understanding with the Municipal Executives Association may meet in closed session when evaluating the performance of an individual officer or employee subject to that Memorandum of Understanding or when establishing performance goals for such an officer or employee where the setting of such goals requires discussion of that individual"s performance.

(d) Based on advice of its legal counsel, and on a motion and vote in open session to assert the attorney-client privilege, to confer with, or receive advice from, its legal counsel regarding pending litigation when discussion in open session concerning those matters would likely and unavoidably prejudice the position of the City in that litigation. Litigation shall be considered pending when any of the following circumstances exist:

(1) An adjudicatory proceeding before a court, administrative body exercising its adjudicatory authority, hearing officer, or arbitrator, to which the City is a party, has been initiated formally; or,

(2) A point has been reached where, in the opinion of the policy body on the advice of its legal counsel, based on existing facts and circumstances, there is a significant exposure to litigation against the City, or the body is meeting only to decide whether a closed session is authorized pursuant to that advice or, based on those facts and circumstances, the body has decided to initiate or is deciding whether to initiate litigation.

(3) A closed session may not be held under this section to consider the qualifications or engagement of an independent contract attorney or law firm, for litigation services or otherwise.

(e) With the City"s designated representatives regarding matters within the scope of collective bargaining or meeting and conferring with public employee organizations when a policy body has authority over such matters.

(1) Such closed sessions shall be for the purpose of reviewing the City"s position and instructing its designated representatives and may take place solely prior to and during active consultations and discussions between the City"s designated representatives and the representatives of employee organizations or the unrepresented employees. A policy body shall not discuss compensation or other contractual matters in closed session with one or more employees directly interested in the outcome of the negotiations.

(2) In addition to the closed sessions authorized by subsection 67.10(e)(1), a policy body subject to Government Code Section 3501 may hold closed sessions with its designated representatives on mandatory subjects within the scope of representation of its represented employees, as determined pursuant to Section 3504. (Added by Ord. 265-93, App. 8/18/93; amended by Ord. 37-98, App. 1/23/98; Proposition G, 11/2/99)

Sec. 67.11. Statement Of Reasons For Closed Sessions.

Prior to any closed session, a policy body shall state the general reason or reasons for the closed session, and shall cite the statutory authority, including the specific section and subdivision, or other legal authority under which the session is being held. In the closed session, the policy body may consider only those matters covered in its statement. In the case of regular and special meetings, the statement shall be made in the form of the agenda disclosures and specifications required by Section 67.8 of this article. In the case of adjourned and continued meetings, the statement shall be made with the same disclosures and specifications required by Section 67.8 of this article, as part of the notice provided for the meeting.

In the case of an item added to the agenda as a matter of urgent necessity, the statement shall be made prior to the determination of urgency and with the same disclosures and specifications as if the item had been included in the agenda pursuant to Section 67.8 of this article. Nothing in this section shall require or authorize a disclosure of information prohibited by state or federal law. (Added by Ord. 265-93, App. 8/18/93; amended by Proposition G, 11/2/99)

Sec. 67.12. Disclosure Of Closed Session Discussions And Actions.

(a) After every closed session, a policy body may in its discretion and in the public interest, disclose to the public any portion of its discussion that is not confidential under federal or state law, the Charter, or non-waivable privilege. The body shall, by motion and vote in open session, elect either to disclose no information or to disclose the information that a majority deems to be in the public interest. The disclosure shall be made through the presiding officer of the body or such other person, present in the closed session, whom he or she designates to convey the information.

(b) A policy body shall publicly report any action taken in closed session and the vote or abstention of every member present thereon, as follows:

(1) Real Property Negotiations: Approval given to a policy body"s negotiator concerning real estate negotiations pursuant to Government Code Section 54956.8 shall be reported as soon as the agreement is final. If its own approval renders the agreement final, the policy body shall report that approval, the substance of the agreement and the vote thereon in open session immediately. If final approval rests with another party to the negotiations, the body shall disclose the fact of that approval, the substance of the agreement and the body"s vote or votes thereon upon inquiry by any person, as soon as the other party or its agent has informed the body of its approval. If notwithstanding the final approval there are conditions precedent to the final consummation of the transaction, or there are multiple contiguous or closely located properties that are being considered for acquisition, the document referred to in subdivision (b) of this section need not be disclosed until the condition has been satisfied or the agreement has been reached with respect to all the properties, or both.

(2) Litigation: Direction or approval given to the body"s legal counsel to prosecute, defend or seek or refrain from seeking appellate review or relief, or to otherwise enter as a party, intervenor or amicus curiae in any form of litigation as the result of a consultation pursuant to Government Code Section 54956.9 shall be reported in open session as soon as given, or at the first meeting after an adverse party has been served in the matter if immediate disclosure of the City"s intentions would be contrary to the public interest. The report shall identify the adverse party or parties, any co-parties with the City, any existing claim or order to be defended against or any factual circumstances or contractual dispute giving rise to the City"s complaint, petition or other litigation initiative.

(3) Settlement: A policy body shall neither solicit nor agree to any term in a settlement which would preclude the release of the text of the settlement itself and any related documentation communicated to or received from the adverse party or parties. Any written settlement agreement and any documents attached to or referenced in the settlement agreement shall be made publicly available at least 10 calendar days before the meeting of the policy body at which the settlement is to be approved to the extent that the settlement would commit the City or a department thereof to adopting, modifying, or discontinuing an existing policy, practice or program or otherwise acting other than to pay an amount of money less than $50,000. The agenda for any meeting in which a settlement subject to this section is discussed shall identify the names of the parties, the case number, the court, and the material terms of the settlement. Where the disclosure of documents in a litigation matter that has been settled could be detrimental to the city"s interest in pending litigation arising from the same facts or incident and involving a party not a party to or otherwise aware of the settlement, the documents required to be disclosed by subdivision (b) of this section need not be disclosed until the other case is settled or otherwise finally concluded.

(4) Employee Actions: Action taken to appoint, employ, dismiss, transfer or accept the resignation of a public employee in closed session pursuant to Government Code Section 54957 shall be reported immediately in a manner that names the employee, the action taken and position affected and, in the case of dismissal for a violation of law or of the policy of the City, the reason for dismissal. "Dismissal" within the meaning of this ordinance includes any termination of employment at the will of the employer rather than of the employee, however characterized. The proposed terms of any separation agreement shall be immediately disclosed as soon as presented to the body, and its final terms shall be immediately disclosed upon approval by the body.

(5) Collective Bargaining: Any collectively bargained agreement shall be made publicly available at least 15 calendar days before the meeting of the policy body to which the agreement is to be reported.

(c) Reports required to be made immediately may be made orally or in writing, but shall be supported by copies of any

contracts, settlement agreements, or other documents related to the transaction that were finally approved or adopted in the closed session and that embody the information required to be disclosed immediately shall be provided to any person who has made a written request regarding that item following the posting of the agenda, or who has made a standing request for all such documentation as part of a request for notice of meetings pursuant to Government Code Sections 54954.1 or 54956.

(d) A written summary of the information required to be immediately reported pursuant to this section, or documents embodying that information, shall be posted by the close of business on the next business day following the meeting, in the place where the meeting agendas of the body are posted. (Added by Ord. 265-93, App. 8/18/93; amended by Proposition G, 11/2/99)

Sec. 67.13. Barriers To Attendance Prohibited.

(a) No policy body shall conduct any meeting, conference or other function in any facility that excludes persons on the basis of actual or presumed class identity or characteristics, or which is inaccessible to persons with physical disabilities, or where members of the public may not be present without making a payment or purchase. Whenever the Board of Supervisors, a board or commission enumerated in the charter, or any committee thereof anticipates that the number of persons attending the meeting will exceed the legal capacity of the meeting room, any public address system used to amplify sound in the meeting room shall be extended by supplementary speakers to permit the overflow audience to listen to the proceedings in an adjacent room or passageway, unless such supplementary speakers would disrupt the operation of a City office.

(b) Each board and commission enumerated in the charter shall provide sign language interpreters or note-takers at each regular meeting, provided that a request for such services is communicated to the secretary or clerk of the board or commission at least 48 hours before the meeting, except for Monday meetings, for which the deadline shall be 4 p.m. of the last business day of the preceding week.

(c) Each board and commission enumerated in the charter shall ensure that accessible seating for persons with disabilities, including those using wheelchairs, is made available for each regular and special meeting.

(d) Each board and commission enumerated in the charter shall include on the agenda for each regular and special meeting the following statement: "In order to assist the City"s efforts to accommodate persons with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City accommodate these individuals."

(e) The Board of Supervisors shall seek to provide translators at each of its regular meetings and all meetings of its committees for each language requested, where the translation is necessary to enable San Francisco residents with limited English proficiency to participate in the proceedings provided that a request for such translation services is communicated to the Clerk of the Board of Supervisors at least 48 hours before the meeting. For meetings on a Monday or a Tuesday, the request must be made by noon of the last business day of the preceding week. The Clerk of the Board of Supervisors shall first solicit volunteers from the ranks of City employees and/or from the community to serve as translators. If volunteers are not available the Clerk of the Board of Supervisors may next solicit translators from non-profit agencies, which may be compensated. If these options do not provide the necessary translation services, the Clerk may employ professional translators. The unavailability of a translator shall not affect the ability of the Board of Supervisors or its committees to deliberate or vote upon any matter presented to them. In any calendar year in which the costs to the City for providing translator services under this subsection exceeds $20,000, the Board of Supervisors shall, as soon as possible thereafter, review the provisions of this subsection. (Added by Ord. 265-93, App. 8/18/93; amended by Ord. 292-95, App. 9/8/95; Ord. 482-96, App. 12/20/96; Proposition G, 11/2/99)

Sec. 67.14. Video and Audio Recording, Filming And Still Photography.

(a) Any person attending an open and public meeting of a policy body shall have the right to record the proceedings with an audio or video recorder or a still or motion picture camera, or to broadcast the proceedings, in the absence of a reasonable finding of the policy body that the recording or broadcast cannot continue without such noise, illumination or obstruction of view as to constitute a persistent disruption of the proceedings.

(b) Each board and commission enumerated in the charter shall audio record each regular and special meeting. Each such audio recording, and any audio or video recording of a meeting of any other policy body made at the direction of the policy body shall be a public record subject to inspection pursuant to the California Public Records Act (Government Code Section 6250 et seq.), and shall not be erased or destroyed. Inspection of any such recording shall be provided without charge on an appropriate play back device made available by the City. (Added by Ord. 265-93, App. 8/18/93; amended by Proposition G, 11/2/99)

(c) Every City policy body, agency or department shall audio or video record every noticed regular meeting, special meeting, or hearing open to the public held in a City Hall hearing room that is equipped with audio or video recording facilities, except to the extent that such facilities may not be available for technical or other reasons. Each such audio or video recording shall be a public record subject to inspection pursuant to the California Public Records Act (Government Code Section 6250 et seq.), and shall not be erased or destroyed. The City shall make such audio or video recording available in digital form at a centralized location on the City's web site (www.sfgov.org) within seventy-two hours of the date of the meeting or hearing and for a period of

at least two years after the date of the meeting or hearing. Inspection of any such recording shall also be provided without charge on an appropriate play back device made available by the City. This subsection (c) shall not be construed to limit or in any way modify the duties created by any other provision of this article, including but not limited to the requirements for recording closed sessions as stated in Section 67.8-1 and for recording meetings of boards and commissions enumerated in the Charter as stated in subsection (b) above. (Added by Ord. 80-08, App. 5/13/08)

Sec. 67.15. Public Testimony.

(a) Every agenda for regular meetings shall provide an opportunity for members of the public to directly address a policy body on items of interest to the public that are within policy body"s subject matter jurisdiction, provided that no action shall be taken on any item not appearing on the agenda unless the action is otherwise authorized by Section 67.7(e) of this article. However, in the case of a meeting of the Board of Supervisors, the agenda need not provide an opportunity for members of the public to address the Board on any item that has already been considered by a committee, composed exclusively of members of the Board, at a public meeting wherein all interested members of the public were afforded the opportunity to address the committee on the item, before or during the committee"s consideration of the item, unless the item has been substantially changed since the committee heard the item, as determined by the Board.

(b) Every agenda for special meetings at which action is proposed to be taken on an item shall provide an opportunity for each member of the public to directly address the body concerning that item prior to action thereupon.

(c) A policy body may adopt reasonable regulations to ensure that the intent of subdivisions (a) and (b) are carried out, including, but not limited to, regulations limiting the total amount of time allocated for public testimony on particular issues and for each individual speaker. Each policy body shall adopt a rule providing that each person wishing to speak on an item before the body at a regular or special meeting shall be permitted to be heard once for up to three minutes. Time limits shall be applied uniformly to members of the public wishing to testify.

(d) A policy body shall not abridge or prohibit public criticism of the policy, procedures, programs or services of the City, or of any other aspect of its proposals or activities, or of the acts or omissions of the body, on the basis that the performance of one or more public employees is implicated, or on any basis other than reasonable time constraints adopted in regulations pursuant to subdivision (c) of this section.

(e) To facilitate public input, any agenda changes or continuances shall be announced by the presiding officer of a policy body at the beginning of a meeting, or as soon thereafter as the change or continuance becomes known to such presiding officer. (Added by Ord. 265-93, App. 8/18/93; amended by Proposition G, 11/2/99)

Sec. 67.16. Minutes.

The clerk or secretary of each board and commission enumerated in the charter shall record the minutes for each regular and special meeting of the board or commission. The minutes shall state the time the meeting was called to order, the names of the members attending the meeting, the roll call vote on each matter considered at the meeting, the time the board or commission began and ended any closed session, the names of the members and the names, and titles where applicable, of any other persons attending any closed session, a list of those members of the public who spoke on each matter if the speakers identified themselves, whether such speakers supported or opposed the matter, a brief summary of each person"s statement during the public comment period for each agenda item, and the time the meeting was adjourned. Any person speaking during a public comment period may supply a brief written summary of their comments which shall, if no more than 150 words, be included in the minutes.

The draft minutes of each meeting shall be available for inspection and copying upon request no later than ten working days after the meeting. The officially adopted minutes shall be available for inspection and copying upon request no later than ten working days after the meeting at which the minutes are adopted. Upon request, minutes required to be produced by this section shall be made available in Braille or increased type size. (Added by Ord. 265-93, App. 8/18/93; amended by Proposition G, 11/2/99)

Sec. 67.17. Public Comment By Members Of Policy Bodies.

Every member of a policy body retains the full constitutional rights of a citizen to comment publicly on the wisdom or propriety of government actions, including those of the policy body of which he or she is a member. Policy bodies shall not sanction, reprove or deprive members of their rights as elected or appointed officials for expressing their judgments or opinions, including those which deal with the perceived inconsistency of non-public discussions, communications or actions with the requirements of state or federal law or of this ordinance. The release of specific factual information made confidential by state or federal law including, but not limited to, the privilege for confidential attorney-client communications, may be the basis for a request for injunctive or declaratory relief, of a complaint to the Mayor seeking an accusation of misconduct, or both. (Added by Ord. 265-93, App. 8/18/93; amended by Proposition G, 11/2/99)

Sec. 67.20. Definitions.

Whenever in this article the following words or phrases are used, they shall mean:

(a) "Department" shall mean a department of the City and County of San Francisco.

(b) "Public Information" shall mean the content of "public records" as defined in the California Public Records Act (Government Code Section 6252), whether provided in documentary form or in an oral communication. "Public Information" shall not include "computer software" developed by the City and County of San Francisco as defined in the California Public Records Act (Government Code Section 6254.9).

(c) "Supervisor of Records" shall mean the City Attorney. (Added by Ord. 265-93, App. 8/18/93; amended by Ord. 375, App. 9/30/96; Proposition G, 11/2/99)

Sec. 67.21. Process For Gaining Access To Public Records; Administrative Appeals.

(a) Every person having custody of any public record or public information, as defined herein, (hereinafter referred to as a custodian of a public record) shall, at normal times and during normal and reasonable hours of operation, without unreasonable delay, and without requiring an appointment, permit the public record, or any segregable portion of a record, to be inspected and examined by any person and shall furnish one copy thereof upon payment of a reasonable copying charge, not to exceed the lesser of the actual cost or ten cents per page.

(b) A custodian of a public record shall, as soon as possible and within ten days following receipt of a request for inspection or copy of a public record, comply with such request. Such request may be delivered to the office of the custodian by the requester orally or in writing by fax, postal delivery, or e-mail. If the custodian believes the record or information requested is not a public record or is exempt, the custodian shall justify withholding any record by demonstrating, in writing as soon as possible and within ten days following receipt of a request, that the record in question is exempt under express provisions of this ordinance.

(c) A custodian of a public record shall assist a requester in identifying the existence, form, and nature of any records or information maintained by, available to, or in the custody of the custodian, whether or not the contents of those records are exempt from disclosure and shall, when requested to do so, provide in writing within seven days following receipt of a request, a statement as to the existence, quantity, form and nature of records relating to a particular subject or questions with enough specificity to enable a requester to identify records in order to make a request under (b). A custodian of any public record, when not in possession of the record requested, shall assist a requester in directing a request to the proper office or staff person.

(d) If the custodian refuses, fails to comply, or incompletely complies with a request described in (b), the person making the request may petition the supervisor of records for a determination whether the record requested is public. The supervisor of records shall inform the petitioner, as soon as possible and within 10 days, of its determination whether the record requested, or any part of the record requested, is public. Where requested by the petition, and where otherwise desirable, this determination shall be in writing. Upon the determination by the supervisor of records that the record is public, the supervisor of records shall immediately order the custodian of the public record to comply with the person"s request. If the custodian refuses or fails to comply with any such order within 5 days, the supervisor of records shall notify the district attorney or the attorney general who shall take whatever measures she or he deems necessary and appropriate to insure compliance with the provisions of this ordinance.

(e) If the custodian refuses, fails to comply, or incompletely complies with a request described in (b) above or if a petition is denied or not acted on by the supervisor of public records, the person making the request may petition the Sunshine Task Force for a determination whether the record requested is public. The Sunshine Task Force shall inform the petitioner, as soon as possible and within 2 days after its next meeting but in no case later than 45 days from when a petition in writing is received, of its determination whether the record requested, or any part of the record requested, is public. Where requested by the petition, and where otherwise desirable, this determination shall be in writing. Upon the determination that the record is public, the Sunshine Task Force shall immediately order the custodian of the public record to comply with the person"s request. If the custodian refuses or fails to comply with any such order within 5 days, the Sunshine Task Force shall notify the district attorney or the attorney general who may take whatever measures she or he deems necessary to insure compliance with the provisions of this ordinance. The Board of Supervisors and the City Attorney"s office shall provide sufficient staff and resources to allow the Sunshine Task Force to fulfill its duties under this provision. Where requested by the petition, the Sunshine Task Force may conduct a public hearing concerning the records request denial. An authorized representative of the custodian of the public records requested shall attend any hearing and explain the basis for its decision to withhold the records requested.

(f) The administrative remedy provided under this article shall in no way limit the availability of other administrative remedies provided to any person with respect to any officer or employee of any agency, executive office, department or board; nor shall the administrative remedy provided by this section in any way limit the availability of judicial remedies otherwise available to any person requesting a public record. If a custodian of a public record refuses or fails to comply with the request of any person for inspection or copy of a public record or with an administrative order under this section, the superior court shall have jurisdiction to order compliance.

(g) In any court proceeding pursuant to this article there shall be a presumption that the record sought is public, and the burden shall be upon the custodian to prove with specificity the exemption which applies.

<p>(h) On at least an annual basis, and as otherwise requested by the Sunshine Ordinance Task Force, the supervisor of public records shall prepare a tally and report of every petition brought before it for access to records since the time of its last tally and report. The report shall at least identify for each petition the record or records sought, the custodian of those records, the ruling of the supervisor of public records, whether any ruling was overturned by a court and whether orders given to custodians of public records were followed. The report shall also summarize any court actions during that period regarding petitions the Supervisor has decided. At the request of the Sunshine Ordinance Task Force, the report shall also include copies of all rulings made by the supervisor of public records and all opinions issued.

(i) The San Francisco City Attorney"s office shall act to protect and secure the rights of the people of San Francisco to access public information and public meetings and shall not act as legal counsel for any city employee or any person having custody of any public record for purposes of denying access to the public. The City Attorney may publish legal opinions in response to a request from any person as to whether a record or information is public. All communications with the City Attorney"s Office with regard to this ordinance, including petitions, requests for opinion, and opinions shall be public records.

(j) Notwithstanding the provisions of this section, the City Attorney may defend the City or a City Employee in litigation under this ordinance that is actually filed in court to any extent required by the City Charter or California Law.

(k) Release of documentary public information, whether for inspection of the original or by providing a copy, shall be governed by the California Public Records Act (Government Code Section 6250 et seq.) in particulars not addressed by this ordinance and in accordance with the enhanced disclosure requirements provided in this ordinance.

(l) Inspection and copying of documentary public information stored in electronic form shall be made available to the person requesting the information in any form requested which is available to or easily generated by the department, its officers or employees, including disk, tape, printout or monitor at a charge no greater than the cost of the media on which it is duplicated. Inspection of documentary public information on a computer monitor need not be allowed where the information sought is necessarily and unseparably intertwined with information not subject to disclosure under this ordinance. Nothing in this section shall require a department to program or reprogram a computer to respond to a request for information or to release information where the release of that information would violate a licensing agreement or copyright law. (Added by Ord. 265-93, App. 8/18/93; amended by Ord. 253-96, App. 6/19/96; Proposition G, 11/2/99)

Sec. 67.21-1. Policy Regarding Use And Purchase Of Computer Systems.

(a) It is the policy of the City and County of San Francisco to utilize computer technology in order to reduce the cost of public records management, including the costs of collecting, maintaining, and disclosing records subject to disclosure to members of the public under this section. To the extent that it is technologically and economically feasible, departments that use computer systems to collect and store public records shall program and design these systems to ensure convenient, efficient, and economical public access to records and shall make public records easily accessible over public networks such as the Internet.

(b) Departments purchasing new computer systems shall attempt to reach the following goals as a means to achieve lower costs to the public in connection with the public disclosure of records:

(1) Implementing a computer system in which exempt information is segregated or filed separately from otherwise disclosable information.

(2) Implementing a system that permits reproduction of electronic copies of records in a format that is generally recognized as an industry standard format.

(3) Implementing a system that permits making records available through the largest non-profit, non-proprietary public computer network, consistent with the requirement for security of information. (Added by Ord. 265-93, App. 8/18/93; amended by Ord. 253-96, App. 6/19/96; Proposition G, 11/2/99)

Sec. 67.22. Release Of Oral Public Information.

Release of oral public information shall be accomplished as follows:

(a) Every department head shall designate a person or persons knowledgable about the affairs of the department, to provide information, including oral information, to the public about the department"s operations, plans, policies and positions. The department head may designate himself or herself for this assignment, but in any event shall arrange that an alternate be available for this function during the absence of the person assigned primary responsibility. If a department has multiple bureaus or divisions, the department may designate a person or persons for each bureau or division to provide this information.

(b) The role of the person or persons so designated shall be to provide information on as timely and responsive a basis as possible to those members of the public who are not requesting information from a specific person. This section shall not be interpreted to curtail existing informal contacts between employees and members of the public when these contacts are occasional, acceptable to the employee and the department, not disruptive of his or her operational duties and confined to accurate information not confidential by law.

(c) No employee shall be required to respond to an inquiry or inquiries from an individual if it would take the employee more than fifteen minutes to obtain the information responsive to the inquiry or inquiries.

(d) Public employees shall not be discouraged from or disciplined for the expression of their personal opinions on any matter of public concern while not on duty, so long as the opinion (1) is not represented as that of the department and does not misrepresent the department position; and (2) does not disrupt coworker relations, impair discipline or control by superiors, erode a close working relationship premised on personal loyalty and confidentiality, interfere with the employee"s performance of his or her duties or obstruct the routine operation of the office in a manner that outweighs the employee"s interests in expressing that opinion. In adopting this subdivision, the Board of Supervisors intends merely to restate and affirm court decisions recognizing the First Amendment rights enjoyed by public employees. Nothing in this section shall be construed to provide rights to City employees beyond those recognized by courts, now or in the future, under the First Amendment, or to create any new private cause of action or defense to disciplinary action.

(e) Notwithstanding any other provisions of this ordinance, public employees shall not be discouraged from or disciplined for disclosing any information that is public information or a public record to any journalist or any member of the public. Any public employee who is disciplined for disclosing public information or a public record shall have a cause of action against the City and the supervisor imposing the discipline. (Added by Ord. 265-93, App. 8/18/93; amended by Proposition G, 11/2/99)

Sec. 67.23. Public Review File--Policy Body Communications.

(a) The clerk of the Board of Supervisors and the clerk of each board and commission enumerated in the charter shall maintain a file, accessible to any person during normal office hours, containing a copy of any letter, memorandum or other communication which the clerk has distributed to or received from a quorum of the policy body concerning a matter calendared by the body within the previous 30 days or likely to be calendared within the next 30 days, irrespective of subject matter, origin or recipient, except commercial solicitations, periodical publications or communications exempt from disclosure under the California Public Records Act (Government Code Section 6250 et seq.) and not deemed disclosable under Section 67.24 of this article.

(b) Communications, as described in subsection (a), sent or received in the last three business days shall be maintained in chronological order in the office of the department head or at a place nearby, clearly designated to the public. After documents have been on file for two full days, they may be removed, and, in the discretion of the board or commission, placed in a monthly chronological file.

(c) Multiple-page reports, studies or analyses which are accompanied by a letter or memorandum of transmittal need not be included in the file so long as the letter or memorandum of transmittal is included. (Added by Ord. 265-93, App. 8/18/93; amended by Proposition G, 11/2/99)

Sec. 67.24. Public Information That Must Be Disclosed.

Notwithstanding a department"s legal discretion to withhold certain information under the California Public Records Act, the following policies shall govern specific types of documents and information and shall provide enhanced rights of public access to information and records:

(a) Drafts and Memoranda.

(1) Except as provided in subparagraph (2), no preliminary draft or department memorandum, whether in printed or electronic form, shall be exempt from disclosure under Government Code Section 6254, subdivision (a) or any other provision. If such a document is not normally kept on file and would otherwise be disposed of, its factual content is not exempt under subdivision (a). Only the recommendation of the author may, in such circumstances, be withheld as exempt.

(2) Draft versions of an agreement being negotiated by representatives of the City with some other party need not be disclosed immediately upon creation but must be preserved and made available for public review for 10 days prior to the presentation of the agreement for approval by a policy body, unless the body finds that and articulates how the public interest would be unavoidably and substantially harmed by compliance with this 10 day rule, provided that policy body as used in this subdivision does not include committees. In the case of negotiations for a contract, lease or other business agreement in which an agency of the City is offering to provide facilities or services in direct competition with other public or private entities that are not required by law to make their competing proposals public or do not in fact make their proposals public, the policy body may postpone public access to the final draft agreement until it is presented to it for approval.

(b) Litigation Material.

(1) Notwithstanding any exemptions otherwise provided by law, the following are public records subject to disclosure under this Ordinance:

(i) A pre-litigation claim against the City;

(ii) A record previously received or created by a department in the ordinary course of business that was not attorney/client

privileged when it was previously received or created;

(iii) Advice on compliance with, analysis of, an opinion concerning liability under, or any communication otherwise concerning the California Public Records Act, the Ralph M. Brown Act, the Political Reform Act, any San Francisco governmental ethics code, or this Ordinance.

(2) Unless otherwise privileged under California law, when litigation is finally adjudicated or otherwise settled, records of all communications between the department and the adverse party shall be subject to disclosure, including the text and terms of any settlement.

(c) Personnel Information. None of the following shall be exempt from disclosure under Government Code Section 6254, subdivision (c), or any other provision of California Law where disclosure is not forbidden:

(1) The job pool characteristics and employment and education histories of all successful job applicants, including at a minimum the following information as to each successful job applicant:

(i) Sex, age and ethnic group;

(ii) Years of graduate and undergraduate study, degree(s) and major or discipline;

(iii) Years of employment in the private and/or public sector;

(iv) Whether currently employed in the same position for another public agency.

(v) Other non-identifying particulars as to experience, credentials, aptitudes, training or education entered in or attached to a standard employment application form used for the position in question.

(2) The professional biography or curriculum vitae of any employee, provided that the home address, home telephone number, social security number, age, and marital status of the employee shall be redacted.

(3) The job description of every employment classification.

(4) The exact gross salary and City-paid benefits available to every employee.

(5) Any memorandum of understanding between the City or department and a recognized employee organization.

(6) The amount, basis, and recipient of any performance-based increase in compensation, benefits, or both, or any other bonus, awarded to any employee, which shall be announced during the open session of a policy body at which the award is approved.

(7) The record of any confirmed misconduct of a public employee involving personal dishonesty, misappropriation of public funds, resources or benefits, unlawful discrimination against another on the basis of status, abuse of authority, or violence, and of any discipline imposed for such misconduct.

(d) Law Enforcement Information.

The District Attorney, Chief of Police, and Sheriff are encouraged to cooperate with the press and other members of the public in allowing access to local records pertaining to investigations, arrests, and other law enforcement activity. However, no provision of this ordinance is intended to abrogate or interfere with the constitutional and statutory power and duties of the District Attorney and Sheriff as interpreted under Government Code section 25303, or other applicable state law or judicial decision. Records pertaining to any investigation, arrest or other law enforcement activity shall be disclosed to the public once the District Attorney or court determines that a prosecution will not be sought against the subject involved, or once the statute of limitations for filing charges has expired, whichever occurs first. Notwithstanding the occurrence of any such event, individual items of information in the following categories may be segregated and withheld if, on the particular facts, the public interest in nondisclosure clearly and substantially outweighs the public interest in disclosure:

(1) The names of juvenile witnesses (whose identities may nevertheless be indicated by substituting a number or alphabetical letter for each individual interviewed);

(2) Personal or otherwise private information related to or unrelated to the investigation if disclosure would constitute an unwarranted invasion of privacy;

(3) The identity of a confidential source;

(4) Secret investigative techniques or procedures;

(5) Information whose disclosure would endanger law enforcement personnel; or

(6) Information whose disclosure would endanger the successful completion of an investigation where the prospect of enforcement proceedings is concrete and definite.

This subdivision shall not exempt from disclosure any portion of any record of a concluded inspection or enforcement action by an officer or department responsible for regulatory protection of the public health, safety, or welfare.

(e) Contracts, Bids and Proposals

(1) Contracts, contractors" bids, responses to requests for proposals and all other records of communications between the department and persons or firms seeking contracts shall be open to inspection immediately after a contract has been awarded. Nothing in this provision requires the disclosure of a private person"s or organization"s net worth or other proprietary financial data submitted for qualification for a contract or other benefit until and unless that person or organization is awarded the contract or benefit. All bidders and contractors shall be advised that information provided which is covered by this subdivision will be made available to the public upon request. Immediately after any review or evaluation or rating of responses to a Request for Proposal ("RFP") has been completed, evaluation forms and score sheets and any other documents used by persons in the RFP evaluation or contractor selection process shall be available for public inspection. The names of scorers, graders or evaluators, along with their individual ratings, comments, and score sheets or comments on related documents, shall be made immediately available after the review or evaluation of a RFP has been completed.

(2) Notwithstanding the provisions of this subdivision or any other provision of this ordinance, the Director of Public Health may withhold from disclosure proposed and final rates of payment for managed health care contracts if the Director determines that public disclosure would adversely affect the ability of the City to engage in effective negotiations for managed health care contracts. The authority to withhold this information applies only to contracts pursuant to which the City (through the Department of Public Health) either pays for health care services or receives compensation for providing such services, including mental health and substance abuse services, to covered beneficiaries through a pre-arranged rate of payment. This provision also applies to rates for managed health care contracts for the University of California, San Francisco, if the contract involves beneficiaries who receive services provided jointly by the City and University. This provision shall not authorize the Director to withhold rate information from disclosure for more than three years.

(3) During the course of negotiations for:

(i) personal, professional, or other contractual services not subject to a competitive process or where such a process has arrived at a stage where there is only one qualified or responsive bidder;

(ii) leases or permits having total anticipated revenue or expense to the City and County of five hundred thousand dollars ($500,000) or more or having a term of ten years or more; or

(iii) any franchise agreements,

all documents exchanged and related to the position of the parties, including draft contracts, shall be made available for public inspection and copying upon request. In the event that no records are prepared or exchanged during negotiations in the above-mentioned categories, or the records exchanged do not provide a meaningful representation of the respective positions, the city attorney or city representative familiar with the negotiations shall, upon a written request by a member of the public, prepare written summaries of the respective positions within five working days following the final day of negotiation of any given week. The summaries will be available for public inspection and copying. Upon completion of negotiations, the executed contract, including the dollar amount of said contract, shall be made available for inspection and copying. At the end of each fiscal year, each City department shall provide to the Board of Supervisors a list of all sole source contracts entered into during the past fiscal year. This list shall be made available for inspection and copying as provided for elsewhere in this Article.

(f) Budgets and Other Financial Information. Budgets, whether tentative, proposed or adopted, for the City or any of its departments, programs, projects or other categories, and all bills, claims, invoices, vouchers or other records of payment obligations as well as records of actual disbursements showing the amount paid, the payee and the purpose for which payment is made, other than payments for social or other services whose records are confidential by law, shall not be exempt from disclosure under any circumstances.

(g) Neither the City nor any office, employee, or agent thereof may assert California Public Records Act Section 6255 or any similar provision as the basis for withholding any documents or information requested under this ordinance.

(h) Neither the City nor any office, employee, or agent thereof may assert an exemption for withholding for any document or information based on a "deliberative process" exemption, either as provided by California Public Records Act Section 6255 or any other provision of law that does not prohibit disclosure.

(i) Neither the City, nor any office, employee, or agent thereof, may assert an exemption for withholding for any document or information based on a finding or showing that the public interest in withholding the information outweighs the public interest in disclosure. All withholdings of documents or information must be based on an express provision of this ordinance providing for withholding of the specific type of information in question or on an express and specific exemption provided by California Public Records Act that is not forbidden by this ordinance. (Added by Ord. 265-93, App. 8/18/93; amended by Ord. 292-95, App. 9/8/95; Ord. 240-98, App. 7/17/98; Proposition G, 11/2/99)

Sec. 67.25. Immediacy Of Response.

(a) Notwithstanding the 10-day period for response to a request permitted in Government Code Section 6256 and in this Article, a written request for information described in any category of non-exempt public information shall be satisfied no later than the

close of business on the day following the day of the request. This deadline shall apply only if the words "Immediate Disclosure Request" are placed across the top of the request and on the envelope, subject line, or cover sheet in which the request is transmitted. Maximum deadlines provided in this article are appropriate for more extensive or demanding requests, but shall not be used to delay fulfilling a simple, routine or otherwise readily answerable request.

(b) If the voluminous nature of the information requested, its location in a remote storage facility or the need to consult with another interested department warrants an extension of 10 days as provided in Government Code Section 6456.1, the requester shall be notified as required by the close of business on the business day following the request.

(c) The person seeking the information need not state his or her reason for making the request or the use to which the information will be put, and requesters shall not be routinely asked to make such a disclosure. Where a record being requested contains information most of which is exempt from disclosure under the California Public Records Act and this article, however, the City Attorney or custodian of the record may inform the requester of the nature and extent of the non-exempt information and inquire as to the requester"s purpose for seeking it, in order to suggest alternative sources for the information which may involve less redaction or to otherwise prepare a response to the request.

(d) Notwithstanding any provisions of California Law or this ordinance, in response to a request for information describing any category of non-exempt public information, when so requested, the City and County shall produce any and all responsive public records as soon as reasonably possible on an incremental or "rolling" basis such that responsive records are produced as soon as possible by the end of the same business day that they are reviewed and collected. This section is intended to prohibit the withholding of public records that are responsive to a records request until all potentially responsive documents have been reviewed and collected. Failure to comply with this provision is a violation of this article. (Added by Ord. 265-93, App. 8/18/93; amended by Proposition G, 11/2/99)

Sec. 67.26. Withholding Kept To A Minimum.

No record shall be withheld from disclosure in its entirety unless all information contained in it is exempt from disclosure under express provisions of the California Public Records Act or of some other statute. Information that is exempt from disclosure shall be masked, deleted or otherwise segregated in order that the nonexempt portion of a requested record may be released, and keyed by footnote or other clear reference to the appropriate justification for withholding required by section 67.27 of this article. This work shall be done personally by the attorney or other staff member conducting the exemption review. The work of responding to a public-records request and preparing documents for disclosure shall be considered part of the regular work duties of any city employee, and no fee shall be charged to the requester to cover the personnel costs of responding to a records request. (Added by Ord. 265-93, App. 8/18/93; amended by Proposition G, 11/2/99)

Sec. 67.27. Justification Of Withholding.

Any withholding of information shall be justified, in writing, as follows:

(a) A withholding under a specific permissive exemption in the California Public Records Act, or elsewhere, which permissive exemption is not forbidden to be asserted by this ordinance, shall cite that authority.

(b) A withholding on the basis that disclosure is prohibited by law shall cite the specific statutory authority in the Public Records Act or elsewhere.

(c) A withholding on the basis that disclosure would incur civil or criminal liability shall cite any specific statutory or case law, or any other public agency"s litigation experience, supporting that position.

(d) When a record being requested contains information, most of which is exempt from disclosure under the California Public Records Act and this Article, the custodian shall inform the requester of the nature and extent of the nonexempt information and suggest alternative sources for the information requested, if available. (Added by Ord. 265-93, App. 8/18/93; amended by Proposition G, 11/2/99)

Sec. 67.28. Fees For Duplication.

(a) No fee shall be charged for making public records available for review.

(b) For documents routinely produced in multiple copies for distribution, e.g. meeting agendas and related materials, unless a special fee has been established pursuant to subdivision (d) of this section, a fee not to exceed one cent per page may be charged, plus any postage costs.

(c) For documents assembled and copied to the order of the requester, unless a special fee has been established pursuant to subdivision (d) of this section, a fee not to exceed 10 cents per page may be charged, plus any postage.

(d) A department may establish and charge a higher fee than the one cent presumptive fee in subdivision (b) and the 10 cent presumptive fee in subdivision (c) if it prepares and posts an itemized cost analysis establishing that its cost per page impression exceeds 10 cents or one cent, as the case may be. The cost per page impression shall include the following costs: one sheet of paper; one duplication cycle of the copying machine in terms of toner and other specifically identified operation or maintenance

factors, excluding electrical power. Any such cost analysis shall identify the manufacturer, model, vendor and maintenance contractor, if any, of the copying machine or machines referred to.

(e) Video copies of video recorded meetings shall be provided to the public upon request for $10.00 or less per meeting. (Added by Ord. 265-93, App. 8/18/93; amended by Proposition G, 11/2/99)

Sec. 67.29. Index To Records.

The City and County shall prepare a public records index that identifies the types of information and documents maintained by City and County departments, agencies, boards, commissions, and elected officers. The index shall be for the use of City officials, staff and the general public, and shall be organized to permit a general understanding of the types of information maintained, by which officials and departments, for which purposes and for what periods of retention, and under what manner of organization for accessing, e.g. by reference to a name, a date, a proceeding or project, or some other referencing system. The index need not be in such detail as to identify files or records concerning a specific person, transaction or other event, but shall clearly indicate where and how records of that type are kept. Any such master index shall be reviewed by appropriate staff for accuracy and presented for formal adoption to the administrative official or policy body responsible for the indexed records. The City Administrator shall be responsible for the preparation of this records index. The City Administrator shall report on the progress of the index to the Sunshine Ordinance Task Force on at least a semi-annual basis until the index is completed. Each department, agency, commission and public official shall cooperate with the City Administrator to identify the types of records it maintains, including those documents created by the entity and those documents received in the ordinary course of business and the types of requests that are regularly received. Each department, agency, commission and public official is encouraged to solicit and encourage public participation to develop a meaningful records index. The index shall clearly and meaningfully describe, with as much specificity as practicable, the individual types of records that are prepared or maintained by each department, agency, commission or public official of the City and County. The index shall be sufficient to aid the public in making an inquiry or a request to inspect. Any changes in the department, agency, commission or public official"s practices or procedures affecting the accuracy of the information provided to the City Administrator shall be recorded by the City Administrator on a periodic basis so as to maintain the integrity and accuracy of the index. The index shall be continuously maintained on the City"s World Wide Website and made available at public libraries within the City and County of San Francisco. (Added by Ord. 265-93, App. 8/18/93; amended by Ord. 287-96, App. 7/12/96; Proposition G, 11/2/99)

Sec. 67.29-1. Records Survive Transition Of Officials.

All documents prepared, received, or maintained by the Office of the Mayor, by any elected city and county official, and by the head of any City or County Department are the property of the City and County of San Francisco. The originals of these documents shall be maintained consistent with the records retention policies of the City and County of San Francisco. (Added by Proposition G, 11/2/99)

Sec. 67.29-2. Internet Access/World Wide Web Minimum Standards.

Each department of the City and County of San Francisco shall maintain on a World Wide Web site, or on a comparable, readily accessible location on the Internet, information that it is required to make publicly available. Each department is encouraged to make publicly available through its World Wide Web site, as much information and as many documents as possible concerning its activities. At a minimum, within six months after enactment of this provision, each department shall post on its World Wide Web site all meeting notices required under this ordinance, agendas and the minutes of all previous meetings of its policy bodies for the last three years. Notices and agendas shall be posted no later than the time that the department otherwise distributes this information to the public, allowing reasonable time for posting. Minutes of meetings shall be posted as soon as possible, but in any event within 48 hours after they have been approved. Each department shall make reasonable efforts to ensure that its World Wide Web site is regularly reviewed for timeliness and updated on at least a weekly basis. The City and County shall also make available on its World Wide Web site, or on a comparable, readily accessible location on the Internet, a current copy of the City Charter and all City Codes. (Added by Proposition G, 11/2/99)

SEC. 67.29-3.

Any future agreements between the city and an advertising space provider shall be public records and shall include as a basis for the termination of the contract any action by, or permitted by, the space provider to remove or deface or otherwise interfere with an advertisement without first notifying the advertiser and the city and obtaining the advertiser"s consent. In the event advertisements are defaced or vandalized, the space provider shall provide written notice to the city and the advertiser and shall allow the advertiser the option of replacing the defaced or vandalized material. Any request by any city official or by any space provider to remove or alter any advertising must be in writing and shall be a public record. (Added by Proposition G, 11/2/99)

Sec. 67.29-4. Lobbyist On Behalf Of The City.

(a) Any lobbyist who contracts for economic consideration with the City and County of San Francisco to represent the City and

County in matters before any local, regional, state, or federal administrative or legislative body shall file a public records report of their activities on a quarterly basis with the San Francisco Ethics Commission. This report shall be maintained by the Ethics Commission and not be exempt from disclosure. Each quarterly report shall identify all financial expenditures by the lobbyist, the individual or entity to whom each expenditure was made, the date the expenditure was made, and specifically identify the local, state, regional or national legislative or administrative action the lobbyist supported or opposed in making the expenditure. The failure to file a quarterly report with the required disclosures shall be a violation of this Ordinance.

(b) No person shall be deemed a lobbyist under section (a), unless that person receives or becomes entitled to receive at least $300 total compensation in any month for influencing legislative or administrative action on behalf of the City and County of San Francisco or has at least 25 separate contacts with local, state, regional or national officials for the purpose of influencing legislative or administrative action within any two consecutive months. No business or organization shall be deemed as a lobbyist under section (a) unless it compensates its employees or members for their lobbying activities on behalf of the City and County of San Francisco, and the compensated employees or members have at least 25 separate contacts with local, state, regional or national officials for the purpose of influencing legislative or administrative action within any two consecutive months. "Total compensation" shall be calculated by combining all compensation received from the City and County of San Francisco during the month for lobbying activities on matters at the local, state, regional or national level. "Total number of contacts" shall be calculated by combining all contacts made during the two-month period on behalf of the City and County of San Francisco for all lobbying activities on maters at the local, state, regional or national level.

(c) Funds of the City and County of San Francisco, including organizational dues, shall not be used to support any lobbying efforts to restrict public access to records, information, or meetings, except where such effort is solely for the purpose of protecting the identity and privacy rights of private citizens. (Added by Proposition G, 11/2/99)

Sec. 67.29-5. Calendars Of Certain Officials.

The Mayor, The City Attorney, and every Department Head shall keep or cause to be kept a daily calendar wherein is recorded the time and place of each meeting or event attended by that official, with the exclusion of purely personal or social events at which no city business is discussed and that do not take place at City Offices or at the offices or residences of people who do substantial business with or are otherwise substantially financially affected by actions of the city. For meetings not otherwise publicly recorded, the calendar shall include a general statement of issues discussed. Such calendars shall be public records and shall be available to any requester three business days subsequent to the calendar entry date. (Added by Proposition G, 11/2/99)

Sec. 67.29-6. Sources Of Outside Funding.

No official or employee or agent of the city shall accept, allow to be collected, or direct or influence the spending of, any money, or any goods or services worth more than one hundred dollars in aggregate, for the purpose of carrying out or assisting any City function unless the amount and source of all such funds is disclosed as a public record and made available on the website for the department to which the funds are directed. When such funds are provided or managed by an entity, and not an individual, that entity must agree in writing to abide by this ordinance. The disclosure shall include the names of all individuals or organizations contributing such money and a statement as to any financial interest the contributor has involving the City. (Added by Proposition G, 11/2/99)

Sec. 67.29-7. Correspondence And Records Shall Be Maintained.

(a) The Mayor and all Department Heads shall maintain and preserve in a professional and businesslike manner all documents and correspondence, including but not limited to letters, e-mails, drafts, memorandum, invoices, reports and proposals and shall disclose all such records in accordance with this ordinance.

(b) The Department of Elections shall keep and preserve all records and invoices relating to the design and printing of ballots and other election materials and shall keep and preserve records documenting who had custody of ballots from the time ballots are cast until ballots are received and certified by the Department of Elections.

(c) In any contract, agreement or permit between the City and any outside entity that authorizes that entity to demand any funds or fees from citizens, the City shall ensure that accurate records of each transaction are maintained in a professional and businesslike manner and are available to the public as public records under the provisions of this ordinance. Failure of an entity to comply with these provisions shall be grounds for terminating the contract or for imposing a financial penalty equal to one-half of the fees derived under the agreement or permit during the period of time when the failure was in effect. Failure of any Department Head under this provision shall be a violation of this ordinance. This paragraph shall apply to any agreement allowing an entity to tow or impound vehicles in the City and shall apply to any agreement allowing an entity to collect any fee from any persons in any pretrial diversion program. (Added by Proposition G, 11/2/99)

Sec. 67.30. The Sunshine Ordinance Task Force.

(a) There is hereby established a task force to be known as the Sunshine Ordinance Task Force consisting of eleven voting

members appointed by the Board of Supervisors. All members must have experience and/or demonstrated interest in the issues of citizen access and participation in local government. Two members shall be appointed from individuals whose names have been submitted by the local chapter of the Society of Professional Journalists, one of whom shall be an attorney and one of whom shall be a local journalist. One member shall be appointed from the press or electronic media. One member shall be appointed from individuals whose names have been submitted by the local chapter of the League of Women Voters. Four members shall be members of the public who have demonstrated interest in or have experience in the issues of citizen access and participation in local government. Two members shall be members of the public experienced in consumer advocacy. One member shall be a journalist from a racial/ethnic-minority-owned news organization and shall be appointed from individuals whose names have been submitted by New California Media. At all times the task force shall include at least one member who shall be a member of the public who is physically handicapped and who has demonstrated interest in citizen access and participation in local government. The Mayor or his or her designee, and the Clerk of the Board of Supervisors or his or her designee, shall serve as non-voting members of the task force. The City Attorney shall serve as legal advisor to the task force. The Sunshine Ordinance Task Force shall, at its request, have assigned to in an attorney from within the City Attorney"s Office or other appropriate City Office, who is experienced in public-access law matters. This attorney shall serve solely as a legal advisor and advocate to the Task Force and an ethical wall will be maintained between the work of this attorney on behalf of the Task Force and any person or Office that the Task Force determines may have a conflict of interest with regard to the matters being handled by the attorney.

(b) The term of each appointive member shall be two years unless earlier removed by the Board of Supervisors. In the event of such removal or in the event a vacancy otherwise occurs during the term of office of any appointive member, a successor shall be appointed for the unexpired term of the office vacated in a manner similar to that described herein for the initial members. The task force shall elect a chair from among its appointive members. The term of office as chair shall be one year. Members of the task force shall serve without compensation.

(c) The task force shall advise the Board of Supervisors and provide information to other City departments on appropriate ways in which to implement this chapter. The task force shall develop appropriate goals to ensure practical and timely implementation of this chapter. The task force shall propose to the Board of Supervisors amendments to this chapter. The task force shall report to the Board of Supervisors at least once annually on any practical or policy problems encountered in the administration of this chapter. The Task Force shall receive and review the annual report of the Supervisor of Public Records and may request additional reports or information as it deems necessary. The Task Force shall make referrals to a municipal office with enforcement power under this ordinance or under the California Public Records Act and the Brown Act whenever it concludes that any person has violated any provisions of this ordinance or the Acts. The Task Force shall, from time to time as it sees fit, issue public reports evaluating compliance with this ordinance and related California laws by the City or any Department, Office, or Official thereof.

(d) In addition to the powers specified above, the Task Force shall possess such powers as the Board of Supervisors may confer upon it by ordinance or as the People of San Francisco shall confer upon it by initiative.

(e) The Task Force Commission shall approve by-laws specifying a general schedule for meetings, requirements for attendance by Task Force members, and procedures and criteria for removing members for non-attendance. (Added by Ord. 265-93, App. 8/18/93; amended by Ord. 118-94, App. 3/18/94; Ord. 432-94, App. 12/30/94; Ord. 287-96, App. 7/12/96; Ord. 198-98, App. 6/19/98; 387-98, App. 12/24/98; Proposition G, 11/2/99)

Sec. 67.31. Responsibility For Administration.

The Mayor shall administer and coordinate the implementation of the provisions of this chapter for departments under his or her control. The Mayor shall administer and coordinate the implementation of the provisions of this chapter for departments under the control of board and commissions appointed by the Mayor. Elected officers shall administer and coordinate the implementation of the provisions of this chapter for departments under their respective control. The Clerk of the Board of Supervisors shall provide a full-time staff person to perform administrative duties for the Sunshine Ordinance Task Force and to assist any person in gaining access to public meetings or public information. The Clerk of the Board of Supervisors shall provide that staff person with whatever facilities and equipment are necessary to perform said duties. (Added by Ord. 265-93, App. 8/18/93; amended by Ord. 287-96, App. 7/12/96; Proposition G, 11/2/99)

Sec. 67.32. Provision Of Services To Other Agencies; Sunshine Required.

It is the policy of the City and County of San Francisco to ensure opportunities for informed civic participation embodied in this Ordinance to all local, state, regional and federal agencies and institutions with which it maintains continuing legal and political relationships. Officers, agents and other representatives of the City shall continually, consistently and assertively work to seek commitments to enact open meetings, public information and citizen comment policies by these agencies and institutions, including but not limited to the Presidio Trust, the San Francisco Unified School District, the San Francisco Community College District, the San Francisco Transportation Authority, the San Francisco Housing Authority, the Treasure

Island Development Authority, the San Francisco Redevelopment Authority and the University of California. To the extent not expressly prohibited by law, copies of all written communications with the above identified entities and any City employee, officer, agents, or and representative, shall be accessible as public records. To the extent not expressly prohibited by law, any meeting of the governing body of any such agency and institution at which City officers, agents or representatives are present in their official capacities shall be open to the public, and this provision cannot be waived by any City officer, agent or representative. The city shall give no subsidy in money, tax abatements, land, or services to any private entity unless that private entity agrees in writing to provide the city with financial projections (including profit and loss figures), and annual audited financial statements for the project thereafter, for the project upon which the subsidy is based and all such projections and financial statements shall be public records that must be disclosed. (Added by Proposition G, 11/2/99)

Sec. 67.33. Department Head Declaration.

All City department heads and all City management employees and all employees or officials who are required to sign an affidavit of financial interest with the Ethics Commission shall sign an annual affidavit or declaration stating under penalty of perjury that they have read the Sunshine Ordinance and have attended or will attend when next offered, a training session on the Sunshine Ordinance, to be held at least once annually. The affidavit or declarations shall be maintained by the Ethics Commission and shall be available as a public record. Annual training shall be provided by the San Francisco City Attorney"s Office with the assistance of the Sunshine Ordinance Task Force. (Added by Proposition G, 11/2/99)

Sec. 67.34. Willful Failure Shall Be Official Misconduct.

The willful failure of any elected official, department head, or other managerial city employee to discharge any duties imposed by the Sunshine Ordinance, the Brown Act or the Public Records Act shall be deemed official misconduct. Complaints involving allegations of willful violations of this ordinance, the Brown Act or the Public Records Act by elected officials or department heads of the City and County of San Francisco shall be handled by the Ethics Commission. (Added by Proposition G, 11/2/99)

Sec. 67.35. Enforcement Provisions.

(a) Any person may institute proceedings for injunctive relief, declaratory relief, or writ of mandate in any court of competent jurisdiction to enforce his or her right to inspect or to receive a copy of any public record or class of public records under this Ordinance or to enforce his or her right to attend any meeting required under this Ordinance to be open, or to compel such meeting to be open.

(b) A court shall award costs and reasonable attorneys" fees to the plaintiff who is the prevailing party in an action brought to enforce this Ordinance.

(c) If a court finds that an action filed pursuant to this section is frivolous, the City and County may assert its rights to be paid its reasonable attorneys" fees and costs.

(d) Any person may institute proceedings for enforcement and penalties under this act in any court of competent jurisdiction or before the Ethics Commission if enforcement action is not taken by a city or state official 40 days after a complaint is filed. (Added by Proposition G, 11/2/99)

Sec. 67.36. Sunshine Ordinance Supersedes Other Local Laws.

The provisions of this Sunshine Ordinance supersede other local laws. Whenever a conflict in local law is identified, the requirement which would result in greater or more expedited public access to public information shall apply. (Added by Proposition G, 11/2/99)

Sec. 67.37. Severability.

The provisions of this chapter are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this chapter, or the invalidity of the application thereof to any person or circumstances, shall not affect the validity of the remainder of this chapter, or the validity of its application to other persons or circumstances. (Added by Ord. 265-93, App. 8/18/93; amended by Proposition G, 11/2/99)

Sec. 67a.1. Prohibiting The Use Of Cell Phones, Pagers And Similar Sound-Producing Electrical Devices At And During Public Meetings.

At and during a public meeting of any policy body governed by the San Francisco Sunshine Ordinance, the ringing and use of cell phones, pagers and similar sound-producing electronic devices shall be prohibited. The presiding officer of any public meeting which is disrupted may order the removel from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices. The presiding officer may allow an expelled person to return to the public meeting following an agreement by the expelled person to comply with the provisions of this Section. A warning of the provisions of this Section shall be printed on all meeting agendas, and shall be explained at the beginning of each public meeting by the presiding officer. (Added by Ord. 286-00, File No. 001155. App. 12/22/2000)

San Francisco
Ethics Commission

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ETHICS COMMISSION REGULATIONS FOR HANDLING VIOLATIONS OF THE SUNSHINE ORDINANCE

Effective Date: January 25, 2013
Includes amendments effective November 22, 2013

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CHAPTER ONE

I. PREAMBLE

Pursuant to San Francisco Charter, section 15.102, the San Francisco Ethics Commission promulgates these Regulations in order to ensure compliance with the San Francisco Sunshine Ordinance, San Francisco Administration Code, section 67.1, et seq. These Regulations shall apply to complaints alleging violations of the Sunshine Ordinance. All complaints alleging violations of conflict of interest, campaign finance, lobbyist, campaign consultant or other governmental ethics laws shall be handled separately under the Ethics Commission's Regulations for Investigations and Enforcement Proceedings.

II. DEFINITIONS

For purposes of these Regulations, the following definitions shall apply:

A. "Brown Act" means California Government Code section 54950, et seq.

B. "Business day" means any day other than a Saturday, Sunday, City holiday, or a day on which the Commission office is closed for business.

C. "California Public Records Act" means California Government Code section 6250, et seq.

D. "City" means the City and County of San Francisco.

E. "City officer" means any officer identified in San Francisco Administrative Code Section 1.50, as well as any City body composed entirely of such officers.

F. "Commission" means the Ethics Commission.

G. "Complaint" means a Task Force referral or a referral from the Supervisor of Records, a written document submitted directly to the Ethics Commission alleging a violation of the Sunshine Ordinance, or a matter initiated by Ethics Commission staff alleging a violation of the Sunshine Ordinance.

H. "Complainant" means a person or entity that initiated a matter with the Task Force, Supervisor of Records, or Commission alleging a violation of the Sunshine Ordinance. "Complainant" shall also mean the Commission if the matter was initiated by Commission staff.

I. "Custodian" means a City officer or employee having custody of any public record.

J. "Day" means calendar day unless otherwise specifically indicated. If a deadline falls on a weekend or City holiday, the deadline shall be extended to the next business day.

K. "Deliver" means transmit by U.S. mail or personal delivery to a person or entity. The Commission, the Executive Director, the Task Force, a Respondent, or the Complainant receiving material may consent to any other means of delivery, including delivery by e-mail or fax. In any proceeding, the Commission Chairperson may order that the delivery of briefs or other materials be accomplished by e-mail.

L. "Elected official" shall mean the Mayor, a Member of the Board of Supervisors, City Attorney, District Attorney, Treasurer, Sheriff, Assessor, Public Defender, a Member of the Board of Education of the San Francisco Unified School District, and a Member of the Governing Board of the San Francisco Community College District.

M. "Executive Director" means the Executive Director of the Commission or the Executive Director's designee.

N. "Exculpatory information" means information tending to show that the Respondent has not committed the alleged violation(s).

O. "Order of Determination" means: 1) an order from the Task Force that forms the basis of a show cause hearing for Task Force referrals made under Sunshine Ordinance section 67.30(c); or 2) a final recommendation issued by the Task Force, made pursuant to Sunshine Ordinance section 67.34, that a willful violation of the Sunshine Ordinance by an elected official or department head occurred.

P. "Public Records" means records as defined in section 6252(e) of the California Public Records Act, which includes any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics, and/or Sunshine Ordinance section 67.20(b).

Q. "Referral" means a document from the Task Force or Supervisor of Records to the Commission finding a violation of the Sunshine Ordinance.

R. "Respondent" means a City officer or City employee who is alleged or identified in a complaint to have committed a violation of the Sunshine Ordinance.

S. "Sunshine Ordinance" means San Francisco Administrative Code section 67.1, et seq.

T. "Task Force" means the Sunshine Ordinance Task Force, established by San Francisco Administrative Code section 67.30.

U. "Willful violation" means an action or failure to act with the knowledge that such act or failure to act was a violation of the Sunshine Ordinance.

CHAPTER TWO

I. REFERRALS TO THE ETHICS COMMISSION

A. Matters to be heard in a Show Cause Hearing.

1. Under this Chapter, the Ethics Commission will conduct a Show Cause Hearing on any referral, as defined by these Regulations, finding:

a. willful violations of the Sunshine Ordinance by City officers and employees (other than elected officials or department heads), or

b. non-willful violations of the Sunshine Ordinance by elected officials, department heads, or City officers and employees.

2. Complaints alleging willful violations of the Sunshine Ordinance against elected officials and department heads shall be handled pursuant to Chapter Three of these regulations.

B. Scheduling of Show Cause Hearing.

1. After receipt of a referral, the Commission shall schedule a Show Cause Hearing on the matter at the next regular Ethics Commission meeting, provided that the Show Cause Hearing can be scheduled pursuant to the agenda and notice requirements as set forth in Sunshine Ordinance section 67.7 and the Brown Act.

2. In the event that four or more Commissioners will not be present at the scheduled Show Cause Hearing, the Commission may reschedule or continue to the next practicable regular Ethics Commission meeting.

II. SHOW CAUSE HEARING

A. Public Hearing. The Show Cause Hearing shall be open to the public.

B. Standard of Proof. The Respondent(s) shall have the burden to show that he or she did not commit a violation of the Sunshine Ordinance.

C. Hearing Procedures.

1. Each Respondent and Complainant may speak on his or her own behalf, subject to the following time limits: each Respondent shall be permitted a five-minute statement; each Complainant shall be permitted a five-minute statement; and each Respondent shall be permitted a three-minute rebuttal. At his or her discretion, the Commission Chairperson may allow additional testimony and may extend the time limit for the parties.

2. Unless otherwise decided by the Commission, formal rules of evidence shall not apply to the hearing. Each Respondent and Complainant may submit any documents to the Commission to support his or her position. Each party's written submission shall not exceed five pages, excluding supporting documents. Any documents so provided shall also be provided to the opposing party and shall be delivered to the Commission no later than five business days prior to the scheduled hearing. Upon mutual consent of the Complainant(s), Respondent(s), and the Executive Director, a response may be distributed by e-mail. Commissioners may question each party or any other person providing testimony regarding the allegations. The Respondent(s) and Complainant(s) may not directly question each other.

3. If either party fails to appear and the Commission did not grant the party a continuance or reschedule the matter under Chapter IV, section I.E, then the Commission may make a decision in the party's absence.

D. Deliberations and Findings.

1. The Commission shall deliberate in public. Public comment on the matter shall be allowed at each hearing, in accordance with the Sunshine Ordinance and the Brown Act.

2. To determine that a violation of the Sunshine Ordinance did not occur, the Commission must conclude that, based on a preponderance of the evidence, the Respondent did not commit a violation of the Sunshine Ordinance. The Commission shall consider all the relevant circumstances surrounding the case.

3. The votes of at least three Commissioners are required to make a finding that a Respondent has not committed a violation of the Sunshine Ordinance. The finding that a Respondent did or did not commit a violation of the Sunshine Ordinance shall be supported by findings of fact and conclusions of law and shall be based on the entire record of the proceedings.

E. Ethics Commission Orders.

1. If the Commission finds that a Respondent committed a violation of the Sunshine Ordinance, the Commission may issue orders requiring any or all of the following:

a. the Respondent(s) to cease and desist the violation and/or produce the public record(s); and/or

b. the Executive Director to post on the Ethics Commission's website the Commission's finding that the Respondent(s) violated the Sunshine Ordinance; and/or

c. The Executive Director to issue a warning letter to the Respondent and inform the Respondent's appointing authority of the violation.

2. After making its decision, the Commission will instruct staff to prepare a written order reflecting the Commission's findings. The Chairperson shall be authorized to approve and sign the Commission's written order on behalf of the full Commission.

3. After issuing an order or instructing the Executive Director to act, or upon a finding of no violation, the Commission will take no further action on the matter.

F. Public Announcement.

Once the Commission determines that the Respondent did or did not commit a violation of the Sunshine Ordinance, the Commission will publicly announce this conclusion. The Commission's announcement may, but need not, include findings of law and fact.

CHAPTER THREE

I. COMPLAINTS ALLEGING WILLFUL VIOLATIONS OF THE SUNSHINE ORDINANCE BY ELECTED OFFICIALS OR DEPARTMENT HEADS OR COMPLAINTS FILED DIRECTLY WITH THE ETHICS COMMISSION ALLEGING VIOLATIONS OF THE SUNSHINE ORDINANCE.

A. Matters heard under this Chapter.

1. Pursuant to Sunshine Ordinance, section 67.34, the Ethics Commission shall handle complaints alleging violations of the Sunshine Ordinance by an elected official or department head.

2. Pursuant to Sunshine Ordinance, section 67.35(d), if the District Attorney and/or Attorney General take no action for 40 days after receiving notification of a custodian's failure to comply with an order made pursuant to Sunshine Ordinance section 67.21(d) or (e), then the person who made the public record request may file a complaint directly with the Ethics Commission relating to that failure to comply.

3. Ethics Commission staff may initiate a complaint to allege a violation of the Sunshine Ordinance against any City officer or City employee.

4. This Chapter will govern:

a. referrals alleging willful violations of the Sunshine Ordinance against an elected official or department head, and

b. complaints initiated under subsections A.2 or A.3 alleging violations of the Sunshine Ordinance by any City officer or employee.

5. Any referral that does not allege a willful violation of the Sunshine Ordinance against an elected official or a department head shall be handled pursuant to Chapter Two of these regulations.

B. Scheduling of Hearing.

1. When the Executive Director receives a referral alleging a willful violation of the Sunshine Ordinance against an elected official or a department head, or when the Executive Director receives a complaint filed under subsection A.2, or when staff initiates a complaint under subsection A.3, the Executive Director shall, within 15 business days of the conclusion of his or her investigation, schedule a public hearing at the next regular meeting of the Commission, unless impracticable, provided that the hearing can be scheduled pursuant to the agenda and notice requirements as set forth in Sunshine Ordinance section 67.7 and the Brown Act.

2. Within 15 business days of the conclusion of his or her investigation, the Executive Director shall issue a written notice and his or her report and recommendation pursuant to Chapter Three, section II.C, to each Commission member, each Respondent, and each Complainant, including the date, time and location of the hearing.

3. In the case of a referral, the Executive Director also shall provide a courtesy notice and a copy of the report and recommendation to the referring body.

II. INVESTIGATION AND RECOMMENDATION

A. Factual Investigation.

Upon receipt of a complaint, the Executive Director shall conduct a factual investigation. The Executive Director's investigation may include, but shall not be limited to, interviews of the Respondent(s) and any witnesses, as well as the review of documentary and other evidence. The investigation shall be concluded within 30 days following the Executive Director's receipt of the complaint. The Executive Director may extend the time for good cause, including but not limited to: staffing levels; the number of other pending complaints under these Regulations or the Ethics Commission Regulations for Investigations and Enforcement Proceedings; other Ethics Commission proceedings; other staffing needs associated with pending campaigns; or the cooperation of witnesses, Complainants or Respondents. If the Executive Director extends the time for the investigation to conclude, his or her reasons for the extension shall be included in the report to the Ethics Commission.

B. Subpoenas.

During an investigation, the Executive Director may compel by subpoena the testimony of witnesses and the production of documents relevant to the investigation.

C. Report and Recommendation.

1. After the Executive Director has completed his or her investigation, the Executive Director shall prepare a written report and recommendation summarizing his or her factual and legal findings. The recommendation shall contain a summary of the relevant legal provisions and the evidence gathered through the Commission's investigation. To support the report and recommendation, the Executive Director may submit evidence through declaration. The report and recommendation shall not exceed ten pages excluding attachments.

2. The report shall recommend one of the following:

a. that Respondent(s) willfully violated the Sunshine Ordinance;

b. that Respondent(s) violated the Sunshine Ordinance but the violation was not willful; or

c. that Respondent(s) did not violate the Sunshine Ordinance.

D. Response to the Report and Recommendation.

1. Each Complainant and Respondent may submit a written response to the Director's report and recommendation. The response may contain legal arguments, a summary of evidence, and any mitigating or aggravating information. In support of the response, each Complainant and Respondent may submit evidence through declaration. The response shall not exceed ten pages excluding attachments.

2. If any Complainant or Respondent submits a response, he or she must deliver the response to all parties no later than five business days prior to the date of the hearing. The Complainant or Respondent must deliver eight copies of the response to the Executive Director, who must then immediately distribute copies of the response(s) to the Commission and any other Complainant or Respondent. Upon mutual consent of the Complainant(s), Respondent(s), and the Executive Director, a response may be distributed by e-mail.

III. PUBLIC HEARING

A. General Rules and Procedures.

1. The hearing shall be open to the public.

2. Each Complainant and Respondent may speak on his or her own behalf, subject to the following time limits: Complainant shall be permitted a ten-minute statement; Respondent shall be permitted a ten-minute statement; and Complainant shall be permitted a five-minute rebuttal. At his or her discretion, the Commission Chairperson may allow additional testimony and may extend the time limit for the parties.

3. Unless otherwise decided by the Commission, formal rules of evidence shall not apply to the hearing. Commissioners may question each party regarding the allegations. The Respondent(s) and Complainant(s) may not directly question each other.

4. If either party fails to appear and the Commission did not grant the party a continuance or reschedule the matter under Chapter IV, Section I.E, then the Commission may make a decision in the party's absence.

5. Except when a complaint is staff-initiated or initiated pursuant to section 67.35(d), the Executive Director's role at the hearing will be limited to providing the report containing the legal and factual basis for his or her recommendation to the Commission and to respond to questions from the Commissioners.

B. Deliberations and Findings.

1. The Commission shall deliberate in public. Public comment on the matter shall be allowed at each hearing, in accordance with the Sunshine Ordinance and the Brown Act.

2. In determining whether a violation of the Sunshine Ordinance occurred, the Commission must conclude that, based on a preponderance of the evidence, the Respondent committed a violation of the Sunshine Ordinance. The Commission shall consider all the relevant circumstances surrounding the case.

3. The votes of at least three Commissioners are required to make a finding that a Respondent has committed a willful violation of the Sunshine Ordinance or that a Respondent has committed a non-willful violation of the Sunshine Ordinance. The finding of a willful violation or non-willful violation of the Sunshine Ordinance shall be supported by findings of fact and conclusions of law and shall be based on the entire record of the proceedings.

C. Ethics Commission Orders.

1. If the Commission finds that an elected official or a department head willfully violated the Sunshine Ordinance, the Commission shall so inform the Respondent's appointing authority, or the Mayor if Respondent is an elected official. In addition, the Commission may issue orders requiring any or all of the following if it finds that an elected official, a department head, or any City officer or City employee committed a violation of the Sunshine Ordinance:

a. the Respondent to cease and desist the violation and/or produce the public record(s); and/or

b. the Executive Director to post on the Ethics Commission's website the Commission's finding that the Respondent violated the Sunshine Ordinance; and/or

c. the Executive Director to issue a warning letter to the Respondent and inform the Respondent's appointing authority, or the Mayor if the Respondent is an elected official, of the violation.

2. After making its decision, the Commission will instruct staff to prepare a written order reflecting the Commission's findings. The Chairperson shall be authorized to approve and sign the Commission's written order on behalf of the full Commission.

3. After issuing an order or instructing the Executive Director to act, the Commission will take no further action on the matter.

D. Finding of No Violation.

If the Commission determines that there is insufficient evidence to establish that the Respondent has committed a violation of the Sunshine Ordinance, the Commission shall publicly announce this fact. The Commission's announcement may, but need not, include findings of law and fact. Thereafter, the Commission will take no further action on the matter.

CHAPTER FOUR

I. MISCELLANEOUS PROVISIONS

A. Ex Parte Communications.

Once a complaint is filed with the Commission, no Commissioner shall engage in oral or written communications outside of a Commission meeting regarding the merits of the complaint with the Commission's staff, the Respondent(s), the Complainant(s), any member of the Task Force, the Supervisor of Records, any member of the public, or any person communicating on behalf of the Respondent(s), Complainant(s), the Supervisor of Records, or any member of the Task Force, except for communications, such as scheduling matters, generally conducted between a court and a party appearing before that court.

B. Access to Complaints and Related Documents and Deliberations.

Complaints, investigative files and information contained therein, shall be disclosed as necessary to the conduct of an investigation or as required by the California Public Records Act or the San Francisco Sunshine Ordinance. In order to guarantee the integrity of the investigation, internal notes taken by the Executive Director or his or her staff regarding complaints shall not be disclosed until the Commission has issued its final decision following the hearing.

C. Oaths and Affirmations.

The Commission may administer oaths and affirmations.

D. Selection of Designee by the Executive Director.

Whenever the Executive Director designates an individual other than a member of the Commission staff to perform a duty arising from the Charter or these Regulations, the Executive Director shall notify the Commission and the public of the designation no later than the next business day.

E. Extensions of Time and Continuances.

1. Any Respondent or Complainant may request the continuance of a hearing date in writing. The requester must deliver the written request to the Commission Chairperson, and provide a copy of the request to all other parties no later than ten business days before the date of the hearing. The Commission Chairperson shall have the discretion to consider untimely requests. The Commission Chairperson shall approve or deny the request within five business days of the submission of the request. The Commission Chairperson may grant the request upon a showing of good cause.

2. The Commission or the Commission Chairperson may reschedule a hearing at their discretion for good cause.

At any time a hearing is placed on an agenda regarding a matter under Chapter II or III of these Regulations, four or more members must be in attendance. Otherwise, the hearing shall be continued to the next regular Ethics Commission meeting, unless impracticable.

F. Place of Delivery.

1. Whenever these Regulations require delivery to the Commission, its members, or the Executive Director, delivery shall be effected at the Commission office.

2. Whenever these Regulations require delivery to a Respondent or Complainant, delivery shall be effective and sufficient if made by U.S. mail, personal delivery or any other means of delivery agreed upon by the parties under Chapter One, section II, subsection K, to an address reasonably calculated to give notice to and reach the Respondent or Complainant.

3. Delivery is effective upon the date of delivery, not the date of receipt.

4. Delivery of documents to the Commission may be conducted via electronic mail after a written request is made and approved by the Executive Director.

G. Page Limitations and Format Requirements.

Whenever these Regulations impose a page limitation, a "page" means one side of an 8½ inch by 11 inch page, with margins of at least one inch at the left, right, top and bottom of the page, typewritten and double-spaced in no smaller than 12 point type. Each page and any attachments shall be consecutively numbered.

H. Conclusion of Hearing.

For the purposes of these Regulations, a hearing concludes on the date on which the Commission announces its decision.

I. Complaints alleging both Sunshine Violations and Violations Handled Under the Ethics Commission's Regulations for Investigations and Enforcement Proceedings.

If a complaint alleges both violations of the Sunshine Ordinance and violations handled under the Ethics Commission's Regulations for Investigations and Enforcement Proceedings, the allegations involving violations of the Sunshine Ordinance shall be handled separately under these Regulations. Staff shall initiate a complaint of the alleged violations of the Sunshine Ordinance under Chapter Three, Section I.A.3 of these Regulations.

J. Certification by participating Commissioner if he or she did not attend proceedings held under Chapter II or III in their entirety.

Each Commissioner who participates in a decision, but who did not attend the hearing in its entirety, shall certify on the record that he or she personally heard the testimony (either in person or by listening to a tape or recording of the proceeding) and reviewed the evidence, or otherwise reviewed the entire record of the proceedings.

II. SEVERABILITY

If any provision of these Regulations, or the application thereof, to any person or circumstance, is held invalid, the validity of the remainder of the Regulations and the applicability of such provisions to other persons and circumstances shall not be affected thereby.

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San Francisco Sunshine Ordinance Task Force

PUBLIC COMPLAINT PROCEDURE

Consistent with the language and spirit of the San Francisco Sunshine Ordinance (Ordinance) to provide the most open government possible (see City Administrative Code Section (§) 67.1), all inferences and evidence shall be viewed in the light most favorable to the petitioner.

Revised 4/26/2005, Revised as to form 5/22/2007, 3/25/2008 & 4/28/09

The Sunshine Ordinance Task Force (SOTF) has an obligation under San Francisco Administrative Code §§67.21 (e), 67.30(c) and 12L.1-10 to respond to public complaints.

A. Inquiries In Person or by Phone

It is the goal of the SOTF to help the public gain access to public records and meetings. The staff of the SOTF will therefore work with members of the public to help achieve such access in order to avoid the need for filing complaints with the SOTF.

1. The Administrator shall discuss the request with the member of the public and attempt, with the assistance of the City Attorney, to mediate the request.

2. If unable to facilitate access to a desired record or to a public meeting, the SOTF staff shall advise the members of the public of his/her right to file a petition with the Supervisor of Records (the City Attorney's Office) and to pursue the SOTF complaint process, and shall send the complainant a packet of information regarding the complaint process.

B. Filing a Complaint with the SOTF

1. A letter or complaint form may be submitted to the SOTF via mail, fax or electronic mail (email), or in person. If a complaint letter is received, the Administrator shall complete a complaint form and send a copy to the complainant for their review. The complaint form shall include a box to indicate if the complainant wants a public hearing before the Task Force or a pre-hearing conference before the Complaint Committee to focus the complaint or to otherwise assist the parties to the complaint. Once filed a copy of the complaint shall be sent to the Chairs of the full Task Force and Complaint Committee, and the SOTF Deputy City Attorney.

2. Upon filing a complaint, the complainant shall be given a condensed checklist of procedural requirements (i.e. complaint process, documentation deadlines, etc.). The responding City department/agency (respondent) shall be sent written notice of the complaint with a checklist of procedures, with a request to respond to the charges in the complaint within 5 business days. The Deputy City Attorney who advises City departments/agencies may assist the respondent in preparing a response to the complaint. (*See* Addendum)

3. Hearing Schedule:
   (a) If the responding City department (respondent) does not contest jurisdiction or there is no request for a pre-hearing conference to focus the complaint or otherwise assist the parties to the complaint, a hearing will be scheduled with the Full Task Force.
   (b) If the responding City department (respondent) contests jurisdiction or there is a request for a pre-hearing conference to focus the complaint or otherwise assist the parties to the complaint a hearing will be scheduled with the Complaint Committee prior to the hearing before the Full Task Force.

4. The Administrator shall advise the complainant and the affected department/agency of the date, time and location of the Complaint Committee and/or Full Task Force meetings at which the complaint will be discussed. The respondent shall have a knowledgeable representative and/or its custodian of records at the meeting. The Administrator shall inform both parties of the deadline to submit any supporting documentation. Both parties shall be held to the stated deadlines: five working days before the hearing.

5. The Administrator shall gather all relevant documents prior to the forthcoming hearing/s and shall send the documents to the members for their review. When the documents exceed 75 pages, the complaint will be forwarded without its full exhibits, with an indication that the full exhibits are on file with the Administrator.

6. Complaint Committee Hearings:
   (a.) The SOTF Deputy City Attorney, shall provide a written opinion to the Complaint Committee as to whether the SOTF has jurisdiction over the complaint.
   (b.) The Complaint Committee shall review a complaint where jurisdiction is contested or a pre-hearing conference is requested at its next meeting and recommend whether the SOTF has jurisdiction. The Committee shall also focus the issues for the complainant, respondent and SOTF, or otherwise assist the parties.

7. When the Complaint Committee recommends accepting jurisdiction, it shall do so at the next regular SOTF meeting unless this would result in a violation of the 45-day time limit for resolving complaints (mandated by §67.21); in such a case, a special meeting shall be called to hear the matter. The complainant may waive the 45-day rule or request a special hearing within the 45-day period.

8. Continuances:
   (a) A complainant may waive the 45-day rule and if a request for continuance is submitted at least three business days in advance of the scheduled hearing it shall be granted. For requests submitted less than three business days in advance or for requests for subsequent continuances, the request shall be granted by a simple majority vote of the members present.
   (b) If a respondent submits a request for continuance at least three business days in advance, upon agreement of the complainant the continuance shall be granted. If the complainant does not agree to the continuance, the

request for continuance is not made within three business days, or the respondent is requesting a subsequent continuance, such continuance shall be granted by a simple majority vote of the members present. (Adopted 5/22/07)

C. Public Hearing Procedure

If jurisdiction is not contested or the Complaint Committee recommends jurisdiction, the complainant and respondent shall receive a written notice of the specific issues that shall be before the SOTF for a hearing, and they shall be advised to submit any evidence no later than 5 working days prior to the hearing.

Documentation
For a document to be considered, it must be received at least 5 working days before the hearing (Tuesday before the actual meeting). At the hearing before the Task Force, should the complainant submit additional documentation that has not been submitted to all parties, he or she shall be given the following options:

(1) Proceed with the hearing without SOTF consideration of the additional documentation;

(2) Waive his/her right to a hearing within 45 days and ask for the hearing to be continued; but

(3) If the additional documentation raises a new issue, the complainant may

- proceed with the hearing and file a new complaint on the additional issue(s), or
- withdraw and amend the complaint to include the new issue(s).

D. Hearing and Findings of the Task Force

1. Prior to the meeting, the SOTF Deputy City Attorney shall prepare an instructional letter to assist the SOTF in understanding the issues. All members of the SOTF are responsible for being familiar with the complaint issues prior to the meeting.

2. The SOTF shall conduct the public hearing with the complainant and respondent present.

3. After hearing all testimony, the SOTF shall vote on an Order of Determination or other directives written by the Chair of behalf of the Task Force stating whether the record is public and/or whether the open meeting laws were obeyed.

4. After the SOTF determines a course of action, the complainant and respondent shall be notified in writing.

E. Reconsideration of Task Force Findings

1. Within 10 days of receipt ~~issuance~~ of the Order of Determination, either the complainant or respondent may petition the SOTF for a reconsideration only if information exists that was not available at the time of the hearing and the petitioning party must present an offer of proof as to the new information.

2. The Task Force shall consider the petition at its next scheduled meeting. If a petition for reconsideration is granted, a new hearing on the complaint shall be scheduled at the next SOTF meeting. (Approved by Task Force 10/26/04)

F. Department to Comply with Determination of the SOTF

1. The Administrator shall send the Order of Determination to the complainant and the respondent and request a written response within 5 days of the receipt of the Order and as necessary request a written response, which shall be monitored by the SOTF Compliance and Amendments Committee and/or any committee recommended by the Chair. If a public records violation is found, the custodian of records shall be ordered to provide the record to the complainant within 5 days after the issuance of the Order of Determination. The Compliance and Amendments Committee shall review whether there has been compliance with the Order of Determination.

2. If there is a failure to comply, the Compliance and Amendments Committee may recommend that the SOTF notify the District Attorney, the California Attorney General, the Board of Supervisors and/or the Ethics Commission, who may take measures they deem necessary to ensure compliance with the Ordinance. A copy of the Order of Determination shall be included with such notification.

3. If appropriate, the respondent and complainant shall be sent a notice that the District Attorney, California Attorney General, Board of Supervisors and Ethics Commission have been contacted, and of the complainant's independent right to pursue the issue in court.

G. Documentation and Information Regarding Individual Complaints:

1. The Administrator shall keep a file of all documents and a log of all petitions filed with the SOTF, including the date of each petition, the department/agency against which it was made, the nature of the complaint and its status. This shall be in compliance with its records and retention schedule.

2. Copies of all correspondence relating to a complaint shall be sent to all parties.

Addendum

Complaint Process

1. You may fill out a complaint form online or access a form at sfgov.org/site/sunshine, or you may send your own letter filing a formal complaint. File the complaint with the Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Pl., Room 244, San Francisco, CA 94102-4689; or you may send it by fax to (415) 554-7854 or email to sotf@sfgov.org.

2. After you file a complaint, the Complaint Committee of the Sunshine Ordinance Task Force (SOTF) shall, if jurisdiction is contested and/or a request for a pre-hearing conference is received, review it to determine if the SOTF has jurisdiction and to focus on the relevant issues in the case.

   - Jurisdiction is defined as the authority to address a given issue(s), as specified in the Sunshine Ordinance.

3. If the Complaint Committee finds no jurisdiction over the violations alleged in the complaint, the complainant is notified of the decision and the complainant may request reconsideration before the SOTF at its next scheduled meeting. Should the SOTF find jurisdiction, a full hearing on the merits will be scheduled.

4. If the Complaint Committee finds the SOTF has jurisdiction, the complainant, respondent and SOTF members are notified of the decision.

5. The complaint is then scheduled for a hearing at the next meeting of the SOTF, which has the final say on the jurisdiction issue.

6. If additional information is to be submitted by the complainant or respondent, it must be submitted to the Administrator at least five working days before the scheduled hearing before the Task Force.

   If either party submits additional material after the deadline, they will be informed that
   a. The Task Force may proceed without considering the new material.
   b. The complainant may waive the 45-day time limit and continue the hearing to the next Task Force meeting.
   c. The complainant may withdraw the complaint and file a new complaint.
   d. The complainant may proceed to hearing with their current complaint and file a new complaint and use the new information to support the freestanding separate complaint.

7. After the public hearing, the Task Force may make an Order of Determination regarding the complaint.

8. For further information, contact the Sunshine Ordinance Task Force Administrator, at (415) 554-7724.

Part three: Public records & meetings laws

"The very word 'secrecy' is repugnant in a free and open society; and we are as a people inherently and historically opposed to secret societies, to secret oaths and to secret proceedings. We decided long ago that the dangers of excessive and unwarranted concealment of pertinent facts far outweighed the dangers which are cited to justify it. Even today, there is little value in opposing the threat of a closed society by imitating its arbitrary restrictions. Even today, there is little value in insuring the survival of our nation if our traditions do not survive with it."

— President John F. Kennedy
Address before the American Newspaper Publishers Association, April 27, 1961

I. Introduction

Good government in our democracy is premised on informed and engaged citizenship, and our ability to govern can never be better or more effective than laws intended to assure the broadest possible public access to government proceedings and records. The policy objective underlying public records and open meeting laws is that citizens share a fundamental right to access information concerning the conduct of their government, and that governmental entities should make their policy decisions openly and with the full benefit of public participation.

As strongly as we in the City Attorney's Office encourage our clients to be thoroughly familiar with laws governing public records and open meetings, we urge, too, that these laws be embraced in the aspirational spirit of openness, transparency and accountability that animate them. Public service means being ever mindful of the public's right to be informed about and to participate in our democracy. Citizens who petition public officials and employees—whether to share ideas, to criticize, to seek information, or to request public records—deserve respect and appreciation for fulfilling a civic duty no less important to San Francisco's government than our own.

As with almost every area of law, there are no absolutes; exceptions exist in open meetings laws and public records laws to accommodate occasionally competing protected rights of privacy and confidentiality. But these exceptions are generally narrow. Violations of open

government laws are more likely to occur from ignorance or confusion than from deliberate intent. But it is important to understand that even unwitting violations may be legitimately viewed with suspicion. They invite criticism and undermine the credibility of City departments and policy bodies. Also, there can be substantial costs and penalties for violating these laws.

We encourage all policy body members and department personnel to thoroughly familiarize themselves with public records and open meeting laws by carefully reading this part of the Good Government Guide, and by taking part in the trainings that the City Attorney's Office offers. We also encourage City officials and employees to contact the City Attorney's Office in advance whenever they have questions regarding public records or meetings.

II. Legal overview

This part of the Good Government Guide is intended to familiarize department heads, City personnel, and members of City boards, commissions, and other bodies with State and local laws governing the public's right of access to City records and meetings conducted by certain City bodies. We address the four major laws that promote open government in San Francisco:

- The California Public Records Act (Govt. Code §§ 6250 et seq.) is the State law governing public access to the records of State and local agencies.
- The Ralph M. Brown Act (Govt. Code §§ 54950 et seq.) is the State law governing meetings of local governmental boards, commissions, and other multi-member bodies.
- The San Francisco Charter imposes additional requirements on the conduct of City boards, commissions, departments, and officials.
- The San Francisco Sunshine Ordinance (Admin. Code Chapter 67) imposes additional requirements on City government affecting both the public's access to records and the conduct of meetings of boards, commissions, and other bodies. The Sunshine Ordinance refers to City boards, commissions and most other multi-member policymaking and advisory bodies as "policy bodies." The Board of Supervisors enacted the Sunshine Ordinance in 1993 and the voters substantially amended it in 1999.

In addition to these four main laws, we address other provisions of State and City law that pertain to open government in San Francisco.

For the convenience of the reader, this part of the Guide provides citations for reference to a number of provisions of law. Our citations to these and other codes are not intended to suggest that they are the only sources of legal authority regarding public records and open meeting issues. Court cases, opinions of the California Attorney General and the City Attorney, and other sources of federal, state, and local law may be relevant to a particular situation.

A. Open government laws at the state and local levels

There is considerable overlap between State open government laws and City laws, including the Sunshine Ordinance. Where it is helpful, this Guide draws distinctions between State and City law requirements. But often the Guide does not draw such distinctions. Where State and City laws differ, the general rule is that the City must follow the more rigorous standard promoting greater access to public records and meetings of policy bodies. We thus often focus only on that legal standard.

Some public agencies that may be affiliated with but are legally distinct from the City are not subject to the Sunshine Ordinance. These agencies include the San Francisco Unified School District, San Francisco Community College District, San Francisco Redevelopment Agency, San Francisco County Transportation Authority, San Francisco Health Authority, San Francisco Housing Authority, San Francisco In-Home Supportive Services Public Authority, San Francisco Local Agency Formation Commission, San Francisco Parking Authority, and the Treasure Island Development Authority. They are subject only to the Public Records Act, the Brown Act (or other similar open meeting law), and, in some cases, other State laws governing public meetings and public records specific to the agency. But, although the Sunshine Ordinance does not of its own force apply to them, some of these agencies have chosen to follow some or all of its requirements.

B. Proposition 59

In 2004, California voters adopted Proposition 59, an amendment to Article I, section 3 of the California Constitution. Proposition 59 creates a general constitutional right of access to public records and meetings. But it also states that it does not repeal or nullify existing statutory or constitutional restrictions on access to public records and meetings and does not supersede or modify the right of privacy recognized in the California Constitution. It is therefore not completely clear what impact Proposition 59 has on access to public records and meetings, particularly in San Francisco, where the Sunshine Ordinance already provides for greater openness in government than State law requires. Courts and the Attorney General have generally found that Proposition 59 does not create new rights of public access to records and meetings but instead constitutionalizes existing rights under State law.

The underlying policy of the public records laws is that access to information concerning the conduct of the government's business is a fundamental right of each citizen. Govt. Code § 6250; Admin. Code § 67.1. The parallel purpose of the open meeting laws is to ensure that policy bodies make decisions openly and with the public's participation. Govt. Code § 54950; Admin. Code § 67.1. Proposition 59 thus highlights what both State and City law have long recognized: Conscientious adherence to open government laws is essential to democratic self-governance.

C. Underlying principles of open government laws

The premise of both the Public Records Act and the Sunshine Ordinance is that records in the possession of government generally belong to the people. Absent some specific and limited exceptions, City agencies must make those records available for the public to inspect, copy, or do both. This section outlines the disclosure requirements and procedures mandated by the Public Records Act and the Sunshine Ordinance. It also addresses other provisions of the Sunshine Ordinance or other City laws that make available to the public certain types of information.

D. Definition of a public record

The Public Records Act defines a "public record" very broadly. The definition has three elements:

- Any writing, regardless of physical form or characteristics.
- Containing information relating to the conduct of the public's business.
- Prepared, owned, used, or retained by a state or local agency.

Govt. Code § 6252(e). The first element defines a "record." The second and third elements define what makes the record "public." The Sunshine Ordinance adopts this definition of "public record." Admin. Code § 67.20(b).

The first element of the definition of public record—that it is a "writing"—is immensely expansive. It encompasses any handwriting, typewriting, printing, photostating, photographing, photocopying, transmission by e-mail or fax, and every other means of recording on any tangible thing any form of communication or representation, including letters, words, pictures, sounds, or symbols. Govt. Code § 6252(g). This concept of a writing goes beyond the traditional written form. It may consist of any medium that contains encoded information, such as a computer tape, video recording, cassette recording, voicemail, text message, photograph, or movie. E-mails including attachments are writings within the meaning of the Public Records Act.

The second element of the definition of public record—that it contain information "relating to the conduct of the public's business"—is also expansive, though it has some limits. For example, an employee's grocery shopping list, kept in an office desk drawer, is not a public record because it does not contain information about the workings of City government.

The third element of the definition—that a public record is "prepared, owned, used, or retained by a state or local agency"—is expansive, too. In particular, there may be cases where the City does not own a record that is nonetheless considered a public record. Courts have not definitively resolved the issue, but City officials and employees should assume that work they perform for the City on personal computers or other personal communications devices may be subject to disclosure under the public records laws. Such a record meets the first two elements of the definition of public record; the remaining question is whether, under the circumstances, the law would consider the record prepared or used by the City.

There are a few exceptions to the definition of public record. For example, computer software that the City develops is not a public record. Govt. Code §6254.9(a); Admin. Code § 67.20(b). But the large majority of records in the City's possession are. Legal issues concerning disclosure typically center not on whether the record is a public record, but on whether a specific law authorizes or requires the City to withhold or redact the record.

E. The public records request

In some cases, City personnel may have difficulty recognizing that they have received a public records request or an effort by a member of the public to make a request. The discussion below clarifies when a request triggers the City's obligation to respond.

1. Form of request

A person may make an oral public records request in person or by phone, or submit it in writing by fax, postal delivery, personal delivery, or e-mail. Admin. Code § 67.21(b). Departments must honor oral requests. They may ask but not insist that a request be in writing, to clearly record the timing and content of the request. A sample request form, modeled on the form used by the Clerk of the Board of Supervisors, is found at the end of the Guide.

2. Content of request

A public records request must specify an identifiable record or category of records sought. Govt. Code § 6253(b). The law does not require exactitude in requests, or limit requests to specific records the requester identifies by date, author, and/or recipient. But a request must be sufficiently clear and defined that the department can understand what records are the subject of the request.

The law does not generally allow a requester to look indiscriminately through a department's files where such files are not otherwise made available to members of the public. Accordingly, public records requests may not require access to "all of your records." But public servants should make a conscientious effort to assist requesters in identifying the information or records they seek. Also, neither the Public Records Act nor the Sunshine Ordinance gives a member of the public the right to file a standing request for records that departments may or will create or receive in the future. The Brown Act provides a limited right to file a standing request for future meeting agendas and agenda packets of a policy body. See Section IV(C)(4) below.

A request that a department create a response to a request for information or answer a series of questions is not a public records request, and neither the Public Records Act nor the Sunshine Ordinance requires a department to reply to a series of written questions or interrogatories. Nevertheless, department personnel should make a reasonable effort to assist questioners when public records may exist that would assist in answering written questions.

A public records request need not use special terminology like "this is a public records request" or "this is a request under the Sunshine Ordinance" to be valid. And the use of incorrect terminology, like "this is a Freedom of Information Act request," does not render the request invalid. The request merely needs to make reasonably clear that the requester is seeking identifiable records from the City. And even if the request does not mention the Public Records Act or Sunshine Ordinance, the City must adhere to the requirements of those laws in responding, unless the requester instructs otherwise.

A public records request need not state the reason for the request, and the City may not demand an explanation as a condition of complying with the request. Govt. Code § 6257.5; Admin. Code § 67.25(c). Further, as a general rule, the City must respond to anonymous public records requests, provided they include information sufficient to allow the City to transmit a response to the requester.

3. Types of access to records

A requester may seek to inspect records, or obtain copies of records, or both. Govt. Code §§ 6253(a), (b); Admin. Code §§ 67.21(a), (b). Typically the request itself, or the surrounding circumstances, will make clear the type of access the requester is seeking. If not, the department may seek clarification from the requester.

F. Responding to a public records request

1. Providing assistance to requesters

The Public Records Act requires departments to assist members of the public to identify records and information that are responsive to the request or purpose of the request, if stated; describe the physical location and information technology in which the requested records exist; and provide suggestions for overcoming any practical basis for denying access to the records or information sought. The department will have satisfied these requirements even if it is unable to identify the requested information after making a reasonable effort to elicit additional clarifying information from the requester. Govt. Code §§ 6253.1(a), (b).

If a requester has addressed a request to the wrong department, or if the department that received the request knows that another department may have responsive records, the department that received the request typically should inform the requester of the other department(s) that may have responsive records. Admin. Code § 67.21(c). A department should follow this procedure whether or not it has responsive records.

Further, if most of the information in a requested record is exempt from disclosure, the department must inform the requester of other records, if any, that may contain some of the information the requester seeks. Admin. Code § 67.27(d); see also Admin. Code § 67.25(c).

The City's general duty to assist requesters does not entitle departments to require the requester to give a reason for the request or explain how the requester will use the records. Departments may not limit access to a public record otherwise subject to disclosure based

on the purpose for which the record is being requested. Cal. Govt. Code § 6257.5. Accordingly, departments should not routinely make such inquiries. But in some cases, particularly where the request is overly broad or unclear, it may be appropriate to ask about the requester's objectives where the inquiry would help the department identify the records and satisfy the request. Admin. Code § 67.25(c).

2. Providing a description of records

The Sunshine Ordinance allows a person to ask a department for information regarding the existence, quantity, form, and nature of records relating to a particular subject. When requested to do so, the department must respond in writing within seven days. Admin. Code § 67.21(c). The Ordinance does not provide for any time extension to comply with such a request. This procedure enables a person to get enough information relating to a subject to make or refine a public records request. It does not require a department to provide an inventory detailing each record that may pertain to a subject or to create a privilege log detailing records the department has withheld from disclosure in response to a request.

3. Timely response

The City must respond to a public records request promptly. Govt. Code § 6253(b); Admin. Code § 67.21(b). There are two types of requests – standard requests, and immediate disclosure requests – with different response deadlines.

a. Standard requests: 10 calendar days

Unless the requester makes an immediate disclosure request, departments must respond to a request to inspect or copy records within 10 calendar days. But in "unusual circumstances," departments may have up to 14 additional calendar days to respond. The department must inform the requester in writing of the extension within the initial 10-day period, setting forth the reasons for the extension and the date on which a response will be made. Govt. Code § 6253(c). The department need not obtain the requester's consent to invoke an extension of time for one of the specified reasons.

"Unusual circumstances" permitting the extension are limited to the need to do one or more of the following:

- Search for and collect the requested records from facilities separate from the office processing the request.
- Search for, collect, and appropriately examine a voluminous amount of separate and distinct records included in a single request.
- Consult with another department or agency that has a substantial interest in the response to the request.
- As to electronic information, compile data, write programming language or a computer program, or construct a computer report to extract data.

Govt. Code §§ 6253(c). Although departments have 10 days to respond to a standard request, they should respond as promptly as possible and without unreasonable delay. Admin. Code §§ 67.21(a), (b).

b. Immediate disclosure requests: next business day

The Sunshine Ordinance requires a faster response for "immediate disclosure requests." The faster response is required only if the request is in writing. Admin. Code § 67.25(a). In addition, the words "Immediate Disclosure Request" must appear across the top of the request and on the envelope, subject line, or cover sheet transmitting the request. Admin. Code § 67.25(a). These stringent rules for designation of an immediate disclosure request are more than a formality. They are designed to alert departments that an expedited time frame for processing the records request applies.

Immediate disclosure requests must be satisfied no later than the close of business the next business day. Admin. Code § 67.25(a). The department should respond to the requester within that time period by fax or email, if the requester has provided that contact information. If the requester has provided a postal address only, mailing the response within the time period satisfies the deadline. Admin. Code § 67.25(a).

Departments may invoke an extension of no more than 14 calendar days to respond to immediate disclosure requests. Admin. Code § 67.25(b). While the Sunshine Ordinance mentions a 10-day extension period, that provision incorporates an expired provision of the Public Records Act framed in terms of 10 "business days," which is typically equivalent to 14 calendar days. When the voters amended the Ordinance and created the immediate disclosure request process, the provision of the Act then in effect used 14 calendar days as the maximum time frame for extensions. That provision remains in effect. Gov't Code § 6253(c). Therefore, we read the Sunshine Ordinance and Public Records Act to allow an extension of up to 14 calendar days to respond to an immediate disclosure request.

If a department invokes the 14-day extension, it must notify the requester by the close of business on the business day following the request. Admin. Code § 67.25(b). A department may invoke the extension on one of the following grounds: (1) the voluminous nature of the records requested, (2) location of the records in a remote storage facility, and (3) the need to consult with another interested department. Admin. Code § 67.25(b). The Public Records Act further permits an extension to compile electronic data, write programming language or a computer program, or construct a computer report to extract data. Govt. Code § 6253(c)(4).

The purpose of the immediate disclosure request is to expedite the City's response to a simple, routine, or otherwise readily answerable request. For more extensive or demanding requests, the maximum deadlines for responding to a request apply. Admin. Code § 67.25(a). Thus, the requester's designation of a request as an immediate disclosure request does not automatically make it so. Rather, a department may adhere to the time deadlines governing standard requests – an initial 10-day period for response, plus a possible extension of up to 14 additional days – if the extensive or demanding nature of the request would impose an undue burden on the department to respond immediately.

c. Description requests: 7 calendar days

As noted earlier, the Sunshine Ordinance allows a member of the public to obtain a description of the existence, quantity, form, and nature of a department's records on a subject. Such a request is technically not a public records request, though it may easily be confused with one, especially when the description request accompanies a public records request. Departments must respond to description requests within 7 days. The Ordinance does not authorize time extensions for responding to such requests. Admin. Code § 67.21(c).

d. Calculating time

If a department receives a public records request after business hours or on a weekend or holiday, it may consider the next business day as the date of receipt. Civ. Code § 10. If a deadline for a response falls on a weekend or holiday, the department may consider the next business day as the deadline for response. Civ. Code § 11.

e. Duty to produce records incrementally

Departments must produce records as soon as reasonably possible on an incremental or "rolling" basis, when so requested. Therefore, even when a department has additional time to respond and is collecting a large quantity of records, if requested, it must produce records as it locates and reviews them rather than waiting until it has located and reviewed all potentially responsive records. Admin. Code § 67.25(d). This rule may not apply when, because of the relationship between two records (or sets of records), review of the first is not complete until the department has completed review of the second. If the department must redact a responsive record, review of the record is not complete until the department has made the redaction.

f. The rule of reason

In very rare circumstances a public records request or series of requests may become so burdensome, persistent or sweeping that it unreasonably impinges on a department's ability to perform its public duties. In these unusual instances, the department may be able to invoke a "rule of reason" (a common law doctrine occasionally cited in case law) to allocate the amount of time and resources a department devotes to responding. Departments believing that circumstances may warrant invoking this rule are urged to consult with the City Attorney's Office before doing so.

In general, the timing of a department's response must be reasonable in light of all the circumstances, including: the volume of records to be inspected; whether the records are readily available; the need, if any, to assign staff to oversee the inspection; whether the department is actively using the records; and the number of other public records requests to which the department is also responding. Without denying or unreasonably delaying the requested inspection, a department may consider significant disruption of its operations that inspection will cause in determining the timing and logistics of the inspection. In response to a request to inspect a large number of records, the department may afford the requester access to records for a specified amount of time each day if under the circumstances that procedure is reasonable.

Similarly, when responding to a request for copies of excessively voluminous records, a rule of reason may govern the timing of the response. Where compliance with a request may pose serious or insurmountable staffing burdens, the department may allocate a limited number of hours per day or week to work on responding to the request, to minimize disruption of its other public duties. In such circumstances, department personnel should endeavor to work cooperatively with the requester to determine if the request can be narrowed to minimize barriers to a prompt response, or to at least prioritize records the request would like to first retrieve and review first. If the same person makes multiple requests of a department or of the City as a whole, circumstances may likewise warrant allocating a limited number of hours per day or week to the individual's requests.

Because open government laws place such paramount importance on responding promptly to public records requests, a department should never lightly or routinely invoke the rule of reason as a basis for elongating the time for fully responding. Indeed, we strongly advise City personnel against invoking the rule of reason unless they have first consulted with the City Attorney's Office about their particular circumstances.

4. Proper response

a. The duty to respond

Departments may not refuse to respond to a public records request. In some circumstances, failure to respond could subject an employee to discipline. In addition, it could lead to a legal action in which the requester could recover attorneys' fees against the City.

Yet sometimes for various good faith reasons departments miss deadlines for responding to public records requests. Once a department realizes it has missed or will miss a deadline, it should expeditiously contact the requester and process the request as quickly as possible.

b. Types of responses

Following a reasonable search for responsive records, the department must do one of the following: disclose the records; inform the requester in writing that it has no records responsive to the request; or inform the requester in writing that responsive records exist, but that they are exempt from disclosure, stating the legal basis for the exemption. Govt. Code §§ 6253(c), 6255(b); Admin. Code §§ 67.21(b), 67.27. A record may be partially exempt from disclosure, in which case the department will redact the relevant portion of the record and must inform the requester in writing of the legal basis for the redaction. Admin. Code § 67.26.

c. No privilege log required

The law does not require a responding department withholding records to create a privilege log identifying the withheld records. It is common to prepare a privilege log in a litigation context, but not when responding to a public records request.

d. Information in electronic form

As a general rule, if a department has no records responsive to a request, the law does not require it to create or re-create one. But the Sunshine Ordinance requires the City to make information stored in electronic form available to a member of the public in any form requested so long as the information is available to or easily generated by the department in that form, including disk, tape, print-out, or on a computer monitor. Admin. Code § 67.21(l). Members of the public do not have a right to inspect public information on a computer monitor where the information visible on the monitor is inextricably intertwined with information that is properly exempt from disclosure. Admin. Code § 67.21(l). But departments must produce in an appropriate form the publicly disclosable information. With limited exceptions, the Sunshine Ordinance does not require a department to program or reprogram a computer to produce an electronic record. Admin. Code § 67.21(l).

But the Legislature has amended the Public Records Act to impose additional requirements about information that is in an electronic format. Govt. Code § 6253.9. A department must make the information available in any electronic format in which it holds the information. Govt. Code § 6253.9(a)(1). And it must make a copy of an electronic record available in the format requested if it has used that format to create copies for its own use or for other agencies. Govt. Code § 6253.9(a)(2). These provisions do not require a department to reconstruct a record in an electronic format if the record is no longer available electronically. Govt. Code § 6253.9(c).

i. Portable Document Format, or PDF

To facilitate accessibility and ease of use, many City departments provide their electronic records to the public as PDF files. PDF, which stands for "Portable Document Format," is a file format created by Adobe Systems in the early 1990s to facilitate the exchange electronic documents across multiple operating systems, and without requiring the purchase of specific software or hardware. PDF is now an open standard, meaning it is available without charge, is non-proprietary, and can be accommodated by different software. The advantages of providing records in this format are that:

- PDF is a free, open format
- PDF records are viewable and printable on any computer platform
- PDF records typically look like the original records and thus preserve the integrity of the original information
- PDF records can enable full-text searches to locate words and terms features in PDF documents that are saved in electronic format
- PDF records work with assistive technologies to make the information available to persons with disabilities

ii. Metadata

Sometimes a requester seeks a record in its original electronic format, which likely involves proprietary software, such as Microsoft Word or Excel. In such instances, it is usually the case that the electronic document will contain embedded, hidden information known as

"metadata." Metadata may include information about the document's authors and editors; comments shared among co-authors and editors; and tracked changes in versions of the document before its completion. This metadata may not be readily apparent in the final document, but it may nonetheless be fully available to the recipient were the document provided in its native file format. Depending on the nature of the record requested, some or all of the metadata it contains may be properly exempt from disclosure. In still other instances—including comments that may contain legal advice, medical, personnel or otherwise private information—the disclosure of metadata may actually be prohibited by law.

While current case law offers little guidance on legal questions relating to public disclosure of metadata, and while technologies continue to evolve quickly, there is no evidence that the California Legislature intended to require public entities to search and redact metadata in electronic records. Neither is there an apparent legislative intent to require government agencies to produce records in their electronic formats if their release would jeopardize or compromise the security or integrity of the original records, or of any proprietary software in which it is maintained. Govt. Code 6253.9(f).

At the same time, the usability of public information provided to requesters is something that department personnel should consider in responding to public records requests. In asking for a public record in a native file format like Microsoft Excel, for example, a requester may simply be seeking a format that will enable searching, querying and summarizing public information in a manner that is far easier than if the record were provided in a scanned PDF or on a printed page. In some instances, the very same technology innovations that can present difficult public records questions may help resolve these issues through conversion to file formats that both meet the requester's needs and avoid problems with unauthorized disclosure of metadata. Departments seeking further advice on these issues should consult with their department's information technology staff and with the City Attorney's Office.

The San Francisco Board of Supervisors has adopted a policy directing its clerk to provide responsive records in the original format when the requester so requests. Other departments may wish to consider their own policy options in light of the risks of unintended or impermissible disclosure of metadata in documents specific to their own department's function. Again, departmental personnel seeking further advice on the topic of providing electronic records to members of the public should consult with their information technology staff and the City Attorney's Office.

iii. Fee for duplicating electronic records

The fee for duplicating electronic records is limited to the direct cost of producing copies in an electronic format. Govt. Code 6253.9(a)(2). The Public Records Act amendment regarding electronic records imposed additional duties on local governments, beyond those that the Sunshine Ordinance imposes on the City, that may be charged to the requester. The requester pays the additional cost of producing a copy of the record, including the cost of constructing the record and of programming and computer services necessary to produce a copy, if (1) the department is required to produce a copy but the record is ordinarily produced only at otherwise regularly scheduled intervals, or (2) the

request would require data compilation, extraction, or programming to produce the record. Govt. Code § 6253.9(b).

iv. Back-up files

As a general rule, departments need not search their back-up electronic files in response to a public records request. Back-up tapes serve the limited purpose of providing a means of recovery in cases of disaster, departmental system failure, or unauthorized deletion. They are not available for departmental use except in these limited situations. Electronic records such as e-mails that an employee has properly deleted under the department's records retention and destruction policy but that remain on back-up tapes are analogous to paper records that the department has lawfully discarded but may be found in a City-owned dumpster. Neither the Public Records Act nor the Sunshine Ordinance requires the City to search the trash for such records, whether paper or electronic.

v. Information on personal communications devices

Neither the Public Records Act nor the Sunshine Ordinance directly addresses whether communications sent or received on personal electronic devices such as cell phones and personal computers are subject to disclosure as public records. Courts have not definitively resolved this issue. Out of an abundance of caution, City officers and employees should assume that records pertaining to City business on their personal electronic devices may be public records subject to disclosure. In some circumstances, courts might have difficulty concluding that such electronic records are not public records.

Even if the Public Records Act covers records on personal communications devices, this does not mean that officers and employees must retain such communications. Personal electronic devices may have limited storage capacity, and communications on them, if deemed to be public records, would be subject to the department's records retention policy. See Section III below. These policies do not require retention of all public records, but only certain types of records as specified in State and local law. Examples of public records that the law does not require the City to retain include but are not limited to routine messages or e-mails, miscellaneous correspondence not requiring follow-up, notes, and preliminary drafts that have been superseded. For a more thorough understanding of records retention requirements, City officers and employees should consult their department's record retention policy and this Guide's discussion of records retention issues.

5. Fees

a. No fees for records search

Departments may not charge a fee for the time and costs incurred in searching for, locating, or collecting records to respond to a public records request. Govt. Code § 6253(b); Admin. Code § 67.26.

b. No fees for redacting exempt information

Departments may not charge a fee for the time and costs incurred in redacting exempt information from a record to be disclosed in response to a public records request. Govt. Code § 6253(b); Admin. Code § 67.26.

c. No fees for inspecting records

Departments may not charge a fee for a requester to inspect records. Admin. Code § 67.28(a). In some circumstances, a department may deploy staff to sit with requesters while they inspect records, to ensure the security of the records. The department may not charge a fee for this use of staff time. If the department has to make a new copy of a record for the requester to inspect because redactions have been made in the original, the department may not charge a fee for that inspection copy.

d. Fees for copies

Departments may charge a fee for the duplication and mailing of copies of records. Govt. Code § 6253(b). Departments may require payment before providing the copies. For records routinely produced in multiple copies for distribution, such as copies of an agenda reproduced for a meeting, a department may charge 1¢ per page, plus postage. Admin. Code § 67.28(b). For records assembled and copied to the order of the requester, a department may charge no more than 10¢ per page. Admin. Code § 67.28(c). A record that a department originally reproduced in multiple copies, but now must again reproduce in response to a public records request, such as the agenda for a past meeting of a policy body, is subject to the higher charge. A department may establish higher copying fees only if it prepares and posts an itemized cost analysis establishing that the per page direct cost exceeds the above amounts. Admin. Code § 67.28(d).

Where the requester seeks a copy of a record on a medium other than paper, the City may charge for the cost of the medium on which the information is duplicated. Admin. Code § 67.21(l). A department may charge up to $10 for video copies of video recorded meetings. Admin. Code § 67.28(e). There is no specific dollar limit on the charge for audio copies of audio recorded meetings, but, as with video copies or any other non-paper medium, the charge may not exceed the cost of the medium on which the information is duplicated.

e. Fees for other services

Departments may charge for services other than duplicating, such as providing certified copies of documents. We recommend consulting the City Attorney's Office if questions arise regarding possible conflicts between fees that the Sunshine Ordinance authorizes and those that State law or other ordinances authorize.

G. Exemptions from disclosure

The Public Records Act exempts certain classes of records from disclosure. The Sunshine Ordinance limits the City's ability to claim some of these exemptions. Interpreting these

exemptions may present complex legal and factual questions that require consultation with the City Attorney's Office.

Both the Public Records Act and the Sunshine Ordinance create a general right of public access to public records. Therefore, the law always imposes the burden on the City to justify its refusal to disclose a record by specifying the legal basis. Govt. Code § 6255(b); Admin. Code §§ 67.27(a)-(c).

Some records contain both exempt and non-exempt information. A department may not withhold an entire record unless all the information in it is exempt. Admin. Code § 67.26. The department must redact the exempted material and annotate the redacted text by referring to the provision of the Public Records Act, Sunshine Ordinance, or other law authorizing the refusal to disclose. Admin. Code § 67.26. As previously noted, the department may not charge the requester a fee for redacting the information. Admin. Code § 67.26.

Some grounds for nondisclosure commonly arise. Below we discuss some of these. We do not discuss all the exemptions available under State and federal law; many apply only to specialized types of records and some rarely apply. Some exemptions stem from the Public Records Act itself. The Act also catalogues alphabetically many exemptions derived from other State laws, but this list is not exhaustive. Govt. Code §§ 6276.02-6276.48, 6275.

The exempt status of a record generally means that a department may but need not decline to disclose it. In other instances, such as where State or federal constitutional privacy interests of individuals or a statutory ban is involved, the department must not disclose a record even if it wishes to do so. Departments that have questions about whether they must invoke an exemption, or may choose not to, should consult the City Attorney's Office.

If a department voluntarily discloses a record that it may withhold, it waives its privilege to withhold the record in the future. Govt. Code § 6254.5. Departments may not disclose a record to one member of the public and withhold that record from another member of the public. But certain types of disclosures – for example, to another governmental entity, or if otherwise required by law – do not necessarily require disclosure of that same record to a member of the public. Govt. Code §§ 6254.5(b), (e). And if the department has inadvertently compromised a third party's rights by disclosing a record it should have withheld, it may not compound the error by making the same wrongful disclosure to another member of the public.

Individual employees generally lack the authority to waive a privilege to withhold a record. Depending on the circumstances, only the policy body that oversees the department, the department head, or other authorized personnel may make such a decision. Unauthorized disclosure of a privileged record is official misconduct and may subject the person who made the disclosure to disciplinary action or criminal prosecution, or both. Campaign & Govt. Conduct Code §§ 3.228, 3.242.

1. Exemption under state or federal law

The United States Constitution, the California Constitution, and federal or State statutes and regulations exempt or prohibit disclosure of certain records. The Public Records Act

incorporates these laws in an exemption. Govt. Code § 6254(k). Under this exemption, where disclosure would violate a federal or State law, the City may not release the record. Where federal or State law does not prohibit disclosure of a record but authorizes nondisclosure, the City may decide whether to disclose.

2. Privacy

Both state and local law recognize as a general principle that the right to personal privacy sometimes precludes disclosure of public records or information contained in those records. Govt. Code §§ 6250, 6254(c); Cal. Const., Art. I, §1; Admin. Code §67.1(g); Admin. Code Chapter 12M. These authorities may protect private information or records from disclosure even absent a statutory or constitutional provision addressing the specific information or type of record in question.

Some laws ban disclosure of information based on the privacy interests of individuals. For example, Welfare and Institutions Code § 10850 makes confidential records that concern individuals who receive certain public social services. In other circumstances, the bar to disclosure, while not absolute, is still high. In these cases, departments must determine whether disclosure serves a sufficiently significant public purpose to warrant release of the record and the attendant compromise of an individual's privacy. The level of the bar will depend on the strength of the privacy interest. Where the privacy interest is relatively weak, a weaker justification for disclosure in the public interest may suffice.

a. Privacy interests of city employees and officials

Departments must not disclose "personnel, medical, or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy." Govt. Code § 6254(c). But all personnel records are not automatically exempt. As a general rule:

- Members of the public are entitled to see records that contain a City employee's name, current or past job classification, current or past job assignment, and actual wages earned including overtime. Admin. Code §§ 67.24(c)(3), (4). There may be narrow exceptions to this general rule; for example, in limited circumstances some of this information for certain peace officers possibly may be withheld for safety or security reasons.
    - The City must disclose the amount, basis, and recipient of any performance-based increase in compensation or benefits or any other bonus that it awards to any employee. Admin. Code § 67.24(c)(6).
    - The City must disclose the job pool characteristics and employment and education histories of all job applicants who accepted employment with the City. Admin. Code §§ 67.24(c)(1), (2).

But, because of the right to privacy, as a general rule the City may not disclose personal information about employees such as home address, telephone numbers, personal e-mail address, age, date of birth, race or ethnicity, sex, and marital status. Disclosure of an employee's social security number is strictly prohibited. Govt. Code § 6254.29. Further, certain types of personnel records generally may not be disclosed. For example:

- The law generally considers a supervisor's performance evaluation of an employee a private matter that is not subject to disclosure.
- Generally the City must not disclose records containing medical or disability information about employees. Federal and state statutes provide broad protection for such information.
- Peace officer personnel records receive special protection under State law. Pen. Code §§ 832.7, 832.8.

Records concerning discipline of specific City employees, or circumstances that might warrant their discipline, often pose difficult issues. To the extent permitted by law, the Sunshine Ordinance requires the City to disclose records of an employee's confirmed misconduct involving personal dishonesty, misappropriation of public funds, resources, or benefits, unlawful discrimination, abuse of authority, or violence. Admin. Code § 67.24(c)(7). Whether the employee's misconduct is confirmed, and whether it is the type of misconduct addressed by the Ordinance, is sometimes unclear. The Ordinance does not directly address the treatment of unresolved or uninvestigated complaints against employees; complaints resolved in the employee's favor; or records of ongoing personnel investigations. We recommend that departments faced with requests for such records consult the City Attorney's Office. The privacy issues pertaining to these types of personnel records can be complex, and other considerations in addition to privacy, such as the need to maintain effective investigations, may be relevant.

The law protects the privacy of City officials as well as City employees. For example, the City should not, without a commissioner's consent, disclose that commissioner's personal e-mail address, even if the commissioner has disclosed it to commission staff. But departments should make available a City e-mail address at which members of the public may contact City officials, including commissioners. As another example, the Public Records Act strictly prohibits posting on the internet the home address or phone number of any elected or appointed official, defined broadly to include not merely the Mayor and members of the Board of Supervisors but many others, including active and retired peace officers. Govt. Code §§ 6254.21, 6254.24.

b. Privacy interests of members of the public

The statutory and constitutional protections for privacy apply to information in City records about members of the public. To take the most obvious example, a patient in a City hospital or health clinic has medical privacy rights that the public records laws cannot override. Similarly, departments may not disclose medical information pertaining to a disability that an individual submits to the City in connection with a request for access to a City building or modification of a City program, unless the individual consents to the disclosure.

Concerns about identity theft warrant redaction of driver's license numbers, credit card numbers, checking account numbers, and similar information in records of transactions between the City and members of the public. In some circumstances, the law affords greater privacy protection for financial information about private individuals in City records than for comparable information about City employees; but the general rule is that

records of distribution of City funds to private persons, like salary payments to City employees, are subject to disclosure.

Although the comparison is not always exact, usually the types of personal information about employees and officials that the City may not disclose will parallel the personal information about members of the public that the City may not disclose. For example, the general rule is that departments should not disclose home addresses, personal phone numbers, or personal e-mail addresses of members of the public. Such personal contact information typically sheds no light on the operations of City government.

But there may be some circumstances in which knowing the location of a person's home is relevant to the public's ability to monitor the operations of government, for example, because of the proximity of the home to a site that is the subject of a City decision. And there may be circumstances where people do not have a reasonable expectation of privacy in contact information they have provided to the City, for example, based on notices on a department's forms or website. If a department is inclined to disclose contact information for private individuals or other information about members of the public of a personal nature, we recommend that the department consult the City Attorney's Office.

3. Pending litigation

A department may decline to disclose records relating to and developed during pending litigation to which the City is a party, until the litigation is finally adjudicated or otherwise settled. Govt. Code § 6254(b). But the City must disclose claims filed against it. Admin. Code § 67.24(b)(1)(i). Departments receiving requests for records relating to pending litigation should immediately contact the Deputy City Attorney handling the litigation.

4. Attorney-client communication

A department may decline to disclose any privileged communication between the department and its attorneys. State law makes communications between the City Attorney's Office and City officials and employees privileged and confidential. Govt. Code §§ 6254(k), 6276.04; Evidence Code §§ 950 et seq.

The Sunshine Ordinance requires disclosure of advice memoranda regarding the California Public Records Act, the Brown Act, the Political Reform Act, any San Francisco governmental ethics code, or the Sunshine Ordinance. Admin. Code § 67.24(b)(1)(iii). At the same time the Charter and State law create attorney-client relationships between the City Attorney and City officials. Charter § 6.102. There may be instances where public disclosure of an attorney-client communication may conflict with the Charter and State law. We recommend that departments that receive requests for attorney-client communications consult with the City Attorney's Office.

The attorney-client privilege belongs to the client, not the attorney. Thus, records in the City Attorney's possession covered by the privilege must remain confidential unless the client – the City – consents to their disclosure. Bus. & Prof. Code § 6068(e). By the same token, with the City's authorization a department may disclose records in its possession

covered by the privilege. We recommend that departments consult with the City Attorney's Office before releasing records of privileged attorney-client communications.

5. Attorney work product

Records that contain the work product of an attorney representing the City are protected from disclosure. Govt. Code §§ 6254(k), 6276.04; Code Civ. Proc. §2018.030. The attorney work product doctrine functions as a privilege, protecting from disclosure "[a] writing that reflects an attorney's impressions, conclusions, opinions, or legal research or theories." Code Civ. Proc.§ 2018.030(a). This privilege may also extend to other records relating to the legal work of attorneys representing the City, including documents prepared at the request of attorneys, such as reports by investigators, consultants, and other experts.

The attorney work product privilege is distinct from the attorney-client privilege and can cover records that the attorney-client privilege does not. And, unlike the pending litigation exception, the attorney work product privilege extends beyond records prepared for litigation purposes. Where the privilege applies to litigation records, it does not lose its force at the conclusion of litigation.

6. Informants, complainants, and whistleblowers

In some circumstances, departments may shield from disclosure the identity of persons complaining to the City about violations of law. Evidence Code § 1041. Privacy or other grounds may also authorize or require nondisclosure, even where the complaint does not allege a violation of law. Govt. Code § 6254(c). Substantial public interests warrant withholding the identity of complainants. When, for example, a tenant complains about a landlord, a neighbor about a neighbor, an employee about an employer, or a citizen about a person making a public disturbance, disclosure of the identity of the complainant, the complaint, and/or the investigation could lead to retaliation against or harassment of the complainant and could also compromise the investigation. Under those circumstances the City may be able to withhold or redact the complaint and record of the investigation. See generally Evidence Code § 1040.

In addition, the City may protect from disclosure the identity of whistleblowers complaining about City officers' and employees' wasteful, inefficient, or improper use of City funds or other improper activities, as well as the content and investigation of those complaints. Charter §§ C3.699-13(a), F1.107(c); Campaign & Govt. Conduct Code §§ 4.120, 4.123. Central to the effectiveness of the City's whistleblower program is the public's understanding that the City will treat whistleblower complaints in a confidential manner to the extent permitted by law.

Finally, the constitutional right to petition the government for a redress of grievances, or to engage in anonymous protest speech, may in some circumstances protect the identity of complainants.

7. Trade secrets

Under certain circumstances, the law protects trade secrets from disclosure. Govt. Code § 6276.44; Civil Code §§ 3426, 3426.7(c); Evidence Code § 1060. Different types of information, including proprietary financial data, may constitute a trade secret. Several provisions in the Public Records Act address narrow categories of trade secrets or other proprietary information. See, e.g., Govt. Code §§ 6254.2 (pesticide safety and efficacy information), 6254.7 (certain air pollution data), 6254.15 (corporate financial information regarding location, expansion, and retention of corporate facilities in California).

But trade secret issues more likely will arise in a variety of business, contractual, and land use contexts not specifically addressed in the Public Records Act. A request for records that a company deems to be trade secrets can pose difficulties for the City, which must evaluate rather than take at face value the company's claim that the records are bona fide trade secrets. A department facing a records request that may contain trade secrets should consult the City Attorney's Office.

8. Investigative and security records

The Public Records Act exempts from disclosure records of complaints to, investigations conducted by, intelligence information or security procedures of, and investigatory or security files compiled by, local police agencies. Govt. Code § 6254(f). The City must disclose certain information in files covered by this exemption, but not the files themselves. This exemption also covers investigatory or security files compiled by non-police agencies for correctional, law enforcement, or licensing purposes.

The "law enforcement" feature of this exemption generally precludes its application to records of civil or administrative investigations conducted to determine compliance with ordinances. But the exemption for investigatory files that the City compiles for licensing purposes has broad reach given the range of permitting decisions that departments and policy bodies make. A separate exemption covers personal financial data that an applicant submits to qualify for a permit or license. Govt. Code § 6254(n).

For more information on security matters generally, see the memorandum entitled, "Guidelines for Redacting Information from Plans Created by the City to Anticipate and Respond to Emergencies Created by Terrorist or Other Criminal Activity" (September 15, 2006) on the City Attorney's website.

9. Other exemptions

The Public Records Act creates many other exemptions for specific types of records. Among these are records containing testing information pertaining to applications for public employment, Govt. Code § 6254(g); real estate appraisals, Govt. Code § 6254(h); library circulation records, Govt. Code § 6254(i); and records containing utility customer data, Govt. Code § 6254.16. There are many more, often narrow in scope and obscure.

Sometimes departments have legitimate programmatic or policy concerns with disclosing a record, but are not aware of an applicable exemption. In these circumstances, consultation

with the City Attorney's Office is appropriate. Given the emphasis on disclosure in our public records laws, there may be no applicable exemption. But in some cases there may be an exemption that is available to address the department's concerns.

H. Contracts and related records

The Sunshine Ordinance sets forth detailed rules governing disclosure of contracts and related materials. The City must disclose such records at least to the extent required by State law, but in certain respects the Ordinance affords the public greater access to these records than does State law. We summarize below the general disclosure rules applicable to contracts and related materials, and then discuss special rules that apply to sole source service contracts, certain leases and permits, and franchise agreements. Given the variety and in some cases complexity of City contracts, questions may arise that we do not answer below. For those, we recommend that departments consult the City Attorney's Office.

1. General rules

a. Mandatory post-award disclosure

Except as noted below, contracts, contractors' bids, responses to requests for proposals ("RFPs"), and all other records of communications between departments and persons or firms seeking contracts must be available for public inspection immediately after the City awards the contract. Admin. Code § 67.24(e)(1). When a department receives proposals in response to an RFP, but does not award a contract, it is not required to make the proposals public.

Though not specifically mentioned in the Sunshine Ordinance, responses to requests for information ("RFIs") and requests for qualifications ("RFQs") are subject to the same general rules for disclosure. Because responses to RFIs and RFQs typically precede the issuance of an RFP, questions may arise concerning the timing of disclosure of those responses and other records relating to the responses. Where such questions arise, we recommend that departments consult the City Attorney's Office.

b. Notice of disclosure requirements

The Sunshine Ordinance requires departments to inform bidders, proposers, and contractors that contract-related information they provide to the City will be subject to public disclosure on request, including, as discussed below, financial information the successful bidder or proposer submitted. Admin. Code § 67.24(e)(1).

c. Financial data

Departments may refuse to disclose proprietary financial information in records regarding an unsuccessful bidder or proposer including information on net worth. Admin. Code § 67.24(e)(1). Departments may withhold proprietary financial data about the winning bidder or proposer until the final approval authority in the City awards the contract. Admin. Code § 67.24(e)(1). Departments must make such information public upon award of the contract, unless other State or federal law prohibits such disclosure.

Admin. Code § 67.24(e)(1). In some instances (for example, under the federal Transportation Regulations for Disadvantaged Business Enterprises), State or federal law may forbid the City from disclosing the personal net worth and related records of successful bidders or proposers.

d. Records relating to negotiation strategy

As a general rule, departments may withhold from disclosure preliminary drafts, memoranda, notes, and other records containing recommendations relating to the City's negotiating strategy, that the City has not provided to a prospective contractor or other third party. See generally Admin. Code §§ 67.24(a)(1), 67.24(e)(1), 67.24(e)(3). Disclosure of such records to the public would mean that the party or parties with whom the City is negotiating may also obtain copies. The Sunshine Ordinance does not mandate such disclosures.

e. Score sheets and other evaluation materials for proposals

The Sunshine Ordinance mandates disclosure of certain records relating to RFPs. After completion of any review, evaluation, or rating of responses to an RFP, the City must make available for public inspection the names of scorers and evaluators, with their individual ratings, comments, and score sheets, and other materials used in the evaluation process. Admin. Code § 67.24(e)(1). The proposals that the panelists evaluate are not "other materials used in the evaluation process" and need not be disclosed at this stage in the contracting process. Proceedings of RFP selection panels are closed to the public.

f. Draft contracts

Departments may refuse to disclose draft versions of contracts during the negotiating process. But they must preserve these drafts and make them available for public inspection 10 days before presentation of the agreement to the policy body responsible for approving the agreement. Admin. Code § 67.24(a)(2). The 10-day rule does not apply where the policy body finds and articulates how the public interest would be unavoidably and substantially harmed by compliance with that rule. Admin. Code § 67.24(a)(2). Further, in the case of negotiations for a contract, lease, or other business agreement in which a City agency is offering to provide facilities or services in direct competition with other public or private entities that are not required to or do not make their competing proposals public, the policy body may postpone public access to the final draft agreement until the City agency presents the draft to it for approval. Admin. Code § 67.24(a)(2).

g. Other exemptions

Departments are not required to disclose contract-related records that federal or State law protect from disclosure or that fall within specific exemptions under the Public Records Act and Sunshine Ordinance. For example, privileged attorney-client communications, even if contract-related, are not subject to disclosure.

2. Sole source service contracts, certain leases and permits, and franchise agreements

Special rules govern disclosure of records exchanged between the City and another party during negotiation of the following types of contracts:

- Contracts for personal, professional, or other contractual services – if not subject to a competitive process, or where such process has arrived at a stage where there is only one qualified responsive bidder.
- Leases or permits – having total anticipated revenue or expense to the City of $500,000 or more, or for a term of 10 years or more.
- Franchise agreements.

For these types of contracts, departments must make available to the public upon request documents exchanged during negotiations relating to the positions of the parties, including drafts or portions of drafts of agreements. If the City does not prepare a record of the negotiations, or the record does not provide a meaningful representation of the positions of the parties, the Deputy City Attorney or other City representative familiar with the negotiations, upon written request from a member of the public, must prepare a written summary of the respective positions of the parties in the negotiations. The summary must be prepared within five business days of the final day of negotiations for the week. Admin. Code § 67.24(e)(3).

I. Enhanced access to public records under the Sunshine Ordinance

The Sunshine Ordinance limits the ability of City departments to invoke certain exemptions available under the Public Records Act and requires disclosure of certain types of records. We discuss below major features of the Ordinance that provide enhanced access to public records and that are not discussed elsewhere in this Guide.

1. General balancing prohibited

In addition to enumerating specific exemptions, the Public Records Act includes a general "public interest" balancing exemption. This exemption allows the government agency to refuse to disclose records where, on the facts of the particular case, the public interest in nondisclosure clearly outweighs the public interest in disclosure. Govt. Code § 6255(a). The Sunshine Ordinance prohibits the City from withholding or redacting records under this balancing exemption. Admin. Code § 67.24(g).

2. Deliberative process privilege unavailable

Under the general public interest balancing exemption of the Public Records Act, an agency may decline to disclose records based on the "deliberative process privilege." This privilege applies where the agency can demonstrate that disclosure of records would

discourage candid discussion in the agency, undermining its decisionmaking process and its ability to perform its functions. The Sunshine Ordinance prohibits the City from withholding or redacting records based on this privilege. Admin. Code § 67.24(h).

3. Budget and financial records are public

The Sunshine Ordinance requires the City to disclose budgets, whether tentative, proposed, or adopted, for the City or any department, program, project, or other category. Admin. Code § 67.24(f). The City must disclose all bills, claims, invoices, vouchers, or other records of payment obligations, and records of actual disbursements, showing amount paid, payee, and purpose of payment. But records of payments for social or other services that are confidential by law are exempt from disclosure. Admin. Code § 67.24(f).

4. Confidential litigation settlement provisions are prohibited

The Sunshine Ordinance prohibits the City from entering into confidential settlements of litigation. Admin Code § 67.12(b)(3).

J. Additional public information requirements

The Sunshine Ordinance and other provisions of City law enhance transparency in government by requiring departments to follow certain practices that facilitate the public's access to information. We highlight below the major provisions that this Guide does not discuss elsewhere.

1. Oral public information

Each department head must designate a knowledgeable person or persons who can answer questions regarding departmental operations, plans, policies, and positions. Admin. Code § 67.22(a). The department head may but is not required to serve in this capacity. Admin. Code § 67.22(a). The designated person must respond to inquiries, provided that no more than 15 minutes is required to obtain the information responsive to the inquiry. Admin. Code § 67.22(c). Whether by designating an alternate or multiple employees for this task, the department head should assure that someone is always available to provide oral information to the public.

Both the U.S. and California Constitutions explicitly provide for the right of the people to petition their government for redress of grievances, and practitioners of good government should make every effort to be accountable and responsive to the citizens they serve. But neither these constitutional guarantees nor the Sunshine Ordinance assure members of the public the right to interview, debate, or engage in lengthy discussions the employees or officials of their choosing. At the same time, none of these laws curtails informal informational discussions between employees and members of the public, if such contacts are acceptable to the employee and the department, not disruptive of departmental

operations, and do not violate other laws, such as those governing public meetings. Admin. Code § 67.22(b).

2. Public review file

The Clerk of the Board of Supervisors and the clerk or secretary of each board and commission enumerated in the Charter must maintain a public review file open for public inspection during normal business hours. Admin. Code § 67.23(a). This requirement does not apply to other policy bodies. The public review file must contain copies of communications that the clerk or secretary has distributed to or received from a quorum of the body concerning any matter on its meeting agendas within the previous 30 days or likely to be on a meeting agenda of the body within the next 30 days. Admin. Code § 67.23(a). This requirement does not apply to exempt materials, commercial solicitations, or periodical publications. Admin. Code § 67.23(a).

The clerk or secretary must maintain the public review file in chronological order for communications sent or received in the immediately preceding three business days. Admin. Code § 67.23(b). After a document has been on file for two days, it may be removed and placed in the monthly chronological file. Admin. Code § 67.23(b). The clerk or secretary need not put lengthy, multi-page reports attached to these communications in the chronological file if the file contains a letter or memorandum of transmittal referencing the report. Admin. Code § 67.23(c).

3. Annual reports

City boards, commissions, and departments must prepare an annual report. Charter § 4.103; Admin. Code § 2A.30. The annual report should contain a summary of the services and programs of the board, commission, or department, presented in terms and format accessible to the average citizen, and may include highlights and achievements of the prior year. Admin. Code § 1.56(a).

Boards, commissions, and departments that produce an annual report must post it on the City's website and transmit the Uniform Resources Locator (URL) to the Public Library within 10 days of final approval of the report. Admin. Code § 1.56(b); see also Admin. Code § 8.16. Where the law does not set the date for submitting the report, the board, commission, or department must notify the clerk of the Board of Supervisors in writing of the date by which the report will be posted. Admin. Code § 1.56(c).

City departments may not use City funds to print the annual report, absent prior approval by the Board of Supervisors. Admin. Code §1.56(d). City officials or employees may print the report from the website or maintain hard copies of the report pursuant to a records retention policy. Admin. Code § 1.56(d). At the request of a member of the public, the board, commission, or department, or the Library, must promptly print or assist in arranging the printing of the report from the website. Admin. Code § 1.56(d).

4. Annual lists of sole source contracts

At the end of each fiscal year, departments must provide to the Board of Supervisors a list of all sole source contracts entered into during that fiscal year. Admin. Code § 67.24(e)(3). The list is a public record available for inspection and copying.

5. Department head calendars

The Mayor, City Attorney, and department heads must keep and maintain a daily calendar. Admin. Code § 67.29-5. The calendar must record the time and place of each meeting or event the official attended, excluding purely personal or social events at which no City business is discussed that did not take place at City offices or the offices or residences of people who do substantial business with the City or are substantially financially affected by City actions. For meetings not otherwise publicly recorded, the calendar must include a general statement of the issues discussed. The Sunshine Ordinance does not require the official to include on the calendar the names of individuals attending the meeting.

Calendars must be available to any requester three business days after the calendar entry date. Admin. Code § 67.29-5. The calendar entry date is not when the meeting or event was physically entered into the calendar, but rather is the date of the meeting or event. The official need not disclose calendars in advance of the calendar entry date.

6. Maintaining a website

Departments must maintain a publicly accessible website. Admin. Code § 67.29-2. Each department must post on its website the following information for all of its policy bodies (including but not limited to all boards and commissions, whether or not Charter-created, committees of policy bodies, and advisory bodies):

- Notices and agendas for meetings of policy bodies, posted no later than the time at which this information is otherwise distributed to the public, allowing reasonable time for posting.
- Minutes of meetings within 48 hours after they have been approved. This requirement does not impose a duty to keep minutes on policy bodies that are not required to keep minutes.
- All notices, agendas, and minutes of meetings of policy bodies for the previous three years. This requirement does not impose a duty to keep minutes on policy bodies that are not required to keep minutes.
- Information that the policy body or department is required to make publicly available.

Each department must make reasonable efforts to review its website regularly and update it at least weekly. Admin. Code § 67.29-2. The Sunshine Ordinance encourages departments to make available on their respective websites as much information and as many documents as possible concerning their activities. Admin. Code § 67.29-2.

In addition, the City must post on the City's website (or comparable accessible location on the internet) a current copy of the Charter and all City codes. Admin. Code § 67.29-2.

III. Records retention and destruction laws

Various local, state, and federal laws govern the retention and destruction of records. We summarize the most important requirements below. Department heads should familiarize themselves with the records retention requirements in Chapter 8 of the San Francisco Administrative Code and in the Sunshine Ordinance, as well as with rules relating to particular departmental records.

The purpose of the records classification and retention laws is to preserve important records for an appropriate period of time in an orderly fashion. Retention ensures that the public has access to important City records and that the legal and financial rights of the City and its residents are protected. In addition, a carefully considered retention policy obviates the need of a department to retain unnecessary records and incur unnecessary storage costs. Accordingly, each department must develop a written policy specifically outlining which records it must maintain, and for how long.

A. 'Records' defined

For the purpose of records retention law, the term "records" is defined much more narrowly than in the Public Records Act. In the retention context, "records" means any paper, book, photograph, film, sound recording, map, drawing, or other document, or any copy, made or received by the department in connection with the transaction of public business and retained by the department (1) as evidence of the department's activities, (2) for the information contained in it, or (3) to protect the legal or financial rights of the City or of persons directly affected by the activities of the City. Admin. Code § 8.1.

E-mail and other electronic records are potentially subject to the records retention laws. As with paper records, some electronic records fit the definition of "records" in the retention context. But most do not.

The vast majority of public records in the City's possession do not fall under the definition of "records" within the meaning of records retention law. Therefore, the City may destroy these records at any time. For example, as a general rule, employees may immediately dispose of phone message slips, notes of meetings, research notes prepared for the personal use of the employee creating them, and the large majority of e-mail communications.

In addition, departments may destroy at any time periodicals or publications they receive that are not of historical significance. They likewise may destroy duplicate copies even of documents the original copy of which the responsible City department must retain under records retention law. Govt. Code § 34090.7. With the exception of certain draft agreements, departments generally need not retain drafts of documents that later drafts or a final version supersede.

B. Classification of records

All records that are subject to records retention requirements fall into three classifications – Current, Storage, and Permanent – as described below.

- Current Records: Records that the department retains in its office space and equipment for convenience, ready reference, or other reason.
- Storage Records: Records that the department need not retain in its office space and equipment but that the department must, or should, prudently preserve for a time or permanently in the facilities of a records center.
- Permanent Records: Records that the department must permanently retain.

Admin. Code § 8.4. The department head is responsible for determining which types of departmental records properly fall under each of these classifications. Admin. Code § 8.3.

Departments must also designate certain records as "Essential Records" – essential to the continuity of government and the protection of rights and interests of individuals in case of possible destruction by a major disaster, such as fire, earthquake, flood, enemy attack, or other cause. Admin. Code § 8.9.

C. Retention and destruction of records

1. The records retention schedule

State law sets a floor for records retention. The general rule is that departments must maintain all records subject to records retention requirements for at least two years. Govt. Code § 34090. Again we emphasize that this requirement applies only to the minority of records in the possession of most City departments that are subject to any retention requirements. There are certain exceptions to the two-year State law standard, requiring records to be maintained for a longer period or permitting their destruction in a shorter period.

Consistent with State law, City law sets the following schedule for how long records must be retained.

Current records and storage records—more than two but less than five years old. Departments may destroy or otherwise dispose of these records if (1) their destruction will not be detrimental to the City or defeat any public purpose, and (2) a records retention schedule includes a definitive description of such records and sets forth the retention period applicable to them. The department head must prepare the schedule. The Mayor or Mayor's designee, or the board or commission that oversees the department, must approve the schedule. Further, the City Attorney must approve the schedule as to records of legal significance, the Controller must approve it as to financial records, and the Retirement Board must approve it as to time rolls, time cards, payroll checks, and related matters. Admin. Code § 8.3.

Current records and storage records—over five years old. Departments may destroy these records if they have served their purpose and are no longer required for any public

business or other public purpose. But departments may destroy financial records only after the Controller's approval; legally significant records only after the City Attorney's approval; and payroll checks, time cards, and related documents only after the Retirement Board's approval. Departments must deliver payroll checks, time cards, and related documents to the Retirement Board upon its request instead of destroying them. Admin. Code § 8.3.

Permanent records and essential records. Departments may not destroy or otherwise dispose of these records, except as stated here. Admin. Code § 8.3. Unless otherwise required by law or regulation, the City must store permanent records by microfilming the paper records or placing them on an optical imaging storage system, placing the original film or tape in a State-approved storage vault, and maintaining a copy with the department. Admin. Code § 8.4. The department, at its discretion, may then destroy the paper records.

2. Other principles pertaining to retention of records

Even if a document does not meet the definition of "record" for retention purposes, if the department receives a public records request for the document, it may not destroy it. The legal obligation to respond to public records requests and provide responsive records unless there is a legal basis for withholding them precludes the department from destroying the document after receiving the request.

The same principles apply if a document meets the definition of "record" for retention purposes but due to the passage of time could have been destroyed under the applicable records retention schedule. If the document is in the department's possession at the time of the public records request, the legal obligation to respond to the public records request trumps the discretion the department otherwise would have to destroy the document.

If a department elects to or must retain a particular e-mail, it must create and retain a hard copy in the appropriate file. In the alternative, a department with a reliable computer data storage and retrieval system may elect to store the document on that system. Departments may not rely on e-mail back up tapes to comply with City and State record retention laws.

D. Sunshine Ordinance provisions

The Sunshine Ordinance addresses certain records retention issues, as discussed below.

1. The general duty to maintain and preserve records

The Mayor and all department heads must maintain and preserve all documents and correspondence in a professional and businesslike manner. Admin. Code § 67.29-7(a). This does not mean that a department must retain all its records. Rather, institution of and compliance with the department's records retention policy satisfies this provision.

2. Designation of certain officials' records as city property that remains with the city

Documents that the Mayor's Office, elected officials, or department heads prepare, receive, or maintain are the City's property. The City must maintain the originals of such records consistent with record retention policies, even after the official leaves the office. Admin. Code § 67.29-1.

3. Duty to cooperate with City Administrator in compiling city index

The Sunshine Ordinance requires the City Administrator to compile an index that identifies the types of information and documents the City's departments, agencies, boards, commissions, and elected officials maintain. The index is for the use of City officials, staff, and the public. It should be organized to permit a general understanding of the types of information the City maintains, by which officials and departments, for which purposes, for what periods of retention, and under what manner of organization for accessing.

The City Administrator must continuously and accurately maintain the index. Each department, commission, and public official must cooperate with the City Administrator to identify the types of records it maintains, including those documents created by the entity, those documents it receives in the ordinary course of business, and the types of requests that it regularly receives. Each department, agency, commission, or public official shall report any changes in practices or procedures affecting the accuracy of the index. Admin. Code § 67.29.

4. Specific retention requirements

The Sunshine Ordinance requires retention of certain specific records. For example:

- Departments must retain for public review, before approval by a policy body, drafts of agreements City representatives are negotiating with another party that have been exchanged with that party. Admin. Code § 67.24(a)(2).
- Policy bodies must permanently retain tapes of their meetings, regardless of whether the body was required to tape the meeting. Admin. Code §§ 67.14(b), 67.8-1(a).
- The Department of Elections must preserve all records and invoices relating to the design and printing of ballots and other election materials, as well as records documenting who had custody of ballots from the time ballots are cast until they are received and certified by the department. Admin. Code § 67.29-7(b).
- Charter boards and commissions must retain for at least 30 days written materials that must be included in the public review file. Admin. Code § 67.23.

Some of these retention requirements are discussed in greater detail elsewhere in this Guide.

APPENDIX B

DOCUMENTS FROM THE TASK FORCE

Table of Contents	Starts at Bates Number
Documents relating to October 2, 2013 Task Force meeting	001
Documents relating to November 19, 2013 CAC meeting	078
Documents relating to December 4, 2013 Task Force meeting	204
Documents relating to December 9, 2013 EOTC meeting	339
Documents relating to January 13, 2014 EOTC meeting	472
Documents relating to February 5, 2014 Task Force meeting	620
Letter from EOTC Chair, dated February 7, 2014	669

Full Task Force Packet

SUNSHINE ORDINANCE TASK FORCE
CITY AND COUNTY OF SAN FRANCISCO
AGENDA

Hearing Room 408
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

October 2, 2013 – 4:00 PM

Regular Meeting

1. **CALL TO ORDER, ROLL CALL, AND AGENDA CHANGES**

Seat 1	*(Vacant)*	Seat 8	Todd David
Seat 2	Richard Knee *(Hold Over)*	Seat 9	Chris Hyland
Seat 3	Kitt Grant – **Chair**	Seat 10	Louise Fischer – **Vice Chair**
Seat 4	*(Vacant)*	Seat 11	Bruce Oka *(Hold Over)*
Seat 5	Allyson Washburn *(Hold Over)*		
Seat 6	David Pilpel	Ex-officio	Angela Calvillo
Seat 7	David Sims	Ex-officio	*(Vacant)*

2. **File No. 12058:** The Compliance and Amendments Committee has referred File No. 12058, Dominic Maionchi against Recreation and Park for allegedly failing to provide records requested pertaining to berthing contracts between the City and County of San Francisco and slip holders. *(approximately 30 minutes) (Discussion and Possible action) (attachment)*

3. **Public Comment:** Members of the public may address the Sunshine Ordinance Task Force (SOTF) on matters that are within SOTF's jurisdiction, but not on today's agenda. *(No Action)* ***Public comment shall be taken at 5:00 pm or as soon thereafter as possible.***

4. **File No. 12059:** The Compliance and Amendments Committee has referred File No. 12059, Supreet Pabla, SEIU Local 1021 against Human Services Agency for allegedly failing to provide records requested relevant to the representation of the bargaining unit's employees. *(approximately 30 minutes) (Discussion and Possible action) (attachment)*

5. **File No. 13013:** The Compliance and Amendments Committee has referred File No. 13013, of Ray Hartz Jr., against Luis Herrera, City Librarian for allegedly abridging public comment by allowing selective accessibility of library audio visual equipment. *(approximately 30 minutes) (Discussion and Possible action) (attachment)*

6. **File No. 13012:** Complaint filed by Michael Fondanova, representing Glad Tidings Church against the Office of the Assessor-Recorder for allegedly failing to provide complete records associated with Glad Tidings Church and San Francisco Teen Challenge. *(attachment)*

   (a) Determination of jurisdiction on complaint filed by Michael Fondanova, representing Glad Tidings Church against the Office of the Assessor-Recorder for allegedly failing to provide complete records associated with Glad Tidings Church and San Francisco Teen Challenge. *(approximately 5 minutes) (Discussion and Action)*

   (b) Hearing on complaint filed by Michael Fondanova, representing Glad Tidings Church against the Office of the Assessor-Recorder for allegedly failing to provide complete records associated with Glad Tidings Church and San Francisco Teen Challenge. *(approximately 45 minutes) (Discussion and Action)*

7. **File No. 13021:** Complaint filed by Patrick Monette-Shaw and Maria Rivero, MD against the Public Health Commission for allegedly violating Sunshine Ordinance §§ 67.7(a), 67.7(b), and 67.9(a); failing to notice members of the public, and noticing a deficient agenda. *(attachment)*

   (a) Determination of jurisdiction on complaint filed Patrick Monette-Shaw and Maria Rivero, MD against the Public Health Commission for allegedly violating Sunshine Ordinance §§ 67.7(a), 67.7(b), and 67.9(a); failing to notice members of the public, and noticing a deficient agenda. *(approximately 5 minutes) (Discussion and Action)*

   (b) Hearing on complaint filed by Patrick Monette-Shaw and Maria Rivero, MD against the Public Health Commission for allegedly violating Sunshine Ordinance §§ 67.7(a), 67.7(b), and 67.9(a); failing to notice members of the public, and noticing a deficient agenda. *(approximately 45 minutes) (Discussion and Action)*

8. **File No. 13024:** Complaint filed by Mica Ringel against the Planning Department for allegedly failing to provide requested records associated with the proposed development of 480 Potrero Avenue. *(attachment)*

   (a) Determination of jurisdiction on complaint filed Mica Ringel against the Planning Department for allegedly failing to provide requested records associated with the proposed development of 480 Potrero Avenue. *(approximately 5 minutes) (Discussion and Action)*

   (b) Hearing on complaint filed by Mica Ringel against the Planning Department for allegedly failing to provide requested records associated with the proposed development of 480 Potrero Avenue. *(approximately 45 minutes) (Discussion and Action)*

9. **Approval of Minutes from the March 6, 2013 Regular Meeting.** *(approximately 5 minutes) (Action) (attachment)*

10. **Approval of Minutes from the April 3, 2013 Regular Meeting.** *(approximately 5 minutes) (Action) (attachment)*

11. **Approval of Minutes from the May 1, 2013 Regular Meeting.** *(approximately 5 minutes) (Action) (attachment)*

12. **Approval of Minutes from the June 5, 2013 Regular Meeting.** *(approximately 5 minutes) (Action) (attachment)*

13. **Approval of Minutes from the July 9, 2013 Special Meeting.** *(approximately 5 minutes) (Action) (attachment)*

14. **Approval of Minutes from the August 7, 2013 Regular Meeting.** *(approximately 5 minutes) (Action) (attachment)*

15. **Approval of Minutes from the September 4, 2013 Regular Meeting.** *(approximately 5 minutes) (Action) (attachment)*

16. **Report: Compliance and Amendments Committee meeting of September 17, 2013.** *(approximately 5 minutes) (Discussion)*

17. **Report: Education, Outreach and Training Committee meeting of September 16, 2013.** *(approximately 5 minutes) (Discussion)*

18. **Administrator's Report.** *(approximately 5 minutes) (Discussion)*

19. **Announcements, Comments, Questions, and Future Agenda Items.** (*approximately 10 minutes) (Discussion and Action)*

20. **ADJOURNMENT**

Agenda Item Information

Each item on the agenda may include: 1) Department or Agency cover letter and/or report; 2) Public correspondence; 3) Other explanatory documents. For more information concerning agendas, minutes, and meeting information, such as these documents, please contact the SOTF Clerk, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.

Audio recordings of the meeting of the Sunshine Ordinance Task Force are available at: http://www.sfbos.org/index.aspx?page=9811

For information concerning Sunshine Ordinance Task Force please contact by e-mail sotf@sfgov.org or by calling (415) 554-7724.

Public Comment

Public Comment will be taken before or during the Committee's consideration of each agenda item. Speakers may address the Task Force for up to three minutes on that item. During General Public Comment, members of the public may address the Task Force on matters that are within the Task Force's jurisdiction and are not on the agenda. Any person speaking during a public comment period may supply a brief written summary of their comments, which shall, if no more than 150 words, be included in the official file.

Each member of the public will be allotted the same maximum number of minutes to speak as set by the Chair at the beginning of each item, excluding persons requested by the Task Force to make presentations.

Each member of the public who is unable to attend the public meeting or hearing may submit to the City, by the time the hearing begins, written comments regarding the subject of the meeting or hearing;. These comments will be made a part of the official public record.

Hearing Procedures

1.	Complainant presents his/her facts and evidence	5 minutes
	Other parties of Complainant present facts and evidence	Up to 3 minutes each
2.	City responds	5 minutes
	Other parties of City respond	Up to 3 minutes each
	Above total speaking times for Complainant and City to be the same.	
3.	Matter is with the Task Force for discussion and questions.	
4.	Respondent and Complainant presents clarification/rebuttal	3 minutes
5.	Matter is with the Task Force for motion and deliberation.	
6.	Public comment (Excluding Complainant & City response, witnesses)	Up to 3 minutes each
7.	Vote by Task Force (Public comment at discretion of chair on new motion and/or on new motion if vote fails.)	

Note: Time must be adhered to. If a speaker is interrupted by questions, the interruption does not count against his/her time.

Disability Access

The hearing rooms in City Hall are wheelchair accessible. Assistive listening devices for the hearing rooms are available upon request with the SOTF Clerk. The nearest accessible BART station is Civic Center (Market/Grove/Hyde Streets). Accessible MUNI Metro lines are the F, J, K, L, M, N, T (exit at Civic Center or Van Ness Stations). MUNI bus lines also serving the area are the 5, 6, 9, 19, 21, 47, 49, 71, and 71L. For more information about MUNI accessible services, call (415) 701-4485. There is accessible parking in the vicinity of City Hall at Civic Center Plaza and adjacent to Davies Hall and the War Memorial Complex. Accessible curbside parking is available on Dr. Carlton B. Goodlett Place and Grove Street.

The following services are available on request 48 hours prior to the meeting; except for Monday meetings, for which the deadline shall be 4:00 p.m. of the last business day of the preceding week: For American sign language interpreters or the use of a reader during a meeting, a sound enhancement system, and/or alternative formats of the agenda and minutes, please contact the SOTF Clerk at (415) 554-7724 to make arrangements for the accommodation. Late requests will be honored, if possible.

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City accommodate these individuals.

Know Your Rights Under the Sunshine Ordinance

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact: Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102; phone (415) 554-7724; fax (415) 554-7854; or email sotf@sfgov.org.

Citizens may obtain a free copy of the Sunshine Ordinance by printing Chapter 67 of the San Francisco Administrative Code on the Internet, at http://www.sfbos.org/sunshine.

Cell Phones, Pagers and Similar Sound-Producing Electronic Devices

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices (Chapter 67A of the San Francisco Administrative Code).

Lobbyist Registration and Reporting Requirements

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code §2.100, et. seq] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at: 25 Van Ness Avenue, Suite 220, San Francisco, CA 94102; telephone (415) 581-3100; fax (415) 252-3112; web site www.sfgov.org/ethics

File No. 13024

SOTF Item No. 8
CAC Item No. _____

SUNSHINE ORDINANCE TASK FORCE
AGENDA PACKET CONTENTS LIST

Sunshine Ordinance Task Force (SOTF) **Date:** _____

Compliance and Amendments Committee (CAC) **Date:** October 2, 2013

CAC/SOTF

☒	☐	**Memorandum**
☐	☐	**Order of Determination**
☒	☐	**Complaint and Supporting documents**
☒	☐	**Respondent's Response**
☐	☐	**Minutes**
☐	☐	
☐	☐	
☐	☐	
☐	☐	
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OTHER

☐	☐	_____
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☐	☐	_____

Completed by: A. Ausberry **Date** 9/23/13
Completed by: _____ **Date** _____

*An asterisked item represents the cover sheet to a document that exceeds 75 pages. The complete document is in the file.

CITY AND COUNTY OF SAN FRANCISCO

DENNIS J. HERRERA
City Attorney

OFFICE OF THE CITY ATTORNEY

CELIA W. LEE
Deputy City Attorney

DIRECT DIAL: (415) 554-3858
E-MAIL: celia.lee@sfgov.org

MEMORANDUM
PRIVILEGED & CONFIDENTIAL

TO: Sunshine Ordinance Task Force

FROM: Celia W. Lee
Deputy City Attorney

DATE: September 26, 2013

RE: Complaint No. 13024 – Ringel v. Planning Department

COMPLAINT

Mica Ringel ("Complainant") complains that the Planning Department ("Respondent," via individuals Ben Fu, Don Lewis, and Lulu Hwang) violated the Sunshine Ordinance by failing to provide the appropriate access to various public records.

COMPLAINANT FILES COMPLAINT:

On April 26, 2013, Complainant filed a Complaint against Respondent, seeking assistance from the Task Force regarding his public records request to the Planning Department on March 31, 2013. Respondent had provided some records to Complainant, but Complainant noted the lack of certain correspondence or electronic data.

The Planning Department, upon notification of the Complaint, engaged in further email correspondence with Complainant. This correspondence culminated in a notification to the Task Force from Complainant on May 14, 2013 that the matter was not resolved, and that included a summary of records Complainant continues to seek from Respondent.

JURISDICTION

Respondent Planning Department is a department under the Ordinance. The Task Force therefore generally has jurisdiction to hear a complaint of a violation of the Ordinance against Respondent. Respondent has not contested jurisdiction.

APPLICABLE STATUTORY SECTION(S)

Section 67 of the San Francisco Administrative Code (Sunshine Ordinance):

- Section 67.20 governs definitions regarding public information and public records.
- Section 67.21 governs the process for gaining access to public records
- Section 67.21.1 pertains to City policy regarding use and purchase of computer systems, particularly where applicable to public records management and disclosure.
- Section 67.24 governs public information that must be disclosed.
- Section 67.25 governs the immediacy of response and timing of production.
- Section 67.26 governs withholding of records.
- Section 67.27 governs justification of withholding of records.

Memorandum
Privileged & Confidential

TO: Sunshine Ordinance Task Force
DATE: September 27, 2013
PAGE: 2
RE: Complaint No. 13024 – Ringel v. Planning Department

APPLICABLE CASE LAW:

None.

BACKGROUND:

Complaint: Complainant submitted his complaint on April 26, 2013 regarding the Planning Department's inadequate response to his public records request on March 31, 2013.

Chronology: on March 31, 2013, Ringel had emailed a request for the complete file for the proposed development at 480 Potrero Avenue. He specifically requested "all documents, in addition to any emails and/or other electronic forms of data which they have for this project" to Environmental Planner Don Lewis and City Planner Ben Fu. He cc'd office manager Lulu Hwang on both requests.

Don Lewis's response: Mr. Lewis responded on April 1, and on April 2 Complainant reviewed his file. However, there was no electronic data and only minimal correspondence.

Ben Fu's response: Mr. Fu did not respond or acknowledge Complainant's March 31 request. On April 10, Complainant made a second request. Mr. Fu informed Complainant via email that the file was available at the front desk of the Planning Department. Complainant inquired if the file was complete, but received no response. On April 15, Complainant reviewed Mr. Fu's file and found nothing in the correspondence section of the file. Complainant himself had corresponded with Mr. Lewis and Mr. Fu regarding the proposed development at 480 Potrero, so he had expected to see that correspondence (and presumably other items of correspondence) in the file.

On April 15, Complainant emailed Lulu Hwang, the office manager for the Planning Department, stating "I humbly request access under the Sunshine Ordinance to everything held in custody by the SF Planning Dept, including emails, electronic files, phone records, meeting minute, etc related to the proposed development at 480 Potrero Ave." He did not hear back from Ms. Hwang in 10 days.

On April 25, he emailed Ms. Hwang again, copying the Task Force. According to Complainant, Ms. Hwang did not seem to understand that his latest request was made after Mr. Lewis and Mr. Fu had not been forthcoming with what he asked for. He reiterated his request for documents, including emails and electronic data. He also described how Mr. Lewis and Mr. Fu's files had been incomplete, and that he knew for a fact that there is more in the custody of the Planning Dept for the proposed project at 480 Potrero other than what was available at the front desk for Mr. Lewis and Mr. Fu's files. He also explained that the matter was coming to a hearing before the Planning Commissioners, and the custodians of records were making it difficult for him to access information. By the end of the day on April 25, Ms. Hwang provided five additional historical documents, which Complainant alleges were not pertinent to the proposed development at 480 Potrero Ave.

Memorandum
Privileged & Confidential

TO: Sunshine Ordinance Task Force
DATE: September 27, 2013
PAGE: 3
RE: Complaint No. 13024 – Ringel v. Planning Department

On April 26, Complainant emailed a complaint to the Task Force, setting out the above chronology. He stated that "I feel the Planning Dept has given me the runaround & that I am without other options but to request assistance from the SOTF." The email complaint to SOTF was the most recent email in a chain of emails that show correspondence between Complainant, Ms. Hwang, and Mr. Fu. Complainant forwarded a PDF copy of his complaint to Ms. Hwang, Mr. Fu, and Mr. Lewis.

Response: Complainant's complaint to the Task Force generated an additional chain of correspondence between Complainant and Ms. Hwang regarding Complainant's public records request. In direct response to the April 26 complaint, Ms. Hwang emailed Complainant on April 29 and recounted her actions in response to his request. She informed Complainant that she inquired with Mr. Fu as to whether there was anything else, and that Mr. Fu informed her that everything was in the file that Complainant had reviewed. She acknowledged sending Complainant some additional historical information that she had researched, and stated that they did not have any emails and/or electronic forms of data that they were not disclosing to him.

Complainant responded on April 29, and set forth specific questions related to correspondence, to wit: he inquired as to why his own correspondence was missing from Don Lewis's case files, as well as other correspondence; he inquired as to why Ben Fu's correspondence folder was completely empty; and he queried whether Ms. Hwang was unable to obtain digital correspondence/electronic files from the servers of the Planning Dept. He also reiterated his request for various documents and correspondence relating to several consulting firms regarding the proposed development at 480 Potrero (including SIA Consulting, Town Consulting, Kitchen Cabinet Consulting, and Mission Housing), interoffice correspondence, and outside agency correspondence. Finally, he reiterated four categories of documents that he continued to seek: receipts for any newspaper ads/articles published; dates or trip logs for site visits; minutes of meetings/phone calls; and electronic data, including digital photos, powerpoint presentations, word processing documents, spreadsheet files, PDF's, et al. On April 29, Ms. Hwang related Mr. Fu's response via email only to the latter four categories, and stated that she would check with Mr. Lewis again.

On May 14, 2013, Complainant emailed the Task Force to state that the matter was not resolved. He noted that Mr. Lewis and Mr. Fu had not supplied him with any other documents, that Ms. Hwang only provided with a few historical documents from the archives, and that he was still looking for "all documents, in addition to any emails &/or other electronic forms of data" held in custody by the Planning Department re 480 Potrero Ave, and not just what the planners had selected for the "public case files." Complainant set forth again the list of documents he required, which is the same list he provided to Ms. Hwang in his email to her of April 29 (set forth in the paragraph immediately above).

The Task Force file includes a PDF document entitled "Ben Fu recovered.pdf" which apparently shows emails recovered from Mr. Fu's email account, including emails to and from Complainant. It is unclear as to whether Respondent conveyed this document to Complainant, and any date of such conveyance.

Memorandum
Privileged & Confidential

TO: Sunshine Ordinance Task Force
DATE: September 27, 2013
PAGE: 4
RE: Complaint No. 13024 – Ringel v. Planning Department

QUESTIONS THAT MIGHT ASSIST IN DETERMINING FACTS:

- How did the Planning Department (Ben Fu, Don Lewis, Lulu Hwang) search for records responsive to Complainant's request for the "complete file for the proposed development at 480 Potrero Avenue"?
- When was the "Ben Fu recovered.pdf" file retrieved by Respondent?
- Was the "Ben Fu recovered.pdf" file provided to Complainant? If so, when?
- Did the Planning Department search for responsive documents as enumerated in the categories set forth by Complainant in his communications with Ms. Hwang, Mr. Fu, and Mr. Lewis?
- Why did Mr. Fu's correspondence folder for the proposed development at 480 Potrero Avenue not contain correspondence between Complainant and Mr. Fu, or other correspondence pertaining to the proposed development at 480 Potrero Ave.?

LEGAL ISSUES/LEGAL DETERMINATIONS:

- Was Respondent's search for public records in response to Complainant's request in compliance with the Sunshine Ordinance?
- Was Respondent's response and providing of documents in response to Complainant's request in compliance with the Sunshine Ordinance?

CONCLUSION

THE TASK FORCE FINDS THE FOLLOWING FACTS TO BE TRUE:

THE TASK FORCE FINDS THE ALLEGED VIOLATIONS TO BE **TRUE OR NOT TRUE.**

Memorandum
Privileged & Confidential

TO: Sunshine Ordinance Task Force
DATE: September 27, 2013
PAGE: 5
RE: Complaint No. 13024 – Ringel v. Planning Department

* * *

ATTACHED STATUTORY SECTIONS FROM CHAPTER 67 OF THE SAN FRANCISCO ADMINISTRATIVE CODE UNLESS OTHERWISE SPECIFIED (in pertinent part)

SEC. 67.20. DEFINITIONS.

Whenever in this article the following words or phrases are used, they shall mean:

(a) "Department" shall mean a department of the City and County of San Francisco.

(b) "Public Information" shall mean the content of "public records" as defined in the California Public Records Act (Government Code Section 6252), whether provided in documentary form or in an oral communication. "Public Information" shall not include "computer software" developed by the City and County of San Francisco as defined in the California Public Records Act (Government Code Section 6254.9).

(c) "Supervisor of Records" shall mean the City Attorney.

SEC. 67.21. PROCESS FOR GAINING ACCESS TO PUBLIC RECORDS; ADMINISTRATIVE APPEALS.

(a) Every person having custody of any public record or public information, as defined herein, (hereinafter referred to as a custodian of a public record) shall, at normal times and during normal and reasonable hours of operation, without unreasonable delay, and without requiring an appointment, permit the public record, or any segregable portion of a record, to be inspected and examined by any person and shall furnish one copy thereof upon payment of a reasonable copying charge, not to exceed the lesser of the actual cost or ten cents per page.

(b) A custodian of a public record shall, as soon as possible and within ten days following receipt of a request for inspection or copy of a public record, comply with such request. Such request may be delivered to the office of the custodian by the requester orally or in writing by fax, postal delivery, or e-mail. If the custodian believes the record or information requested is not a public record or is exempt, the custodian shall justify withholding any record by demonstrating, in writing as soon as possible and within ten days following receipt of a request, that the record in question is exempt under express provisions of this ordinance.

(c) A custodian of a public record shall assist a requester in identifying the existence, form, and nature of any records or information maintained by, available to, or in the custody of the custodian, whether or not the contents of those records are exempt from disclosure and shall, when requested to do so, provide in writing within seven days following receipt of a request, a statement as to the existence, quantity, form and nature of records relating to a particular subject or questions with enough specificity to enable a requester to identify records in order to make a request under (b). A custodian of any public record, when not in possession of the record requested, shall assist a requester in directing a request to the proper office or staff person.

(d) If the custodian refuses, fails to comply, or incompletely complies with a request described in (b), the person making the request may petition the supervisor of records for a determination whether the record requested is public. The supervisor of records shall inform the petitioner, as soon as possible and within 10 days, of its determination whether the record requested, or any part of the record requested, is public. Where requested by the petition, and where otherwise desirable, this determination shall be in writing. Upon the determination by the supervisor of records that the record is public, the supervisor of records shall immediately order the custodian of the public record to comply with the person's request. If the custodian refuses or fails to comply with any such order within 5 days, the supervisor of records shall notify the district attorney or the attorney general who shall take whatever measures she or he deems necessary and appropriate to insure compliance with the provisions of this ordinance.

(e) If the custodian refuses, fails to comply, or incompletely complies with a request described in (b) above or if a petition is denied or not acted on by the supervisor of public records, the person making the request may petition the Sunshine Task Force for a determination whether the record requested is public. The Sunshine Task Force shall inform the petitioner, as soon as possible and within 2 days after its next meeting but in no case later than 45 days from when a petition in writing is received, of its determination whether the record requested, or any part of the record requested, is public. Where requested by the petition, and where otherwise desirable, this determination shall be in writing. Upon the determination that the record is public, the Sunshine Task Force shall immediately order the custodian of the public record to comply with the person's request. If the custodian refuses or fails to comply with any such order within 5 days, the Sunshine Task Force shall notify the district attorney or the attorney general who may take whatever measures she or he deems necessary to insure compliance with the provisions of this ordinance. The Board of Supervisors and the City Attorney's office shall provide sufficient staff and resources to allow the Sunshine Task Force to fulfill its duties under this provision. Where requested by the petition, the Sunshine Task Force may conduct a public hearing concerning the records request denial. An authorized representative of the custodian of the public records requested shall attend any hearing and explain the basis for its decision to withhold the records requested.

(f) The administrative remedy provided under this article shall in no way limit the availability of other administrative remedies provided to any person with respect to any officer or employee of any agency, executive office, department or board; nor shall the administrative remedy provided by this section in any way limit the availability of judicial remedies otherwise available to any person requesting a public record. If a custodian of a public record refuses or fails to comply with the request of any person for inspection or copy of a public record or with an administrative order under this section, the superior court shall have jurisdiction to order compliance.

(g) In any court proceeding pursuant to this article there shall be a presumption that the record sought is public, and the burden shall be upon the custodian to prove with specificity the exemption which applies.

(h) On at least an annual basis, and as otherwise requested by the Sunshine Ordinance Task Force, the supervisor of public records shall prepare a tally and report of every petition brought before it for access to records since the time of its last tally and report. The report shall at least identify for each petition the record or records sought, the custodian of those records, the ruling of the supervisor of public records, whether any ruling was overturned by a

court and whether orders given to custodians of public records were followed. The report shall also summarize any court actions during that period regarding petitions the Supervisor has decided. At the request of the Sunshine Ordinance Task Force, the report shall also include copies of all rulings made by the supervisor of public records and all opinions issued.

(i) The San Francisco City Attorney's office shall act to protect and secure the rights of the people of San Francisco to access public information and public meetings and shall not act as legal counsel for any city employee or any person having custody of any public record for purposes of denying access to the public. The City Attorney may publish legal opinions in response to a request from any person as to whether a record or information is public. All communications with the City Attorney's Office with regard to this ordinance, including petitions, requests for opinion, and opinions shall be public records.

(j) Notwithstanding the provisions of this section, the City Attorney may defend the City or a City Employee in litigation under this ordinance that is actually filed in court to any extent required by the City Charter or California Law.

(k) Release of documentary public information, whether for inspection of the original or by providing a copy, shall be governed by the California Public Records Act (Government Code Section 6250 et seq.) in particulars not addressed by this ordinance and in accordance with the enhanced disclosure requirements provided in this ordinance.

(l) Inspection and copying of documentary public information stored in electronic form shall be made available to the person requesting the information in any form requested which is available to or easily generated by the department, its officers or employees, including disk, tape, printout or monitor at a charge no greater than the cost of the media on which it is duplicated. Inspection of documentary public information on a computer monitor need not be allowed where the information sought is necessarily and unseparably intertwined with information not subject to disclosure under this ordinance. Nothing in this section shall require a department to program or reprogram a computer to respond to a request for information or to release information where the release of that information would violate a licensing agreement or copyright law.

SEC. 67.21-1. POLICY REGARDING USE AND PURCHASE OF COMPUTER SYSTEMS.

(a) It is the policy of the City and County of San Francisco to utilize computer technology in order to reduce the cost of public records management, including the costs of collecting, maintaining, and disclosing records subject to disclosure to members of the public under this section. To the extent that it is technologically and economically feasible, departments that use computer systems to collect and store public records shall program and design these systems to ensure convenient, efficient, and economical public access to records and shall make public records easily accessible over public networks such as the Internet.

(b) Departments purchasing new computer systems shall attempt to reach the following goals as a means to achieve lower costs to the public in connection with the public disclosure of records:

(1) Implementing a computer system in which exempt information is segregated or filed separately from otherwise disclosable information.

(2) Implementing a system that permits reproduction of electronic copies of records in a format that is generally recognized as an industry standard format.

(3) Implementing a system that permits making records available through the largest non-profit, non-proprietary public computer network, consistent with the requirement for security of information.

SEC. 67.24. PUBLIC INFORMATION THAT MUST BE DISCLOSED.

Notwithstanding a department's legal discretion to withhold certain information under the California Public Records Act, the following policies shall govern specific types of documents and information and shall provide enhanced rights of public access to information and records:

(a) Drafts and Memoranda.

(1) Except as provided in subparagraph (2), no preliminary draft or department memorandum, whether in printed or electronic form, shall be exempt from disclosure under Government Code Section 6254, Subdivision (a) or any other provision. If such a document is not normally kept on file and would otherwise be disposed of, its factual content is not exempt under Subdivision (a). Only the recommendation of the author may, in such circumstances, be withheld as exempt.

(2) Draft versions of an agreement being negotiated by representatives of the City with some other party need not be disclosed immediately upon creation but must be preserved and made available for public review for 10 days prior to the presentation of the agreement for approval by a policy body, unless the body finds that and articulates how the public interest would be unavoidably and substantially harmed by compliance with this 10 day rule, provided that policy body as used in this subdivision does not include committees. In the case of negotiations for a contract, lease or other business agreement in which an agency of the City is offering to provide facilities or services in direct competition with other public or private entities that are not required by law to make their competing proposals public or do not in fact make their proposals public, the policy body may postpone public access to the final draft agreement until it is presented to it for approval.

(b) Litigation Material.

(1) Notwithstanding any exemptions otherwise provided by law, the following are public records subject to disclosure under this Ordinance:

(i) A pre-litigation claim against the City;

(ii) A record previously received or created by a department in the ordinary course of business that was not attorney/client privileged when it was previously received or created;

(iii) Advice on compliance with, analysis of, an opinion concerning liability under, or any communication otherwise concerning the California Public

Records Act, the Ralph M. Brown Act, the Political Reform Act, any San Francisco Governmental Ethics Code, or this Ordinance.

(2) Unless otherwise privileged under California law, when litigation is finally adjudicated or otherwise settled, records of all communications between the department and the adverse party shall be subject to disclosure, including the text and terms of any settlement.

(c) Personnel Information. None of the following shall be exempt from disclosure under Government Code Section 6254, subdivision (c), or any other provision of California Law where disclosure is not forbidden:

(1) The job pool characteristics and employment and education histories of all successful job applicants, including at a minimum the following information as to each successful job applicant:

(i) Sex, age and ethnic group;

(ii) Years of graduate and undergraduate study, degree(s) and major or discipline;

(iii) Years of employment in the private and/or public sector;

(iv) Whether currently employed in the same position for another public agency.

(v) Other non-identifying particulars as to experience, credentials, aptitudes, training or education entered in or attached to a standard employment application form used for the position in question.

(2) The professional biography or curriculum vitae of any employee, provided that the home address, home telephone number, social security number, age, and marital status of the employee shall be redacted.

(3) The job description of every employment classification.

(4) The exact gross salary and City-paid benefits available to every employee.

(5) Any memorandum of understanding between the City or department and a recognized employee organization.

(6) The amount, basis, and recipient of any performance-based increase in compensation, benefits, or both, or any other bonus, awarded to any employee, which shall be announced during the open session of a policy body at which the award is approved.

(7) The record of any confirmed misconduct of a public employee involving personal dishonesty, misappropriation of public funds, resources or benefits, unlawful discrimination against another on the basis of status, abuse of authority, or violence, and of any discipline imposed for such misconduct.

(d) Law Enforcement Information.

The District Attorney, Chief of Police, and Sheriff are encouraged to cooperate with the press and other members of the public in allowing access to local records pertaining to

investigations, arrests, and other law enforcement activity. However, no provision of this ordinance is intended to abrogate or interfere with the constitutional and statutory power and duties of the District Attorney and Sheriff as interpreted under Government Code section 25303, or other applicable State law or judicial decision. Records pertaining to any investigation, arrest or other law enforcement activity shall be disclosed to the public once the District Attorney or court determines that a prosecution will not be sought against the subject involved, or once the statute of limitations for filing charges has expired, whichever occurs first. Notwithstanding the occurrence of any such event, individual items of information in the following categories may be segregated and withheld if, on the particular facts, the public interest in nondisclosure clearly and substantially outweighs the public interest in disclosure:

(1) The names of juvenile witnesses (whose identities may nevertheless be indicated by substituting a number or alphabetical letter for each individual interviewed);

(2) Personal or otherwise private information related to or unrelated to the investigation if disclosure would constitute an unwarranted invasion of privacy;

(3) The identity of a confidential source;

(4) Secret investigative techniques or procedures;

(5) Information whose disclosure would endanger law enforcement personnel; or

(6) Information whose disclosure would endanger the successful completion of an investigation where the prospect of enforcement proceedings is concrete and definite.

This Subdivision shall not exempt from disclosure any portion of any record of a concluded inspection or enforcement action by an officer or department responsible for regulatory protection of the public health, safety, or welfare.

(e) Contracts, Bids and Proposals.

(1) Contracts, contractors' bids, responses to requests for proposals and all other records of communications between the department and persons or firms seeking contracts shall be open to inspection immediately after a contract has been awarded. Nothing in this provision requires the disclosure of a private person's or organization's net worth or other proprietary financial data submitted for qualification for a contract or other benefit until and unless that person or organization is awarded the contract or benefit. All bidders and contractors shall be advised that information provided which is covered by this subdivision will be made available to the public upon request. Immediately after any review or evaluation or rating of responses to a Request for Proposal ("RFP") has been completed, evaluation forms and score sheets and any other documents used by persons in the RFP evaluation or contractor selection process shall be available for public inspection. The names of scorers, graders or evaluators, along with their individual ratings, comments, and score sheets or comments on related documents, shall be made immediately available after the review or evaluation of a RFP has been completed.

(2) Notwithstanding the provisions of this Subdivision or any other provision of this ordinance, the Director of Public Health may withhold from disclosure

proposed and final rates of payment for managed health care contracts if the Director determines that public disclosure would adversely affect the ability of the City to engage in effective negotiations for managed health care contracts. The authority to withhold this information applies only to contracts pursuant to which the City (through the Department of Public Health) either pays for health care services or receives compensation for providing such services, including mental health and substance abuse services, to covered beneficiaries through a pre-arranged rate of payment. This provision also applies to rates for managed health care contracts for the University of California, San Francisco, if the contract involves beneficiaries who receive services provided jointly by the City and University. This provision shall not authorize the Director to withhold rate information from disclosure for more than three years.

(3) During the course of negotiations for:

(i) personal, professional, or other contractual services not subject to a competitive process or where such a process has arrived at a stage where there is only one qualified or responsive bidder;

(ii) leases or permits having total anticipated revenue or expense to the City and County of five hundred thousand dollars ($500,000) or more or having a term of ten years or more; or

(iii) any franchise agreements,

all documents exchanged and related to the position of the parties, including draft contracts, shall be made available for public inspection and copying upon request. In the event that no records are prepared or exchanged during negotiations in the above-mentioned categories, or the records exchanged do not provide a meaningful representation of the respective positions, the City Attorney or City representative familiar with the negotiations shall, upon a written request by a member of the public, prepare written summaries of the respective positions within five working days following the final day of negotiation of any given week. The summaries will be available for public inspection and copying. Upon completion of negotiations, the executed contract, including the dollar amount of said contract, shall be made available for inspection and copying. At the end of each fiscal year, each City department shall provide to the Board of Supervisors a list of all sole source contracts entered into during the past fiscal year. This list shall be made available for inspection and copying as provided for elsewhere in this Article.

(f) Budgets and Other Financial Information. Budgets, whether tentative, proposed or adopted, for the City or any of its departments, programs, projects or other categories, and all bills, claims, invoices, vouchers or other records of payment obligations as well as records of actual disbursements showing the amount paid, the payee and the purpose for which payment is made, other than payments for social or other services whose records are confidential by law, shall not be exempt from disclosure under any circumstances.

(g) Neither the City nor any office, employee, or agent thereof may assert California Public Records Act Section 6255 or any similar provision as the basis for withholding any documents or information requested under this ordinance.

(h) Neither the City nor any office, employee, or agent thereof may assert an exemption for withholding for any document or information based on a "deliberative process"

exemption, either as provided by California Public Records Act Section 6255 or any other provision of law that does not prohibit disclosure.

(i) Neither the City, nor any office, employee, or agent thereof, may assert an exemption for withholding for any document or information based on a finding or showing that the public interest in withholding the information outweighs the public interest in disclosure. All withholdings of documents or information must be based on an express provision of this ordinance providing for withholding of the specific type of information in question or on an express and specific exemption provided by California Public Records Act that is not forbidden by this ordinance.

SEC. 67.25. IMMEDIACY OF RESPONSE.

(a) Notwithstanding the 10-day period for response to a request permitted in Government Code Section 6256 and in this Article, a written request for information described in any category of non-exempt public information shall be satisfied no later than the close of business on the day following the day of the request. This deadline shall apply only if the words "Immediate Disclosure Request" are placed across the top of the request and on the envelope, subject line, or cover sheet in which the request is transmitted. Maximum deadlines provided in this article are appropriate for more extensive or demanding requests, but shall not be used to delay fulfilling a simple, routine or otherwise readily answerable request.

(b) If the voluminous nature of the information requested, its location in a remote storage facility or the need to consult with another interested department warrants an extension of 10 days as provided in Government Code Section 6456.1, the requester shall be notified as required by the close of business on the business day following the request.

(c) The person seeking the information need not state his or her reason for making the request or the use to which the information will be put, and requesters shall not be routinely asked to make such a disclosure. Where a record being requested contains information most of which is exempt from disclosure under the California Public Records Act and this article, however, the City Attorney or custodian of the record may inform the requester of the nature and extent of the non-exempt information and inquire as to the requester's purpose for seeking it, in order to suggest alternative sources for the information which may involve less redaction or to otherwise prepare a response to the request.

(d) Notwithstanding any provisions of California Law or this ordinance, in response to a request for information describing any category of non-exempt public information, when so requested, the City and County shall produce any and all responsive public records as soon as reasonably possible on an incremental or "rolling" basis such that responsive records are produced as soon as possible by the end of the same business day that they are reviewed and collected. This section is intended to prohibit the withholding of public records that are responsive to a records request until all potentially responsive documents have been reviewed and collected. Failure to comply with this provision is a violation of this Article.

Memorandum
Privileged & Confidential

TO: Sunshine Ordinance Task Force
DATE: September 27, 2013
PAGE: 13
RE: Complaint No. 13024 – Ringel v. Planning Department

SEC. 67.26. WITHHOLDING KEPT TO A MINIMUM.

No record shall be withheld from disclosure in its entirety unless all information contained in it is exempt from disclosure under express provisions of the California Public Records Act or of some other statute. Information that is exempt from disclosure shall be masked, deleted or otherwise segregated in order that the nonexempt portion of a requested record may be released, and keyed by footnote or other clear reference to the appropriate justification for withholding required by Section 67.27 of this Article. This work shall be done personally by the attorney or other staff member conducting the exemption review. The work of responding to a public-records request and preparing documents for disclosure shall be considered part of the regular work duties of any City employee, and no fee shall be charged to the requester to cover the personnel costs of responding to a records request.

SEC. 67.27. JUSTIFICATION OF WITHHOLDING.

Any withholding of information shall be justified, in writing, as follows:

(a) A withholding under a specific permissive exemption in the California Public Records Act, or elsewhere, which permissive exemption is not forbidden to be asserted by this ordinance, shall cite that authority.

(b) A withholding on the basis that disclosure is prohibited by law shall cite the specific statutory authority in the Public Records Act or elsewhere.

(c) A withholding on the basis that disclosure would incur civil or criminal liability shall cite any specific statutory or case law, or any other public agency's litigation experience, supporting that position.

(d) When a record being requested contains information, most of which is exempt from disclosure under the California Public Records Act and this Article, the custodian shall inform the requester of the nature and extent of the nonexempt information and suggest alternative sources for the information requested, if available.

13024

Ausberry, Andrea

From: complaints@sfgov.org
Sent: Friday, April 26, 2013 3:19 AM
To: SOTF
Subject: Sunshine Complaint

To:sotf@sfgov.org
Email:complaints@sfgov.org
DEPARTMENT:Planning Dept.
CONTACTED:Ben Fu, Don Lewis, Lulu Hwang
PUBLIC_RECORDS_VIOLATION:Yes
PUBLIC_MEETING_VIOLATION:No
MEETING_DATE:
SECTIONS_VIOLATED:Sec. 67.21. Process For Gaining Access To Public Records
DESCRIPTION:On March 31, 2013 I requested a copy of the complete file for the proposed development at 480 Potrero Ave via separate emails to both Environmental Planner Don Lewis & City Planner Ben Fu. Lulu Hwang was CC'd to both requests. I asked specifically for "all documents, in addition to any emails &/or other electronic forms of data which they have for this project". Mr. Lewis promptly responded on April 1 & I was able to go in the next day to begin reviewing his case file. There were no forms of electronic data provided. There was only minimal correspondence on record. Other documentation was either incomplete, missing, or possibly in Ben Fu's files. Mr. Fu however had not acknowledged my request for 10 day, so on April 10 I made a second. Only then did he email to let me know that the folder was avail. at the front desk of the Planning Dept. I again inquired if the folder was complete, & again he never responded. On April 15 I went in to review said files & found his Correspondence section for 480 Potrero empty = nothing. Considering I personally had previous correspondance with both Planners, I expected to see those in the record. Sensing there was a larger problem at hand... later in the day on April 15th, I wrote to Lulu Hwang "I humbly request access under the Sunshine Ordinance to everything held in custody by the SF Planning Dept, including emails, electronic files, phone records, meeting minutes, etc. related to the proposed development at 480 Potrero Ave." & 10 days later I had not heard back from Ms. Hwang. Yesterday, April 25 I emailed again, this time copying SOTF. Ms. Hwang didn't seem to understand that my Sunshine Ordinance request was only made after I had no other choice because Mr. Lewis & Mr. Fu were not forthcoming with what I had asked for. I explained to her that "I couldn't have been any clearer in my requests. I asked specifically for "all documents, in addition to any emails &/or other electronic forms of data which they have for this project". I know for a fact that there is more in the custody of the Planning Dept. RE: the proposed project at 480 Potrero Ave. than what was available at the front desk for both Don Lewis & Ben Fu's case files. I inventoried those documents & reported to you that they were incomplete. Thus, I made my formal request with you for "access under the Sunshine Ordinance to everything held in custody by the SF Planning Dept, including emails, electronic files, phone records, meeting minutes, etc. related to the proposed development at 480 Potrero Ave". This matter is coming to hearing with the Planning Commissioners and the custodians of the records at the Planning Dept. are making it more than difficult for me to access public information." By end of day yesterday all she could provide me with was 5 historical documents which were of no pertinence to the proposed project at 480 Potrero Ave. I feel the Planning Dept. has given me the runaround & that I am without other options but to request assistance from the SOTF.
HEARING:Yes
PRE-HEARING:Yes
DATE:April 26, 2013
NAME:Mica Ringel
ADDRESS:485 Potrero Ave, Unit C
CITY:San Francisco
ZIP:94110

PHONE:4155197523
CONTACT_EMAIL:supermica@gmail.com
ANONYMOUS:
CONFIDENTIALITY_REQUESTED:No

Ausberry, Andrea

From:	Mica [supermica@gmail.com]
Sent:	Tuesday, May 14, 2013 11:15 AM
To:	SOTF
Cc:	Fu, Ben; Lewis, Don (CPC); Hwang, Lulu; Ionin, Jonas; DiSanto, Thomas; Threet, Jerry; Grant, Kitt (sunshinechairgrant@gmail.com); Juan Jayo
Subject:	Re: SOTF - Mediation of Complaint Filed with SOTF - Complaint No. 13024

Hello, SOTF:

This matter is not resolved.

> Mr. Lewis & Mr. Fu have not supplied with any other documents.

> Ms. Hwang has only has provided me with a few Historical Documents pulled from the Archives.

I am still looking for "*all documents, in addition to any emails &/or other electronic forms of data*" held in custody by the Plannning Department RE: 480 Potrero Ave / 2011.0430 (U, X, E, !, etc.) & not just what the Planner's have selected for the "Public Case Files".

These items include:

- All Correspondence to & from anyone at the Planning Dept. (Include those CC & BCC)
    - SIA Consulting siaconsult.com
    - Town Consulting townconsulting.com
    - Kitchen Cabinet Public Affairs or SF Housing Authority
    - Mission Housing or Mariposa Gardens
        - Project Sponsor Reza Khoshnevisan reza@siaconsult.com
        - Consultant Tony Kim tony@townconsulting.org
        - including Consultant Ahsha Safai ahshasafai@gmail.com
    - Inter-office emails, memos, notices, authorizations, revisions, questions, answers, clarifications
    - Outside agency emails, memos, letters
    - Public with questions or concerns

- If there were site visits I would like to the know the dates or see said trip logs.
- If there were any meetings or phone calls I would like to review the minutes.

- If there's electronic data, I would like to see the
    - photos
    - powerpoint presentations
    - word processing documents
    - spreadsheet files
    - database printouts
    - PDF's

- maps
- renderings/models

- Anything related to any studies or research. Please include drafts & authorizations (scope of work) for everything

- Any data CD's

Everything

I would still like to know:

- Where Don Lewis's Graphics folder is & why was it not in the case file on April 1?
- Why was Ben Fu's Correspondence folder empty on April 15?

If it's an option I would prefer Digital copies over Paper.

Thank you.

--Mica Ringel
(415) 519-7523

On Tue, May 14, 2013 at 9:20 AM, SOTF <sotf@sfgov.org> wrote:

Good Morning,

Please disregard the following email. Mr. Ringel filed this complaint twice in two different formats.

The Planning department responded to the mediation of this complaint on April 29, 2013 (see attached).

The Complainant has not responded to whether the documents/response provided by the Respondent completes the request.

Mr. Ringel - The SOTF Office will consider your case to be resolved. Unless, you provide a detailed response to whether the documents the Respondent has provided completes your request.

Thank you,

Andrea S. Ausberry
Administrator
Sunshine Ordinance Task Force
Office 415.554.7724 | Fax 415.554.5163
sotf@sfgov.org | www.sfbos.org
City Hall, 1 Dr. Carlton B. Goodlett Place, Rm. 244
San Francisco, CA 94102
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From: SOTF
Sent: Monday, May 13, 2013 2:36 PM
To: Fu, Ben; Lewis, Don (CPC); Hwang, Lulu; Ionin, Jonas; Avery, Linda
Cc: Jerry.Threet@sfgov.org; Grant, Kitt (sunshinechairgrant@gmail.com); Mica
Subject: SOTF - Mediation of Complaint Filed with SOTF - Complaint No. 13024

Good Afternoon,

You have been named as a Respondent in the following complaint submitted by Mica Ringel against Planning Department. In an attempt to mediate and stave off a hearing before the Sunshine Ordinance Task Force, please respond to the following request within five business days.

The Complainant alleges: *Complaint Attached.*

Pursuant to Section 67.21(b), If the custodian of public records believes the record or information requested is not a public record or is exempt, the custodian shall justify withholding any record by demonstrating, in writing as soon as possible and within ten days following receipt of a request, that the record in question is exempt under express provisions of the Sunshine Ordinance.

Thank you,

Andrea S. Ausberry
Administrator
Sunshine Ordinance Task Force
Office 415.554.7724 | Fax 415.554.5163
sotf@sfgov.org | www.sfbos.org
City Hall, 1 Dr. Carlton B. Goodlett Place, Rm. 244
San Francisco, CA 94102
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Ausberry, Andrea

From: Hwang, Lulu
Sent: Monday, April 29, 2013 5:47 PM
To: supermica@gmail.com
Cc: Lewis, Don (CPC); Fu, Ben; Juan Jayo (jmj8@pge.com); SOTF
Subject: RE: Sunshine Ordinance request 480 Potrero Ave
Attachments: Ben Fu recovered.pdf

This is the response from Ben and I will check with Don again tomorrow

- If anything was published in the newspaper, I would like to review the receipts or the articles/adverts.

  Nothing has been published for the large project authorization.

- If there were site visits, I would like to the know the dates or see said trip logs.

  I have also visited the site but I generally do not keep a log of the day's events.

- If there were meetings/phone calls, I would like to review the minutes.

  I generally do not keep minutes of meetings or phone calls.

- If there's electronic data, I would like to see the digital photos, powerpoint presentations, word processing documents, spreadsheet files, PDF's, et al.

  All data and materials provided by the project sponsor are in the project case file.

Thanks!
Lulu
Have a Good Day Today and a Better Day Tomorrow...

From: Mica [mailto:supermica@gmail.com]
Sent: Monday, April 29, 2013 3:11 PM
To: Hwang, Lulu
Cc: Juan Jayo
Subject: Re: Sunshine Ordinance request 480 Potrero Ave

Ms. Hwang:

I have been copied on correspondence to & from the Planning Dept RE: 480 which has not made it into the record.

- Why is my own correspondence missing fron Don Lewis's case files, as well as the correspondence from others which I personally know?

Ben told me all materials are in the case file which you already reviewed.

- Why despite several requests was Ben Fu's Correspondence folder completely empty on April 15th?

I requested from you Ms. Hwang everything held in custody.

- Are you unable to obtain digital correspondence/electronic files from the servers of the Planning Dept?

Right now I'm looking for lots of things.

Everything between the Planning Dept. & SIA Consulting (siaconsult.com), including Project Sponsor Reza Khoshnevisan, Town Consulting (townconsulting.com), including Consultant Tony Kim, Kitchen Cabinet Consulting, including Consultant Asha Safai (ahshasafai@gmail.com), Mission Housing, including Mariposa Gardens, inter-office documentation/correspondence, & outside agency documentation/correspondence RE: the proposed development at 480 Potrero Ave.

- If anything was published in the newspaper, I would like to review the receipts or the articles/adverts.
- If there were site visits, I would like to the know the dates or see said trip logs.
- If there were meetings/phone calls, I would like to review the minutes.
- If there's electronic data, I would like to see the digital photos, powerpoint presentations, word processing documents, spreadsheet files, PDF's, et al.

--Mic Ringel

On Mon, Apr 29, 2013 at 2:49 PM, Hwang, Lulu <lulu.hwang@sfgov.org> wrote:

Hello

To clarify regarding the complaint you have for Planning Department is giving you a run around..

On April 11, Ben Fu already sent you an email letting you know that the case file is ready for review. I checked with the reception desk and they told me that the file already reviewed and ready to go back to Ben.

I went to Ben and I asked if there is anything else we left that we can put out for you to review? Ben told me all materials are in the case file which you already reviewed.

I just want to do more research and went to the historical file room and see if there anything else and I found a few more pieces of paper, scanned and email to you.

We do not have any "*addition to any emails &/or other electronic forms of data* " materials that we are not disclosing to to you.

Thanks!
Lulu
Have a Good Day Today and a Better Day Tomorrow...

From: Mica [mailto:supermica@gmail.com]

Sent: Friday, April 26, 2013 4:31 PM
To: Hwang, Lulu; Fu, Ben; Lewis, Don (CPC)
Subject: Re: Sunshine Ordinance request 480 Potrero Ave

For your records is the attached PDF complaint requesting assistance from the SOTF to obtain all documents, including digital files, held within custody of the SF Planning Dept. for the proposed project at 480 Potrero Ave.

On Thu, Apr 25, 2013 at 7:40 PM, Hwang, Lulu <lulu.hwang@sfgov.org> wrote:

Besides all the materials in the case file from Ben and Don, the only thing I found in the Historical files are attached.

Thanks!
Lulu

Have a Good Day Today and a Better Day Tomorrow...

From: Mica [mailto:supermica@gmail.com]
Sent: Thursday, April 25, 2013 12:56 PM
To: Hwang, Lulu
Cc: Juan Jayo; SOTF; Diane Ringel; Fu, Ben

Subject: Re: Sunshine Ordinance request 480 Potrero Ave

I couldn't have been any clearer in my requests.

I asked specifically for "all documents, in addition to any emails &/or other electronic forms of data which they have for this project".

I know for a fact that there is more in the custody of the Planning Dept. RE: the proposed project at 480 Potrero Ave. than what was available at the front desk for both Don Lewis & Ben Fu's case files.

I inventoried those documents & reported to you that they were incomplete.

Thus, I made my formal request with you for "access under the Sunshine Ordinance to everything held in custody by the SF Planning Dept, including emails, electronic files, phone records, meeting minutes, etc. related to the proposed development at 480 Potrero Ave".

This matter is coming to hearing with the Planning Commissioners and the custodians of the records at the Planning Dept. are making it more than difficult for me to access public information.

On Thu, Apr 25, 2013 at 12:38 PM, Hwang, Lulu <lulu.hwang@sfgov.org> wrote:

Hello

On April 11, Ben sent you an email to let you know that the case file is available for you to review at the 4th floor reception desk. And our record shown that you had already come and review the case file.

May I assist you on what other files you would like to review?

Thanks!
Lulu Hwang
Planning Department
Operations & IS Administrator
1650 Mission Street #400
San Francisco CA 94103
415-558-6318 (V)
Lulu.Hwang@SFGOV.ORG
Have a Good Day Today and a Better Day Tomorrow...

From: Mica [mailto:supermica@gmail.com]
Sent: Thursday, April 25, 2013 11:59 AM
To: Hwang, Lulu
Cc: Juan Jayo; SOTF; Diane Ringel
Subject: Re: Sunshine Ordinance request 480 Potrero Ave

Dear Ms. Hwang:

Third request. Now you too have not replied for 10 days.

It appears the Planning Dept. is far out of compliance with the Sunshine Ordinance http://sfbos.org/index.aspx?page=4460

How much longer is reasonable for me to wait before filing a formal complaint with the SOTF?

Mica Ringel

485 Potrero Ave

San Francisco, CA 94110

(415) 519-7523

On Mon, Apr 15, 2013 at 3:01 PM, Mica <supermica@gmail.com> wrote:

Dear Ms. Hwang:

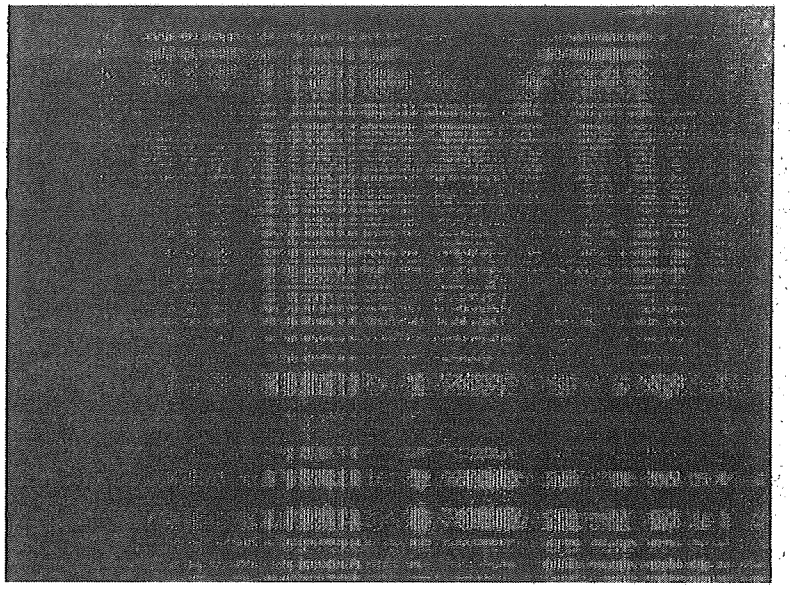
On March 31, 2013 I requested a copy of the complete file for the proposed development at 480 Potrero Ave from both Environmental Planner Don Lewis & City Planner Ben Fu.

I asked specifically for all documents, in addition to any emails &/or other electronic forms of data which they have for this project.

Whereas Mr. Lewis promptly responded on April 1, I was able to go in the next day to begin reviewing his case file.

Mr. Fu however had not acknowledged my request as of April 10, so I made a second. See emails below. He let me know the folder was avail. at the front desk. I again asked if the folder was complete, & again he never responded.

Earlier today I went in to the Planning Dept. to review said files & am perturbed to have found that the Correspondence folder for 480 Potrero is empty. Picture attached.



I've been told by Sue Hestor that you're very good with documentation... & so in preparation of the hearing scheduled for May 16, 2013, I humbly request access under the Sunshine Ordinance to everything held in custody by the SF Planning Dept, including emails, electronic files, phone records, meeting minutes, etc. related to the proposed development at 480 Potrero Ave.

Regards,

Mica Ringel

485 Potrero Ave

San Francisco, CA 94110

(415) 519-7523

---------- Forwarded message ----------
From: **Mica** <supermica@gmail.com>
Date: Mon, Apr 15, 2013 at 11:17 AM
Subject: Re: Request for all files regarding 480 Potrero Ave
To: "Fu, Ben" <ben.fu@sfgov.org>
Cc: "Hwang, Lulu" <lulu.hwang@sfgov.org>

Mr. Fu:

Thanks for getting back to me. I was told to make my request with both you & Don Lewis for all files, in addition to any emails &/or other electronic forms of data which you both have for the proposed project at 480 Potrero.

I came in two weeks ago to review the files which Mr. Lewis had made available, & would like to come in today from around 12:30-3 to begin assessment of yours.

Per your suggestion, if I need further assistance going forward regarding this documentation request I'll make it with Ms. Hwang under the Sunshine Ord.

Regards,

--Mica Ringel

On Thu, Apr 11, 2013 at 9:59 AM, Fu, Ben <ben.fu@sfgov.org> wrote:

Mica,

If you are making a request under the sunshine ordinance, please contact Lulu Hwang. Otherwise, if you wish to review the case file, it is available at the 4th floor reception.

Regards,

Ben A. Fu, City Planner

San Francisco Planning Department

1650 Mission Street, Suite 400

San Francisco, CA 94103

T: 415.558.6613

F: 415.558.6409

ben.fu@sfgov.org

From: Mica [mailto:supermica@gmail.com]
Sent: Wednesday, April 10, 2013 2:58 PM
To: Fu, Ben
Subject: Re: Request for all files regarding 480 Potrero Ave

Thanks for letting me know.

Per my request a week ago Monday, is it complete with all documents, in addition to any emails &/or other electronic forms of data which you have for this project?

Regards, --Mica Ringel

On Wed, Apr 10, 2013 at 2:46 PM, Fu, Ben <ben.fu@sfgov.org> wrote:

Mica,

The case file is available for public review. You are welcome to make any copies at the reception lobby.

Regards,

Ben A. Fu, City Planner

San Francisco Planning Department

1650 Mission Street, Suite 400

San Francisco, CA 94103

T: 415.558.6613

F: 415.558.6409

ben.fu@sfgov.org

---------- Forwarded message ----------
From: **Mica** <supermica@gmail.com>
Date: Wed, Apr 10, 2013 at 2:31 PM
Subject: Re: Request for all files regarding 480 Potrero Ave
To: ben.fu@sfgov.org

Second request.

From: Mica [mailto:supermica@gmail.com]
Sent: Sunday, March 31, 2013 10:22 PM
To: Fu, Ben
Cc: Hwang, Lulu; Wycko, Bill

Subject: Request for all files regarding 480 Potrero Ave

Dear Mr. Fu:

In preparation of the hearing scheduled for May 16, 2013 I am requesting a copy of the complete file for the proposed development at 480 Potrero Ave.

Please include all documents, in addition to any emails &/or other electronic forms of data which you have for this project.

Please let me know when you expect this packet of information available for pickup.

I am also requesting the same from Don Lewis.

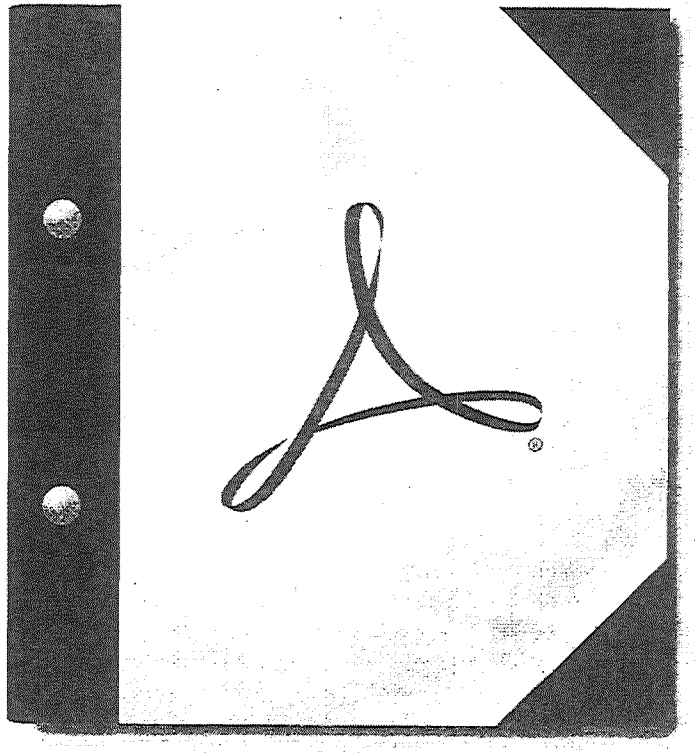
Regards,

Mica Ringel

485 Potrero Ave

San Francisco, CA 94110

(415) 519-7523



For the best experience, open this PDF portfolio in Acrobat X or Adobe Reader X, or later.

Get Adobe Reader Now!

From:	Lewis, Don
To:	Jones, Sarah; tony@townconsulting.com; Reza Khoshnevisan (reza@slaconsult.com)
Cc:	Fu, Ben
Subject:	480 Potrero - PMND/CPE Appeal
Date:	Wednesday, October 17, 2012 10:36:12 AM
Attachments:	480 Potrero Avenue Appeal Letter.pdf

Hello all,

Attached is the appeal letter for 480 Potrero Avenue.

Ben, when were you thinking of taking the CU to the Commission?

Thanks,

Don Lewis
Environmental Planner
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco CA 94103
(415) 575 – 9095
(415) 558 – 6409 fax

From:	jean@woodwinds.net
To:	don.lewis@sfgov.org; ben.fu@sfgov.org
Subject:	480 Potrero Avenue - Case 2011.0430E
Date:	Thursday, May 31, 2012 2:12:00 PM

Hello,
I have a few questions about Case 2011.0430E which I hope one of you will be kind enough to answer.

1) Why are only 33 parking spaces planned for 78 apartments?
2) How many square feet are contained in each of the apartment layouts?
3) How many commercial sites and what type do you expect?
4) Is the housing low or medium income?
5) Is the housing to be purchased or rented?
6) Will rent control be in place if rented?
7) Who will be running the apartments if rented.. what management company?
8) Who is the construction company planning on building the apartments?
9) Will there be a benefit fee given to the Eastern Neighborhoods Benefit fund? If so, how much?
10) Is this apartments in an area considered in a Redevelopment Plan?

Thank you,
Jean Bogiages, MUNA chair
http://sfmuna.org

From:	Ron Albert
To:	reza@siaconsult.com
Cc:	don.lewis@sfgov.org; ben.fu@sfgov.org
Subject:	480 Potrero Project
Date:	Tuesday, July 31, 2012 5:12:00 PM
Attachments:	480PotreroLetter0001.pdf

Mr. Khoshnevisan:
Please confirm receipt of this email and the attached letter.

Ronald P. Albert
Albert Law Corporation
66 George Lane, Suite 101
Sausalito, CA 94965-1890
Telephone: 415-332-5600
E-mail: rpa@albertlawcorp.com

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From: Lewis, Don (CPC)
To: Reza Khoshnevisan (reza@slaconsult.com); tony@townconsulting.com
Cc: Fu, Ben
Subject: 480 Potrero Revised Plans
Date: Monday, April 01, 2013 8:38:15 AM

When will the revised plans be ready?

There's a good amount of work I need to do once I receive these plans. The Neg Dec needs to be amended since there is now ground-floor retail, and I will also need to revise the appeal response. The sooner I get these plans the better.

Thanks,

Don Lewis
Environmental Planner
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco CA 94103
(415) 575 – 9095
(415) 558 – 6409 fax

From:	Mica
To:	Lewis, Don (CPC); Wycko, Bill
Cc:	Fu, Ben; CohenStaff; Cohen, Malia
Subject:	480 Potrero / Planning Dept. Case No. 2011.0430U
Date:	Tuesday, April 23, 2013 10:12:54 AM

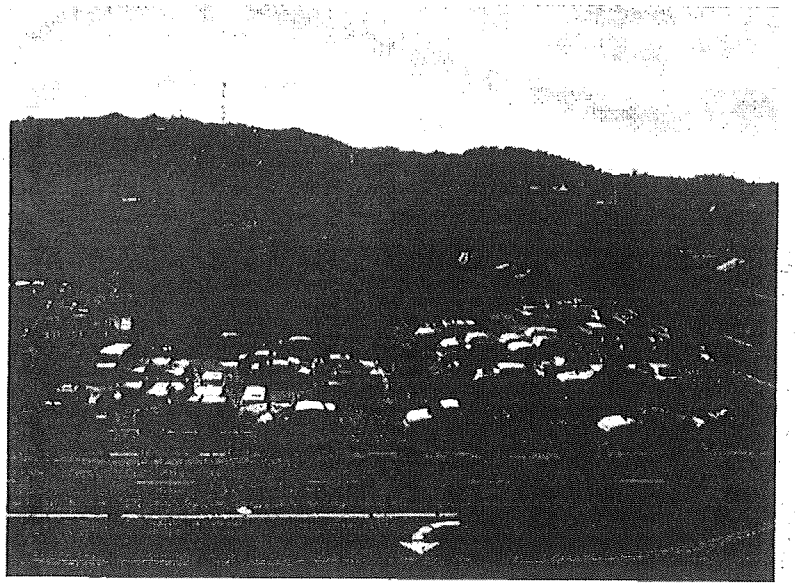
Dear Mr. Lewis:

I believe that the Preliminary Mitigated Negative Declaration is flawed on the face of it (*Prima Facie*).

480 is described in error as being "currently a vacant lot" while for more than a year it has been leased to Sunny's Auto Body for use as a "parking lot".

It speaks for itself (*Res Ipsa Loquitor*) that it is not "currently a vacant lot" when during business hours 6 days a week there are consistently 30-50 vehicles parked there.

I count 31 vehicles on site as I type this email now. Below is a picture from yesterday with again 50 cars parked there.



The inaccurate "vacant lot" site description is repeated three times throughout the PMND, it was duly advertised in newspapers, it was posted on site, & letters were sent to neighbors in a 300 ft. radius... all with this misrepresentation.

Has the Planning Dept. copy & pasted SIA Consulting's site description without fact checking first?

Following are sections of the Planning code which may be relevant:

SEC. 102.28. USE.

The purpose for which land or a structure, or both, are designed, constructed, arranged or intended, or for which they are occupied or maintained, let or leased.

SEC. 150. OFF-STREET PARKING AND LOADING REQUIREMENTS.

(d) **Spaces to be Retained.** Once any off-street parking or loading space has been provided which wholly or partially meets the requirements of this Code, such off-street parking or loading space shall not thereafter be reduced, eliminated or made unusable in any manner

SEC. 156. PARKING LOTS.

(a) A "parking lot" is hereby defined as an off-street open area or portion thereof solely for the parking of passenger automobiles. Such an area or portion shall be considered a parking lot whether or not on the same lot as another use, whether or not required by this Code for any structure or use, and whether classified as an accessory, principal or conditional use.

I would appreciate a response to my concerns at your earliest convenience.

Regards,

Mica Ringel
485 Potrero Ave
San Francisco, CA 94110

(415) 519-7523

From:	Mica
To:	Fu, Ren
Cc:	Lewis, Don (CPC); Wasko, Bill; Cohen-Stuff; Cohen, Nada
Subject:	480 Potrero / Planning Dept. Case No. 2011.0430X
Date:	Thursday, April 29, 2013 10:35:11 AM
Attachments:	Application - 2011.0430X - 480 Potrero Avenue.pdf

Dear Mr. Fu:

I believe the Large Project Application for 480 Potrero has been misrepresented to the Planning Dept. & that it contains errors on the face of it (*Prima Facie*).

Present or Previous Use: previously a warehouse, present use - vacant

For more than a year the owner of 480 has been leasing the property to Sunny's Auto Body for use as a parking lot.

It speaks for itself (*Res Ipsa Loquitor*) that it's "present use" is not "vacant" when during business hours 6 days a week there are consistently 30-50 vehicles parked there.

I count 34 vehicles on site as I type this email now. Below is a picture from yesterday with 45 cars parked there.

Inline image 1

The inaccuracies continue...

	[illegible]	[illegible]	[illegible]	PROJECT TOTALS
PROJECT FEATURES				
Dwelling Units	0	0	84	84
Hotel Rooms	0	0	0	0
Parking Spaces	0	0	38	38
Loading Spaces	0	0	0	0
Number of Buildings	vacant	n/a	1	1
Height of Building(s)	n/a	n/a	58'	58'
Number of Stories	n/a	n/a	6	6
Bicycle Spaces	n/a	n/a	12	12 tbd
GROSS SQUARE FOOTAGE (GSF)				
Residential	n/a		85,490 sq. ft.	85,490 sq ft
Retail	n/a		0	0
Office	n/a		0	0
Industrial/PDR Production, Distribution, & Repair	n/a		0	0
Parking	n/a		0	0
Other (Specify Use)			0	0
TOTAL GSF	0		85,490 sq. ft.	85,490 sq. ft.

Following are sections of the Planning code which may otherwise be relevant, if not for the above misrepresentations:

SEC. 102.28. USE.

The purpose for which land or a structure, or both, are designed, constructed, arranged or intended, or for which they are occupied or maintained, let or leased

SEC. 150. OFF-STREET PARKING AND LOADING REQUIREMENTS.

(d) **Spaces to be Retained.** Once any off-street parking or loading space has been provided which wholly or partially meets the requirements of this Code, such off-street parking or loading space shall not thereafter be reduced, eliminated or made unusable in any manner

SEC. 156. PARKING LOTS.

(a) A "parking lot" is hereby defined as an off-street open area or portion thereof solely for the parking of passenger automobiles. Such an area or portion shall be considered a parking lot whether or not on the same lot as another use, whether or not required by this Code for any structure or use, and whether classified as an accessory, principal or conditional use.

The previous warehouse structure was demolished and the subject parcel is currently vacant.

Actually, the subject parcel is currently a parking lot.

It is of great concern that the Applicant's Affidavit has been signed under penalty of perjury on 10/4/12 by the Property Owner's Agent, Tony Kim of Town Consulting, who was formally employed by the SF Planning Dept.

Applicant's Affidavit

Under penalty of perjury the following declarations are made:
a: The undersigned is the owner or authorized agent of the owner of this property.
b: The information presented is true and correct to the best of my knowledge.
c: The other information or applications may be required.

Signature: See LOA Date: 10/4/12

Print name, and indicate whether owner, or authorized agent:

Owner / Authorized Agent (circle one)

LETTER OF AUTHORIZATION

I, Sia Tahbazof, as property owner(s) of the below-described property, does hereby appoint Town Consulting as authorized agent for the purpose of researching all permit history and filing any applications and obtaining any and all governmental permits/entitlements/appeals and approvals on the below-described property. The undersigned understands that the application may be denied, modified, or approved with conditions and that such conditions or modification must be complied with prior to issuance of permits or approvals.

Address: 480 Potrero Avenue

Property Owner(s)

I believe SIA Consulting, through Project Sponsor Reza Khoshnevisan, Consultant Tony Kim, & Consultant Asa Safai have misrepresented other parts of this project as well.

I would appreciate your response to my concerns at your earliest convenience as this is not the only document in your case file for 480 Potrero which appears to have not been fact checked.

Regards,

Mica Ringel
485 Potrero Ave
San Francisco, CA 94110

(415) 519-7523

From:	jean bogiages
To:	Fu, Ben
Subject:	480 Potrero
Date:	Wednesday, January 30, 2013 1:05:45 PM

Hi Ben,
Do you have any idea when the 480 Potrero project will come before the commission?
I'm trying to decide when to schedule a meeting with the developer.
Thanks,
Jean Bogiages

From: Reza Khoshnevisan
To: Fu, Ben
Subject: FW: 480 POTRERO
Date: Monday, April 01, 2013 5:26:30 PM

Hi Ben;
Here is some renderings for your review.

Thanks;
Reza Khoshnevisan
SIA Consulting Corp.
1256 Howard Street
San Francisco, Ca. 94103
Tel: 415.922.0200, ext.108
Fax: 415.922.0203

From: brad terrell [mailto:terrell.brad@gmail.com]
Sent: Monday, April 01, 2013 4:51 PM
To: Reza Khoshnevisan; Renee Lu
Subject: 480 POTRERO

Hi Reza,
Please see the attached illustrations. These additional views are rendered free of the proposed landscaping to clearly illustrate the design.
-Brad

From:	jean boglages
To:	Fu, Ben
Subject:	Large Project Authorization Application
Date:	Saturday, April 27, 2013 8:11:43 AM

Hi Ben,

I have a copy of the Application for Large Project Authorization for 480 Potrero (11.0430 X) which is dated 10/4/12.
If there is a newer version, please email me a copy.
Thanks,
Jean Boglages

From:	jean bogiages
To:	Fu, Ben
Cc:	dean@deansgaragedoors.com; Juan Jayo; supermica@gmail.com
Subject:	Meeting with members of the "Save Potrero" committee regarding the planned 480 Potrero Development
Date:	Tuesday, November 13, 2012 6:19:13 PM

Hi Ben,

Thank you for giving me multiple time slots for our neighborhood group representatives to talk to you about the 480 Potrero development plans.
After emailing the three who have been selected to represent the neighborhood group, I find that 11:30 Tuesday, 11/20 is the day and time that everyone can meet.
I'm guessing that we will find your office at 1650 Mission street, where the planning department is located.
Are you on the 4th floor?

Thanks again,
Jean Bogiages
415-305-8230

From:	Jean bogiages
To:	Fu, Ben; Lewis, Don (CPC)
Subject:	Planning Commission Meeting Schedule
Date:	Tuesday, March 26, 2013 8:46:40 AM

Hi,
Has there been any date scheduled yet for the480 Potrero project?
Thanks,
Jean Bogiages

From: Aidin Massoudi
To: Fu, Ben
Cc: Reza Khoshnevisan; Siavash Tahbazof; Lewis, Don
Subject: RE: 480 Potrero Avenue (3973/002C) Shadow Analysis
Date: Thursday, August 30, 2012 9:32:31 AM

Hi Ben,

I dropped off a new Shadow Analysis pack w/fee this morning. If the old one is found, please disregard it.

Thank you

Aidin Massoudi
SIA Consulting Corp.
1256 Howard Street
San Francisco, Ca. 94103
Tel: 415.922.0200 Ext.105
Fax: 415.922.0203
www.siaconsult.com

From: Fu, Ben [mailto:ben.fu@sfgov.org]
Sent: Wednesday, August 29, 2012 10:01 AM
To: Aidin Massoudi
Cc: Reza Khoshnevisan; Siavash Tahbazof; Lewis, Don
Subject: RE: 480 Potrero Avenue (3973/002C) Shadow Analysis

If you have already submitted a shadow study, then there's no need to submit another. However, the Planning Department has no record of a previous submittal. Please submit the shadow study to the attention of Julian Banales.

Regards,

Ben A. Fu, City Planner
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103
T: 415.558.6613
F: 415.558.6409
ben.fu@sfgov.org

From: Aidin Massoudi [mailto:Aidin@siaconsult.com]
Sent: Tuesday, August 28, 2012 5:35 PM
To: Fu, Ben
Cc: Reza Khoshnevisan; Siavash Tahbazof
Subject: 480 Potrero Avenue (3973/002C) Shadow Analysis

Hi Ben,

I was told that you are requesting a new Shadow Analysis app. I submitted an application with the fee in March and the 1"=200' scale site plan (please see attached).

Please let me know if these items have been received. I will check and see if the fee check was deposited.

Thank you,

Aidin Massoudi
SIA Consulting Corp.
1256 Howard Street
San Francisco, Ca. 94103
Tel: 415.922.0200 Ext.105
Fax: 415.922.0203
www.siaconsult.com



From:	Reza Khoshnevisan
To:	Ron Albert
Cc:	don.lewis@sfgov.org; ben.fu@sfgov.org; Tony Kim
Subject:	RE: 480 Potrero Project
Date:	Wednesday, August 01, 2012 4:35:00 PM

Hello Mr. Albert;
I did receive your email yesterday. I am the project designer / consultant and as you know we are working on plans to develop the subject lot. Just for clarification, I was unaware of the any attempts to reach me or any of my staff. Moreover, I contacted Mr. Phil Palileo (the property manager) this morning and he stated that he was un aware of your client trying to reach him. Since my client purchased the lot they have made sure that land is secure and have continued efforts to clean up and to paint over the gratifies at the site. In addition, I was told that the property manager did not know about any water intrusion issues effecting the adjacent properties. For any maintenance issues you can contact Phil at 415.672.8080 he is extremely easy to reach and willing to correct any issues at the site.

As for the development, we are in process of completing our traffic study and various other aspects of the environmental requirements. We were planning to hold extensive neighborhood meetings after we get the necessary environmental reports such as traffic study so that we better understand the impact of the project towards the neighborhood ourselves before presenting this to the neighborhood. As we are still fine tuning our plans, we value your input and we are very interested in knowing what your concerns may be towards our development. Please feel free to contact me if you have any questions in regards to the plan or the permit process. I am always available and willing to meet you or your client.

Kindest regards;

Reza Khoshnevisan
SIA Consulting Corp.
1256 Howard Street
San Francisco, Ca. 94103
Tel: 415.922.0200, ext.108
Fax: 415.922.0203

From: Ron Albert [mailto:rpa@albertlawcorp.com]
Sent: Tuesday, July 31, 2012 5:14 PM
To: Reza Khoshnevisan
Cc: don.lewis@sfgov.org; ben.fu@sfgov.org
Subject: 480 Potrero Project

Mr. Khoshnevisan:
Please confirm receipt of this email and the attached letter.

Ronald P. Albert
Albert Law Corporation
66 George Lane, Suite 101

Sausalito, CA 94965-1890
Telephone: 415-332-5600
E-mail: rpa@albertlawcorp.com

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From: Lewis, Don (CPC)
To: Reza Khoshnevisan
Cc: tony@townconsulting.com; Fu, Ben
Subject: RE: 480 Potrero Revised Plans
Date: Monday, April 01, 2013 8:45:13 AM

Only need 11 by 17, and you can email them to me. Thanks.

Thanks,
Don Lewis
Environmental Planner
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco CA 94103
(415) 575 – 9095
(415) 558 – 6409 fax

From: Reza Khoshnevisan [mailto:reza@siaconsult.com]
Sent: Monday, April 01, 2013 8:42 AM
To: Lewis, Don (CPC)
Cc: tony@townconsulting.com; Fu, Ben
Subject: Re: 480 Potrero Revised Plans

We are ready, would you like full size sets?

Sent from my iPhone

On Apr 1, 2013, at 8:38 AM, "Lewis, Don (CPC)" <don.lewis@sfgov.org> wrote:

> When will the revised plans be ready?
>
> There's a good amount of work I need to do once I receive these plans. The Neg Dec needs to be amended since there is now ground-floor retail, and I will also need to revise the appeal response. The sooner I get these plans the better.
>
> Thanks,
> Don Lewis
> Environmental Planner
> San Francisco Planning Department
> 1650 Mission Street, Suite 400
> San Francisco CA 94103
> (415) 575 – 9095
> (415) 558 – 6409 fax

From:	Ron Miguel
To:	"Reza Khoshnevisan"; Cohen, Malia
Cc:	jean@woodwinds.net; dean@deansgaragedoors.com; Fu, Ben
Subject:	RE: 480 Potrero
Date:	Wednesday, January 30, 2013 10:56:30 AM

Reza – Thank you for your offer of revised plans – I would appreciate seeing them. I do not know if my suggestions/comments will satisfy the neighborhood. I have advised them to meet with you, and I suggest that you do so following any revisions. If either you or they would like me to attend such a meeting, I will try to make it.

Ron Miguel
600 De Haro St.
San Francisco, CA 94107
415-601-0708

From: Reza Khoshnevisan [mailto:reza@siaconsult.com]
Sent: Wednesday, January 30, 2013 10:00 AM
To: Ron Miguel; Malia Cohen
Cc: jean@woodwinds.net; dean@deansgaragedoors.com; Ben.Fu@sfgov.org
Subject: 480 Potrero

Hi Mr. Miguel;
Thank you so much for your help with this project. Your efforts are greatly appreciated. We are in process of revising our plans to satisfy your recommendations. I will email you the revised plans as soon as they become available. Do you have any indication whether the neighborhood will be satisfied if we meet the outlined recommendations?

Kindest regards;
Reza Khoshnevisan
SIA Consulting Corp.
1256 Howard Street
San Francisco, Ca. 94103
Tel: 415.922.0200, ext.108
Fax: 415.922.0203

From: Ron Miguel [mailto:rm@well.com]
Sent: Sunday, January 27, 2013 10:13 AM
To: Malia Cohen
Cc: jean@woodwinds.net; dean@deansgaragedoors.com; Ben.Fu@sfgov.org; Reza Khoshnevisan
Subject: 480 Potrero

Supervisor Cohen – I have attached a letter outlining my efforts regarding the proposed SIA development at 480 Potrero Ave.

Please let me know if I can be of further assistance.

Sincerely,

Ron Miguel

600 De Haro St.
San Francisco, CA 94107
415-601-0708

From: Reza Khoshnevisan
To: Ron Miguel; Cohen, Malia
Cc: jean@woodwinds.net; dean@deansgaragedoors.com; Fu, Ben
Subject: RE: 480 Potrero
Date: Friday, February 01, 2013 2:42:51 PM

Thank you, I'll keep you updated. Your input is greatly appreciated.

Thanks;
Reza

From: Ron Miguel [mailto:rm@well.com]
Sent: Wednesday, January 30, 2013 10:53 AM
To: Reza Khoshnevisan; 'Malia Cohen'
Cc: jean@woodwinds.net; dean@deansgaragedoors.com; Ben.Fu@sfgov.org
Subject: RE: 480 Potrero

Reza – Thank you for your offer of revised plans – I would appreciate seeing them. I do not know if my suggestions/comments will satisfy the neighborhood. I have advised them to meet with you, and I suggest that you do so following any revisions. If either you or they would like me to attend such a meeting, I will try to make it.

Ron Miguel
600 De Haro St.
San Francisco, CA 94107
415-601-0708

From: Reza Khoshnevisan [mailto:reza@siaconsult.com]
Sent: Wednesday, January 30, 2013 10:00 AM
To: Ron Miguel; Malia Cohen
Cc: jean@woodwinds.net; dean@deansgaragedoors.com; Ben.Fu@sfgov.org
Subject: 480 Potrero

Hi Mr. Miguel;
Thank you so much for your help with this project. Your efforts are greatly appreciated. We are in process of revising our plans to satisfy your recommendations. I will email you the revised plans as soon as they become available. Do you have any indication whether the neighborhood will be satisfied if we meet the outlined recommendations?

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Please let me know if I can be of further assistance.

Sincerely,

Ron Miguel
600 De Haro St.
San Francisco, CA 94107
415-601-0708

From: George Nelson
To: Fu, Ben
Subject: RE: 480 Potrero
Date: Monday, December 10, 2012 4:27:29 PM

Many thanks.

Nelson

From: ben.fu@sfgov.org
To: nelson.george@hotmail.co.uk
Subject: RE: 480 Potrero
Date: Tue, 11 Dec 2012 00:12:54 +0000

George,

Please see below for project contact info.

Project Sponsor/Developer/Architect:
Reza Khoshnevisan
SIA Consulting Corp.
1256 Howard Street
San Francisco, Ca. 94103
Tel: 415.922.0200, ext.108
Fax: 415.922.0203

Ben A. Fu, City Planner
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103
T: 415.558.6613
F: 415.558.6409
ben.fu@sfgov.org

From: George Nelson [mailto:nelson.george@hotmail.co.uk]
Sent: Monday, December 10, 2012 4:09 AM
To: Banales, Julian
Subject: 480 Potrero

Dear Mr Banales,

I am a reporter from the Potrero View newspaper currently writing a story describing the proposed development at 480 Potrero. A letter you sent Reza Khoshnevisan came to my attention - might you be able to tell me who the architect and development company will be if the plans to develop the site are given the green light? Many thanks.

Sincerely,

Nelson George

From: Lewis, Don (CPC)
To: jean@woodwinds.net; Fu, Ben
Subject: RE: Planning Commission Meeting Schedule
Date: Tuesday, March 26, 2013 9:22:17 AM

Hello Jean,

Pushed to May 16th. Still haven't rec'd the revised plans from sponsor.

Thanks,
Don Lewis
Environmental Planner
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco CA 94103
(415) 575 – 9095
(415) 558 – 6409 fax

-----Original Message-----
From: jean bogiages [mailto:jean@woodwinds.net]
Sent: Tuesday, March 26, 2013 8:46 AM
To: Fu, Ben; Lewis, Don (CPC)
Subject: Planning Commission Meeting Schedule

Hi,
Has there been any date scheduled yet for the480 Potrero project?
Thanks,
Jean Bogiages

From:	Hwang, Lulu
To:	Mica
Cc:	Juan Jayo; SOTF; Diane Ringel; Fu, Ben; Lewis, Don (CPC)
Subject:	RE: Sunshine Ordinance request 480 Potrero Ave
Date:	Thursday, April 25, 2013 7:40:23 PM
Attachments:	480 Potrero Ave.pdf

Besides all the materials in the case file from Ben and Don, the only thing I found in the Historical files are attached.

Thanks!
Lulu
Have a Good Day Today and a Better Day Tomorrow...

From: Mica [mailto:supermica@gmail.com]
Sent: Thursday, April 25, 2013 12:56 PM
To: Hwang, Lulu
Cc: Juan Jayo; SOTF; Diane Ringel; Fu, Ben
Subject: Re: Sunshine Ordinance request 480 Potrero Ave

I couldn't have been any clearer in my requests.

I asked specifically for "all documents, in addition to any emails &/or other electronic forms of data which they have for this project".

I know for a fact that there is more in the custody of the Planning Dept. RE: the proposed project at 480 Potrero Ave. than what was available at the front desk for both Don Lewis & Ben Fu's case files.

I inventoried those documents & reported to you that they were incomplete.

Thus, I made my formal request with you for "access under the Sunshine Ordinance to everything held in custody by the SF Planning Dept, including emails, electronic files, phone records, meeting minutes, etc. related to the proposed development at 480 Potrero Ave".

This matter is coming to hearing with the Planning Commissioners and the custodians of the records at the Planning Dept. are making it more than difficult for me to access public information.

On Thu, Apr 25, 2013 at 12:38 PM, Hwang, Lulu <lulu.hwang@sfgov.org> wrote:
Hello

On April 11, Ben sent you an email to let you know that the case file is available for you to review at the 4th floor reception desk. And our record shown that you had already come and

review the case file.

May I assist you on what other files you would like to review?

Thanks!
Lulu Hwang
Planning Department
Operations & IS Administrator
1650 Mission Street #400
San Francisco CA 94103
415-558-6318 (V)
Lulu.Hwang@SFGOV.ORG
Have a Good Day Today and a Better Day Tomorrow...

From: Mica [mailto:supermica@gmail.com]
Sent: Thursday, April 25, 2013 11:59 AM
To: Hwang, Lulu
Cc: Juan Jayo; SOTF; Diane Ringel
Subject: Re: Sunshine Ordinance request 480 Potrero Ave

Dear Ms. Hwang:

Third request. Now you too have not replied for 10 days.

It appears the Planning Dept. is far out of compliance with the Sunshine Ordinance http://sfbos.org/index.aspx?page=4460

How much longer is reasonable for me to wait before filing a formal complaint with the SOTF?

Mica Ringel
485 Potrero Ave
San Francisco, CA 94110

(415) 519-7523

On Mon, Apr 15, 2013 at 3:01 PM, Mica <supermica@gmail.com> wrote:
Dear Ms. Hwang:

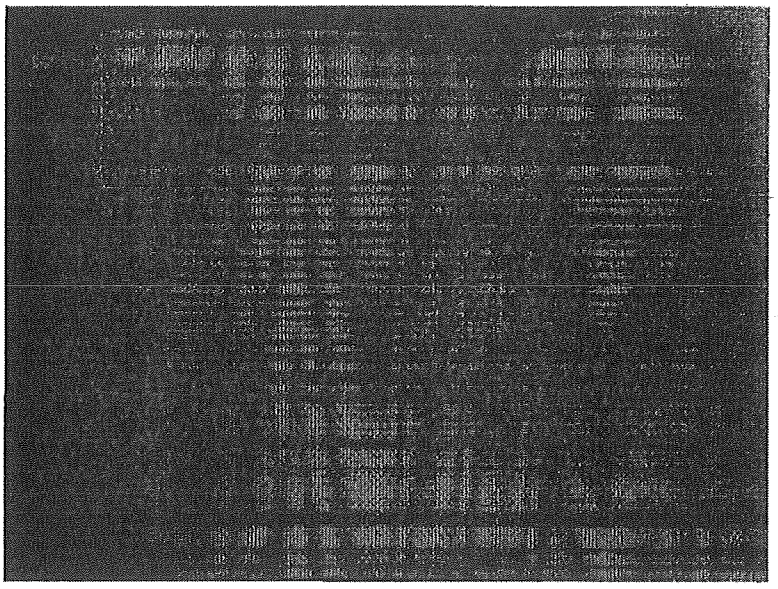
On March 31, 2013 I requested a copy of the complete file for the proposed development at 480 Potrero Ave from both Environmental Planner Don Lewis & City Planner Ben Fu.

I asked specifically for all documents, in addition to any emails &/or other electronic forms of data which they have for this project.

Whereas Mr. Lewis promptly responded on April 1, I was able to go in the next day to begin reviewing his case file.

Mr. Fu however had not acknowledged my request as of April 10, so I made a second. See emails below. He let me know the folder was avail. at the front desk. I again asked if the folder was complete, & again he never responded.

Earlier today I went in to the Planning Dept. to review said files & am perturbed to have found that the Correspondence folder for 480 Potrero is empty. Picture attached.



I've been told by Sue Hestor that you're very good with documentation... & so in preparation of the hearing scheduled for May 16, 2013, I humbly request access under the Sunshine Ordinance to everything held in custody by the SF Planning Dept, including emails, electronic files, phone records, meeting minutes, etc. related to the proposed development at 480 Potrero Ave.

Regards,

Mica Ringel
485 Potrero Ave
San Francisco, CA 94110

(415) 519-7523

---------- Forwarded message ----------
From: **Mica** <supermica@gmail.com>
Date: Mon, Apr 15, 2013 at 11:17 AM
Subject: Re: Request for all files regarding 480 Potrero Ave
To: "Fu, Ben" <ben.fu@sfgov.org>
Cc: "Hwang, Lulu" <lulu.hwang@sfgov.org>

Mr. Fu:

Thanks for getting back to me. I was told to make my request with both you & Don Lewis for all files, in addition to any emails &/or other electronic forms of data which you both have for the proposed project at 480 Potrero.

I came in two weeks ago to review the files which Mr. Lewis had made available, & would like to come in today from around 12:30-3 to begin assessment of yours.

Per your suggestion, if I need further assistance going forward regarding this documentation request I'll make it with Ms. Hwang under the Sunshine Ord.

Regards,

--Mica Ringel

On Thu, Apr 11, 2013 at 9:59 AM, Fu, Ben <ben.fu@sfgov.org> wrote:
Mica,

If you are making a request under the sunshine ordinance, please contact Lulu Hwang. Otherwise, if you wish to review the case file, it is available at the 4th floor reception.

Regards,

Ben A. Fu, City Planner
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103
T: 415.558.6613
F: 415.558.6409
ben.fu@sfgov.org

From: Mica [mailto:supermica@gmail.com]
Sent: Wednesday, April 10, 2013 2:58 PM
To: Fu, Ben

Subject: Re: Request for all files regarding 480 Potrero Ave

Thanks for letting me know.

Per my request a week ago Monday, is it complete with all documents, in addition to any emails &/or other electronic forms of data which you have for this project?

Regards, --Mica Ringel

On Wed, Apr 10, 2013 at 2:46 PM, Fu, Ben <ben.fu@sfgov.org> wrote:
Mica,

The case file is available for public review. You are welcome to make any copies at the reception lobby.

Regards,

Ben A. Fu, City Planner
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103
T: 415.558.6613
F: 415.558.6409
ben.fu@sfgov.org

---------- Forwarded message ----------
From: **Mica** <supermica@gmail.com>
Date: Wed, Apr 10, 2013 at 2:31 PM
Subject: Re: Request for all files regarding 480 Potrero Ave
To: ben.fu@sfgov.org

Second request.

From: Mica [mailto:supermica@gmail.com]
Sent: Sunday, March 31, 2013 10:22 PM
To: Fu, Ben
Cc: Hwang, Lulu; Wycko, Bill

Subject: Request for all files regarding 480 Potrero Ave

Dear Mr. Fu:

In preparation of the hearing scheduled for May 16, 2013 I am requesting a copy of the complete file for the proposed development at 480 Potrero Ave.

Please include all documents, in addition to any emails &/or other

electronic forms of data which you have for this project.

Please let me know when you expect this packet of information available for pickup.

I am also requesting the same from Don Lewis.

Regards,

Mica Ringel
485 Potrero Ave
San Francisco, CA 94110

(415) 519-7523

From:	Hwang, Lulu
To:	Mica
Cc:	Fu, Ben; Lewis, Don (CPC); SOTF; DCP, Reception
Subject:	RE: Sunshine Ordinance request 480 Potrero Ave
Date:	Monday, April 29, 2013 2:49:04 PM

Hello

To clarify regarding the complaint you have for Planning Department is giving you a run around..

On April 11, Ben Fu already sent you an email letting you know that the case file is ready for review. I checked with the reception desk and they told me that the file already reviewed and ready to go back to Ben.

I went to Ben and I asked if there is anything else we left that we can put out for you to review? Ben told me all materials are in the case file which you already reviewed.

I just want to do more research and went to the historical file room and see if there anything else and I found a few more pieces of paper, scanned and email to you.

We do not have any "*addition to any emails &/or other electronic forms of data* " materials that we are not disclosing to to you.

Thanks!
Lulu
Have a Good Day Today and a Better Day Tomorrow...

From: Mica [mailto:supermica@gmail.com]
Sent: Friday, April 26, 2013 4:31 PM
To: Hwang, Lulu; Fu, Ben; Lewis, Don (CPC)
Subject: Re: Sunshine Ordinance request 480 Potrero Ave

For your records is the attached PDF complaint requesting assistance from the SOTF to obtain all documents, including digital files, held within custody of the SF Planning Dept. for the proposed project at 480 Potrero Ave.

On Thu, Apr 25, 2013 at 7:40 PM, Hwang, Lulu <lulu.hwang@sfgov.org> wrote:
Besides all the materials in the case file from Ben and Don, the only thing I found in the Historical files are attached.

Thanks!
Lulu
Have a Good Day Today and a Better Day Tomorrow...

From: Mica [mailto:supermica@gmail.com]
Sent: Thursday, April 25, 2013 12:56 PM
To: Hwang, Lulu
Cc: Juan Jayo; SOTF; Diane Ringel; Fu, Ben

Subject: Re: Sunshine Ordinance request 480 Potrero Ave

I couldn't have been any clearer in my requests.

I asked specifically for "all documents, in addition to any emails &/or other electronic forms of data which they have for this project".

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Thanks!
Lulu Hwang
Planning Department
Operations & IS Administrator
1650 Mission Street #400
San Francisco CA 94103
415-558-6318 (V)
Lulu.Hwang@SFGOV.ORG
Have a Good Day Today and a Better Day Tomorrow...

SUNSHINE ORDINANCE TASK FORCE
CITY AND COUNTY OF SAN FRANCISCO
DRAFT - MINUTES

Hearing Room 408
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

October 2, 2013 – 4:00 PM

Regular Meeting

1. Call to Order, Roll Call, and Agenda Changes.

The meeting was called to order at 4:10 p.m. Chair Grant and Members Pilpel and Hyland were noted absent. There was a quorum. Member Hyland was noted present at 4:55 p.m. Member Sims was noted absent at 7:57 p.m.

Vice Chair Fischer presided over the meeting.

Vice Chair Fischer announced a request for File No. 12059 (Item 4) be continued to November 5, 2013, by the Complainant and Respondent.

The Complainant of File No. 12058 (Item 2) requested a continuance of his hearing due to the affect of member absences on the determination of the complaint.

Member Knee, seconded by Member Washburn, moved to accept the Complainants and Respondents' request for continuance of File No. 12058 and File No. to November 6, 2013.

Speakers: Allen Gross expressed opposition with the members' absences; Peter Warfield requested additional information on the reason for the continuance of complaint No. 12059; Patrick Monette-Shaw requested the members uphold absences as stated in Sunshine Ordinance Task Force bylaws; Dominic Maionchi expressed reasoning of his request for continuance of Complaint No. 12058; Ray Hartz expressed six members being present would not make a fair determination on today's complaints.

The motion PASSED by the following vote:

Ayes: 5 –Washburn, Sims, David, Oka, Fischer
Noes: 1 – Knee
Absent: 3 – Pilpel, Hyland, Grant

2. **File No. 12058:** The Compliance and Amendments Committee has referred File No. 12058, Dominic Maionchi against Recreation and Park for allegedly failing to provide records requested pertaining to berthing contracts between the City and County of San Francisco and slip holders.

Continuance requested by Complainant. Motion Passed (Item 1).

Member Knee, seconded by Member Washburn, moved to accept the Complainants and Respondents' request for continuance of File No. 12058 and File No. to November 6, 2013.

RECESS
4:50 p.m. - 5:00 p.m.

3. **Public Comment:**

Allen Grossman announced the Ethics Commission's new draft of regulations; Ray Hartz expressed concern with the Education, Outreach and Training Committee Chair not drafting a letter to the Clerk of the Board as determined by the committee; Peter Warfield expressed the importance of open government; Male Speaker presented misconduct of Library Commission; Patrick Monette-Shaw expressed the Ethics Commission attempt to exempt themselves from hearing complaints referred for enforcement; Female Speaker expressed the treatment of the public by City agencies who request public records.

***The following information is provided by a speaker, pursuant to Administrative Code Section 67.16. The content is neither generated by, nor subject to approval or verification of accuracy by, the Sunshine Ordinance Task Force.**

Derek Kerr, MD submitted the following additional information for Public Comment as follows:

Agenda Item (3) Public Comment (150 words):
Derek Kerr's 150 Word Summary for inclusion in body of SOTF – OCTOBER 2, 2013 Meeting Minutes

*Burying my Commendation under the misleading agenda item "LHH Update" follows a pattern of deception. For example, Laguna Honda CEO Mivic Hirose was required to read this Commendation before the hospital's 40-member Leadership Forum. Instead, she read it to 11 members of her Executive Committee. After we complained, Hirose complied. Also, DPH Director Barbara Garcia had to retract a DPH Press Release that had labeled us "detractors" who made "false statements" about misappropriated patient funds. The first retraction was unsigned. We complained. Garcia signed the second version, but it was a Memo - not a Press Release. We complained again, and she complied. Lucky for us, we could appeal these Settlement violations to the Court. Now, we appeal to you because the Sunshine Ordinance was violated. This habitual misconduct will persist unless you monitor the Health Department and Commission for compliance.

4. **File No. 12059:** The Compliance and Amendments Committee has referred File No. 12059, Supreet Pabla, SEIU Local 1021 against Human Services Agency for allegedly failing to provide records requested relevant to the representation of the bargaining unit's employees.

   Continuance requested by Complainant and Respondent. Motion Passed (Item 1).

   Member Knee, seconded by Member Washburn, moved to accept the Complainants and Respondents' request for continuance of File No. 12058 and File No. to November 6, 2013.

5. **File No. 13013:** The Compliance and Amendments Committee has referred File No. 13013, of Ray Hartz Jr., against Luis Herrera, City Librarian for allegedly abridging public comment by allowing selective accessibility of library audio visual equipment.

   Ray Hartz Jr., (Complainant) provided an overview of the complaint; the Library Commission continues to deny access to its equipment to present documents and /or PowerPoint presentations during its meetings as it allows for guests of the commission. The Complainant further requested the Task Force to find violations. There were no speakers in support of the Complainant. Sue Blackman (Respondent), provided an overview of the Ethics Commission defense; the Library Commission is a policy body that has the right to not allow the public to use its audio visual equipment and the commission is in compliance with the Sunshine Ordinance. There were no speakers who offered facts and evidence in support of the Respondent. A question and answer period followed. The Complainant responded to questions raised throughout the discussion and further requested the Task Force to find violations. The Respondent waived rebuttal. The Complainant provided a rebuttal and further requested the Task Force to find violations.

   Member Washburn, seconded by Member David, moved to find Luis Herrera, City Librarian, in violation of the Sunshine Ordinance as determined in the Order of Determination; referral to the Ethics Commission for enforcement.

   Speakers: Patrick Monette-Shaw expressed support of the referral; Male Speaker presented PowerPoint on visual impact of audio visual presentations when allowed access to equipment; Peter Warfield expressed support of the motion.

   The motion PASSED by the following vote:
   Ayes: 7– Knee, Washburn, Sims, David, Hyland, Oka, Fischer
   Absent: 2 – Pilpel, Grant

   Member Washburn, seconded by Member David, moved to find Luis Herrera, City Librarian in violation of the Sunshine Ordinance as determined in the Order of Determination; referral to the Board of Supervisors for enforcement.

The motion PASSED by the following vote:
Ayes: 6– Knee, Washburn, Sims, Hyland, Oka, Fischer
Noes: 1 – David
Absent: 2 – Pilpel, Grant

6. **File No. 13012:** Complaint filed by Michael Fondanova, representing Glad Tidings Church against the Office of the Assessor-Recorder for allegedly failing to provide complete records associated with Glad Tidings Church and San Francisco Teen Challenge.

Item continued from September 4, 2013 meeting. Jurisdiction determined.

Michael Fondanova (Complainant) provided an overview of the complaint and requested the Task Force to find violations. There were no speakers in support of the Complainant. Margaret Sing, Assessor - Recorder's Office, (Respondent), provided an overview of the Office of the Assessor-Recorder's defense; all non-exempt documents have been handed over to the Complainant. There were no speakers who offered facts and evidence in support of the Respondent. A question and answer period followed. The Respondent provided a rebuttal. The Complainant provided a rebuttal and further requested the Task Force to find violations.

Due to a lack of a motion, the Task Force FOUND NO VIOLATION.

7. **File No. 13021:** Complaint filed by Patrick Monette-Shaw and Maria Rivero, MD against the Public Health Commission for allegedly violating Sunshine Ordinance §§ 67.7(a), 67.7(b), and 67.9(a); failing to notice members of the public, and noticing a deficient agenda.

Member Knee, seconded by Member David, moved to find jurisdiction.

Speakers: None.

The motion PASSED by the following vote:
Ayes: 7 – Knee, Washburn, Sims, David, Hyland, Oka, Fischer
Absent: 2 – Pilpel, Grant

Patrick-Monette-Shaw and Maria River, MD (Complainants) provided an overview of the complaint; the intension of the Public Health Commission was to not provide a meaningful description of the item as an accommodation regarding Dr. Kerr and listed the item generically "Laguna Honda Update". The Complaintants requested the Task Force to find violations. Dr. Kerr presented facts and evidence in support of the Complainants. Mark Morewitz, Executive Secretary, Public Health Commission (Respondent), provided an overview of the Public Health Commission's defense; the item was written by the advice of their City Attorney. The Commission has since taken steps to ensure future items are written in compliance with the Sunshine Ordinance. There were no speakers who offered facts and evidence in support of the Respondent. A question and answer period followed. The Respondent provided a rebuttal. The Complainant provided a rebuttal and further requested the Task Force to find violations.

Speakers: None.

Member Washburn, seconded by Member Oka, moved to find the Public Health Commission in violation of §§ 67.7(a), 67.7(b) and 67.9(a); referral to the Compliance and Amendments Committee to provide guidance on constructing agendas.

The motion PASSED by the following vote:
Ayes: 7 – Knee, Washburn, Sims, David, Hyland, Oka, Fischer
Absent: 2 – Pilpel, Grant

RECESS
6:55 p.m. – 7:00 p.m.

8. **File No. 13024:** Complaint filed by Mica Ringel against the Planning Department for allegedly failing to provide requested records associated with the proposed development of 480 Potrero Avenue.

Member Knee, seconded by Member Sims, moved to find jurisdiction.

Speakers: None.

The motion PASSED without objection.

Mica Ringel (Complainant) provided an overview of the complaint; requested to view complete case file, through research and requests the Complainant noticed missing files not included in the original request for records. The Complaintant requested the Task Force to find violations. There were no speakers in support of the Complainant. Lulu Hwang, Custodian of Records, Planning Department (Respondent), provided an overview of the Planning Department's defense; missing documents were retrieved and handed over to the Complainant on a disk. There were no speakers who offered facts and evidence in support of the Respondent. A question and answer period followed. The Respondent provided a rebuttal. The Complainant provided a rebuttal and further requested the Task Force to find violations.

Member Knee, seconded by Member Washburn, moved to find the Planning Department, in violation of the Sunshine Ordinance §§67.26 and 67.27.

Speakers: None.

The motion FAILED by the following vote:
Ayes: 4 –Washburn, Hyland, Oka, Fischer
Noes: 2 – Knee, David
Absent: 3 – Pilpel, Sims, Grant

Member Knee, seconded by Member Washburn, moved to find the Planning Department, in violation of the Sunshine Ordinance §§67.21(a) and 67.29-7; referral to Compliance and Amendments Committee.

Speakers: None.

The motion PASSED by the following vote:
Ayes: 6 – Knee, Washburn, David, Hyland, Oka, Fischer
Absent: 3 – Pilpel, Sims, Grant

9. **Approval of Minutes from the March 6, 2013 Regular Meeting.**

Member Washburn, seconded by Member Hyland, moved to CONTINUE Items 9 through 15, to the November 6, 2013 meeting.

Speaker: None.

The motion PASSED by the following vote:
Ayes: 6– Knee, Washburn, David, Hyland, Oka, Fischer
Absent: 3 – Pilpel, Sims, Grant

10. **Approval of Minutes from the April 3, 2013 Regular Meeting.**

Member Washburn, seconded by Member Hyland, moved to CONTINUE Items 9 through 15, to the November 6, 2013 meeting.

Speaker: None.

The motion PASSED by the following vote:
Ayes: 6– Knee, Washburn, David, Hyland, Oka, Fischer
Absent: 3 – Pilpel, Sims, Grant

11. **Approval of Minutes from the May 1, 2013 Regular Meeting.**

Member Washburn, seconded by Member Hyland, moved to CONTINUE Items 9 through 15, to the November 6, 2013 meeting.

Speaker: None.

The motion PASSED by the following vote:
Ayes: 6– Knee, Washburn, David, Hyland, Oka, Fischer
Absent: 3 – Pilpel, Sims, Grant

12. **Approval of Minutes from the June 5, 2013 Regular Meeting.**

Member Washburn, seconded by Member Hyland, moved to CONTINUE Items 9 through 15, to the November 6, 2013 meeting.

Speaker: None.

The motion PASSED by the following vote:
Ayes: 6– Knee, Washburn, David, Hyland, Oka, Fischer
Absent: 3 – Pilpel, Sims, Grant

13. **Approval of Minutes from the July 9, 2013 Special Meeting.**

Member Washburn, seconded by Member Hyland, moved to CONTINUE Items 9 through 15, to the November 6, 2013 meeting.

Speaker: None.

The motion PASSED by the following vote:
Ayes: 6– Knee, Washburn, David, Hyland, Oka, Fischer
Absent: 3 – Pilpel, Sims, Grant

14. **Approval of Minutes from the August 7, 2013 Regular Meeting.**

Member Washburn, seconded by Member Hyland, moved to CONTINUE Items 9 through 15, to the November 6, 2013 meeting.

Speaker: None.

The motion PASSED by the following vote:
Ayes: 6– Knee, Washburn, David, Hyland, Oka, Fischer
Absent: 3 – Pilpel, Sims, Grant

15. **Approval of Minutes from the September 4, 2013 Regular Meeting.**

Member Washburn, seconded by Member Hyland, moved to CONTINUE Items 9 through 15, to the November 6, 2013 meeting.

Speaker: None.

The motion PASSED by the following vote:
Ayes: 6– Knee, Washburn, David, Hyland, Oka, Fischer
Absent: 3 – Pilpel, Sims, Grant

16. **Report: Compliance and Amendments Committee meeting of September 17, 2013.**

Member Washburn (Chair) provided a summary of the Compliance and Amendments Committee meeting of September 17, 2013.

Speakers: None.

17. **Report: Education, Outreach and Training Committee meeting of September 16, 2013.**

Member David (Vice-Chair) provided a summary of the Education, Outreach and Training Committee meeting of September 17, 2013.

18. **Administrator's Report.**

Report was given by Andrea Ausberry, Sunshine Ordinance Task Force Administrator.

19. **Announcements, Comments, Questions, and Future Agenda Items.**

Member Knee announced, applications have been submitted for Seats 2 and 4 of the Task Force.

20. **ADJOURNMENT**

Member Knee, seconded by Member David, moved to ADJOURN.

There were no speakers. **The motion PASSED without objection.**

There being no further business, the Task Force adjourned at the hour of 8:31 p.m.

SUNSHINE ORDINANCE TASK FORCE
Compliance and Amendments Committee
CITY AND COUNTY OF SAN FRANCISCO
AGENDA

Hearing Room 408
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

November 19, 2013 – 4:00 P.M.

Regular Meeting

Members: Allyson Washburn (Chair),
Richard Knee, Kitt Grant

1. **CALL TO ORDER, ROLL CALL, AND AGENDA CHANGES**

2. **Adoption of September 17, 2013, regular meeting minutes** (Discussion and Action) *(attachment) (approximately 5 minutes)*

3. **File No. 13024:** Hearing on the status of the Order of Determination of Mica Ringel against the Planning Department for allegedly failing to provide requested records associated with the proposed development of 480 Potrero Avenue. (Discussion and Action) *(attachment) (approximately 30 minutes)*

4. **Public Comment** Members of the public may address the Compliance and Amendments Committee on matters that are within Sunshine Ordinance Task Force's jurisdiction but not on today's agenda. (No Action). **Public Comment shall be taken after action is taken on the last hearing item or half an hour after the meeting convenes.**

5. **Administrator's Report** (Discussion and Action) *(approximately 5 minutes)*

6. **Announcements, Comments, Questions, and Future Agenda Items** (No Action)

7. **ADJOURNMENT**

Agenda Item Information

Each item on the agenda may include: 1) Department or Agency cover letter and/or report; 2) Public correspondence; 3) Other explanatory documents. For more information concerning agendas, minutes, and meeting information, such as these documents, please contact the SOTF Clerk, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.

Audio recordings of the meeting of the Sunshine Ordinance Task Force are available at: http://www.sfbos.org/index.aspx?page=9811

For information concerning Sunshine Ordinance Task Force please contact by e-mail sotf@sfgov.org or by calling (415) 554-7724.

Public Comment

Public Comment will be taken before or during the Committee's consideration of each agenda item. Speakers may address the Task Force for up to three minutes on that item. During General Public Comment, members of the public may address the Task Force on matters that are within the Task Force's jurisdiction and are not on the agenda. Any person speaking during a public comment period may supply a brief written summary of their comments, which shall, if no more than 150 words, be included in the official file.

Each member of the public will be allotted the same maximum number of minutes to speak as set by the Chair at the beginning of each item, excluding persons requested by the Task Force to make presentations.

Each member of the public who is unable to attend the public meeting or hearing may submit to the City, by the time the hearing begins, written comments regarding the subject of the meeting or hearing. These comments will be made a part of the official public record.

Hearing Procedures

1.	Complainant presents his/her facts and evidence	5 minutes
	Other parties of Complainant present facts and evidence	Up to 3 minutes each
2.	City responds	5 minutes
	Other parties of City respond	Up to 3 minutes each
	Above total speaking times for Complainant and City to be the same.	
3.	Matter is with the Task Force for discussion and questions.	
4.	Respondent and Complainant presents clarification/rebuttal	3 minutes
5.	Matter is with the Task Force for motion and deliberation.	
6.	Public comment (Excluding Complainant & City response, witnesses)	Up to 3 minutes each
7.	Vote by Task Force (Public comment at discretion of chair on new motion and/or on new motion if vote fails.)	

Note: Time must be adhered to. If a speaker is interrupted by questions, the interruption does not count against his/her time.

Disability Access

The hearing rooms in City Hall are wheelchair accessible. Assistive listening devices for the hearing rooms are available upon request with the SOTF Clerk. The nearest accessible BART station is Civic Center (Market/Grove/Hyde Streets). Accessible MUNI Metro lines are the F, J, K, L, M, N, T (exit at Civic Center or Van Ness Stations). MUNI bus lines also serving the area are the 5, 6, 9, 19, 21, 47, 49, 71, and

71L. For more information about MUNI accessible services, call (415) 701-4485. There is accessible parking in the vicinity of City Hall at Civic Center Plaza and adjacent to Davies Hall and the War Memorial Complex. Accessible curbside parking is available on Dr. Carlton B. Goodlett Place and Grove Street.

The following services are available on request 48 hours prior to the meeting; except for Monday meetings, for which the deadline shall be 4:00 p.m. of the last business day of the preceding week: For American sign language interpreters or the use of a reader during a meeting, a sound enhancement system, and/or alternative formats of the agenda and minutes, please contact the SOTF Clerk at (415) 554-7724 to make arrangements for the accommodation. Late requests will be honored, if possible.

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City accommodate these individuals.

Know Your Rights Under the Sunshine Ordinance

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact: Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102; phone (415) 554-7724; fax (415) 554-7854; or email sotf@sfgov.org.

Citizens may obtain a free copy of the Sunshine Ordinance by printing Chapter 67 of the San Francisco Administrative Code on the Internet, at http://www.sfbos.org/sunshine.

Cell Phones, Pagers and Similar Sound-Producing Electronic Devices

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices (Chapter 67A of the San Francisco Administrative Code).

Lobbyist Registration and Reporting Requirements

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code §2.100, et. seq] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at: 25 Van Ness Avenue, Suite 220, San Francisco, CA 94102; telephone (415) 581-3100; fax (415) 252-3112; web site www.sfgov.org/ethics.

File No. 13024

SOTF Item No. 3
CAC Item No. _____

SUNSHINE ORDINANCE TASK FORCE
AGENDA PACKET CONTENTS LIST

Sunshine Ordinance Task Force (SOTF) **Date:** _____

Compliance and Amendments Committee (CAC) **Date: November 19, 2013**

CAC/SOTF

☒	☐	**Memorandum**
☒	☐	**Order of Determination**
☒	☐	**Complaint and Supporting documents**
☒	☐	**Respondent's Response**
☐	☐	**Minutes**
☐	☐	
☐	☐	
☐	☐	
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OTHER

☐	☐	_____
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☐	☐	_____
☐	☐	_____

Completed by: V. Young **Date** 11/14/13
Completed by: _____ **Date** _____

*An asterisked item represents the cover sheet to a document that exceeds 75 pages. The complete document is in the file.

CITY AND COUNTY OF SAN FRANCISCO

SUNSHINE ORDINANCE TASK FORCE

ORDER OF DETERMINATION
October 23, 2013

DATE THE DECISION ISSUED
October 2, 2013

CASE TITLE – MICA RINGEL V. PLANNING DEPARTMENT (13024)

FACTS OF THE CASE

Mica Ringel ("Complainant") complains that the Planning Department via individuals Ben Fu, Don Lewis, and Lulu Hwang ("Respondents") violated the Sunshine Ordinance by failing to provide the appropriate access to various public records.

COMPLAINT FILED

On April 26, 2013, "Complainant" filed a Complaint against "Respondents", seeking assistance from the Task Force regarding his public records request to the Planning Department on March 31, 2013. "Respondents" had provided some records to "Complainant", but "Complainant" noted the lack of certain correspondence or electronic data. The Planning Department, upon notification of the Complaint, engaged in further email correspondence with "Complainant". This correspondence culminated in a notification to the Task Force from "Complainant" on May 14, 2013, that the matter was not resolved, and included a summary of records "Complainant" continues to seek from Respondent.

HEARING ON THE COMPLAINT

On October 2, 2013, "Complainant", appeared before the Task Force claiming the Planning Department did not release the complete case file of a proposed development at 480 Potrero Avenue. Lulu Hwang, Operations and IS Administrator, Planning Department ("Respondent") presented the Planning Department's defense presenting the complete case file to the Task Force for the "Complainant" on a compact disk.

The issue in the case is whether the Planning Department violated Sections, 67.21, 67.24, 67.25, 67.26, and 67.27 of the Ordinance.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Based on the testimony and evidence presented the Task Force finds the testimony of "Complainant" to be persuasive and finds Sections 67.21(a) and 67.29-7 to be applicable in this case. The Task Force does not find the testimony provided by the Planning Department persuasive to this case.

DECISION AND ORDER OF DETERMINATION

The Task Force finds that the Planning Department violated Sections 67.21(a) and 67.29-7 of the Sunshine Ordinance for failing to make the case file accessible and not maintaining its records associated with the case file. The Planning Department shall release the records requested, if not provided on the compact disk released to "Complainant" the day of October 2, 2013, within 5 business days of the issuance of this Order and appear before the Compliance and Amendments Committee on November 19, 2013.

This Order of Determination was adopted by the Sunshine Ordinance Task Force on October 2, 2013 by the following vote: (Knee/Washburn)

Ayes: Knee, Washburn, David, Hyland, Oka, Fischer
Absent: Pilpel, Sims, Grant

Kitt Grant, Chair
Sunshine Ordinance Task Force

c: Celia Lee, Deputy City Attorney
Jerry Threet, Deputy City Attorney
Mica Ringel, Complainant
Lulu Hwang, Operations and IS Administrator, Planning Department, Respondent
Fu, Don Lewis, City Planner, Planning Department
John Rahaim, Planning Director, Planning Department
AnMarie Rodgers, Manager Legislative Affairs, Planning Department

CITY AND COUNTY OF SAN FRANCISCO

DENNIS J. HERRERA
City Attorney

OFFICE OF THE CITY ATTORNEY

CELIA W. LEE
Deputy City Attorney

DIRECT DIAL: (415) 554-3858
E-MAIL: celia.lee@sfgov.org

MEMORANDUM
PRIVILEGED & CONFIDENTIAL

TO: Sunshine Ordinance Task Force

FROM: Celia W. Lee
Deputy City Attorney

DATE: September 26, 2013

RE: Complaint No. 13024 – Ringel v. Planning Department

COMPLAINT

Mica Ringel ("Complainant") complains that the Planning Department ("Respondent," via individuals Ben Fu, Don Lewis, and Lulu Hwang) violated the Sunshine Ordinance by failing to provide the appropriate access to various public records.

COMPLAINANT FILES COMPLAINT:

On April 26, 2013, Complainant filed a Complaint against Respondent, seeking assistance from the Task Force regarding his public records request to the Planning Department on March 31, 2013. Respondent had provided some records to Complainant, but Complainant noted the lack of certain correspondence or electronic data.

The Planning Department, upon notification of the Complaint, engaged in further email correspondence with Complainant. This correspondence culminated in a notification to the Task Force from Complainant on May 14, 2013 that the matter was not resolved, and that included a summary of records Complainant continues to seek from Respondent.

JURISDICTION

Respondent Planning Department is a department under the Ordinance. The Task Force therefore generally has jurisdiction to hear a complaint of a violation of the Ordinance against Respondent. Respondent has not contested jurisdiction.

APPLICABLE STATUTORY SECTION(S)

Section 67 of the San Francisco Administrative Code (Sunshine Ordinance):

- Section 67.20 governs definitions regarding public information and public records.
- Section 67.21 governs the process for gaining access to public records
- Section 67.21.1 pertains to City policy regarding use and purchase of computer systems, particularly where applicable to public records management and disclosure.
- Section 67.24 governs public information that must be disclosed.
- Section 67.25 governs the immediacy of response and timing of production.
- Section 67.26 governs withholding of records.
- Section 67.27 governs justification of withholding of records.

Memorandum
Privileged & Confidential

TO: Sunshine Ordinance Task Force
DATE: September 27, 2013
PAGE: 2
RE: Complaint No. 13024 – Ringel v. Planning Department

APPLICABLE CASE LAW:

None.

BACKGROUND:

Complaint: Complainant submitted his complaint on April 26, 2013 regarding the Planning Department's inadequate response to his public records request on March 31, 2013.

Chronology: on March 31, 2013, Ringel had emailed a request for the complete file for the proposed development at 480 Potrero Avenue. He specifically requested "all documents, in addition to any emails and/or other electronic forms of data which they have for this project" to Environmental Planner Don Lewis and City Planner Ben Fu. He cc'd office manager Lulu Hwang on both requests.

Don Lewis's response: Mr. Lewis responded on April 1, and on April 2 Complainant reviewed his file. However, there was no electronic data and only minimal correspondence.

Ben Fu's response: Mr. Fu did not respond or acknowledge Complainant's March 31 request. On April 10, Complainant made a second request. Mr. Fu informed Complainant via email that the file was available at the front desk of the Planning Department. Complainant inquired if the file was complete, but received no response. On April 15, Complainant reviewed Mr. Fu's file and found nothing in the correspondence section of the file. Complainant himself had corresponded with Mr. Lewis and Mr. Fu regarding the proposed development at 480 Potrero, so he had expected to see that correspondence (and presumably other items of correspondence) in the file.

On April 15, Complainant emailed Lulu Hwang, the office manager for the Planning Department, stating "I humbly request access under the Sunshine Ordinance to everything held in custody by the SF Planning Dept, including emails, electronic files, phone records, meeting minute, etc related to the proposed development at 480 Potrero Ave." He did not hear back from Ms. Hwang in 10 days.

On April 25, he emailed Ms. Hwang again, copying the Task Force. According to Complainant, Ms. Hwang did not seem to understand that his latest request was made after Mr. Lewis and Mr. Fu had not been forthcoming with what he asked for. He reiterated his request for documents, including emails and electronic data. He also described how Mr. Lewis and Mr. Fu's files had been incomplete, and that he knew for a fact that there is more in the custody of the Planning Dept for the proposed project at 480 Potrero other than what was available at the front desk for Mr. Lewis and Mr. Fu's files. He also explained that the matter was coming to a hearing before the Planning Commissioners, and the custodians of records were making it difficult for him to access information. By the end of the day on April 25, Ms. Hwang provided five additional historical documents, which Complainant alleges were not pertinent to the proposed development at 480 Potrero Ave.

Memorandum
Privileged & Confidential

TO: Sunshine Ordinance Task Force
DATE: September 27, 2013
PAGE: 3
RE: Complaint No. 13024 – Ringel v. Planning Department

On April 26, Complainant emailed a complaint to the Task Force, setting out the above chronology. He stated that "I feel the Planning Dept has given me the runaround & that I am without other options but to request assistance from the SOTF." The email complaint to SOTF was the most recent email in a chain of emails that show correspondence between Complainant, Ms. Hwang, and Mr. Fu. Complainant forwarded a PDF copy of his complaint to Ms. Hwang, Mr. Fu, and Mr. Lewis.

Response: Complainant's complaint to the Task Force generated an additional chain of correspondence between Complainant and Ms. Hwang regarding Complainant's public records request. In direct response to the April 26 complaint, Ms. Hwang emailed Complainant on April 29 and recounted her actions in response to his request. She informed Complainant that she inquired with Mr. Fu as to whether there was anything else, and that Mr. Fu informed her that everything was in the file that Complainant had reviewed. She acknowledged sending Complainant some additional historical information that she had researched, and stated that they did not have any emails and/or electronic forms of data that they were not disclosing to him.

Complainant responded on April 29, and set forth specific questions related to correspondence, to wit: he inquired as to why his own correspondence was missing from Don Lewis's case files, as well as other correspondence; he inquired as to why Ben Fu's correspondence folder was completely empty; and he queried whether Ms. Hwang was unable to obtain digital correspondence/electronic files from the servers of the Planning Dept. He also reiterated his request for various documents and correspondence relating to several consulting firms regarding the proposed development at 480 Potrero (including SIA Consulting, Town Consulting, Kitchen Cabinet Consulting, and Mission Housing), interoffice correspondence, and outside agency correspondence. Finally, he reiterated four categories of documents that he continued to seek: receipts for any newspaper ads/articles published; dates or trip logs for site visits; minutes of meetings/phone calls; and electronic data, including digital photos, powerpoint presentations, word processing documents, spreadsheet files, PDF's, et al. On April 29, Ms. Hwang related Mr. Fu's response via email only to the latter four categories, and stated that she would check with Mr. Lewis again.

On May 14, 2013, Complainant emailed the Task Force to state that the matter was not resolved. He noted that Mr. Lewis and Mr. Fu had not supplied him with any other documents, that Ms. Hwang only provided with a few historical documents from the archives, and that he was still looking for "all documents, in addition to any emails &/or other electronic forms of data" held in custody by the Planning Department re 480 Potrero Ave, and not just what the planners had selected for the "public case files." Complainant set forth again the list of documents he required, which is the same list he provided to Ms. Hwang in his email to her of April 29 (set forth in the paragraph immediately above).

The Task Force file includes a PDF document entitled "Ben Fu recovered.pdf" which apparently shows emails recovered from Mr. Fu's email account, including emails to and from Complainant. It is unclear as to whether Respondent conveyed this document to Complainant, and any date of such conveyance.

Memorandum
Privileged & Confidential

TO: Sunshine Ordinance Task Force
DATE: September 27, 2013
PAGE: 4
RE: Complaint No. 13024 – Ringel v. Planning Department

QUESTIONS THAT MIGHT ASSIST IN DETERMINING FACTS:

- How did the Planning Department (Ben Fu, Don Lewis, Lulu Hwang) search for records responsive to Complainant's request for the "complete file for the proposed development at 480 Potrero Avenue"?
- When was the "Ben Fu recovered.pdf" file retrieved by Respondent?
- Was the "Ben Fu recovered.pdf" file provided to Complainant? If so, when?
- Did the Planning Department search for responsive documents as enumerated in the categories set forth by Complainant in his communications with Ms. Hwang, Mr. Fu, and Mr. Lewis?
- Why did Mr. Fu's correspondence folder for the proposed development at 480 Potrero Avenue not contain correspondence between Complainant and Mr. Fu, or other correspondence pertaining to the proposed development at 480 Potrero Ave.?

LEGAL ISSUES/LEGAL DETERMINATIONS:

- Was Respondent's search for public records in response to Complainant's request in compliance with the Sunshine Ordinance?
- Was Respondent's response and providing of documents in response to Complainant's request in compliance with the Sunshine Ordinance?

CONCLUSION

THE TASK FORCE FINDS THE FOLLOWING FACTS TO BE TRUE:

THE TASK FORCE FINDS THE ALLEGED VIOLATIONS TO BE **TRUE OR NOT TRUE.**

Memorandum
Privileged & Confidential

TO: Sunshine Ordinance Task Force
DATE: September 27, 2013
PAGE: 5
RE: Complaint No. 13024 – Ringel v. Planning Department

* * *

ATTACHED STATUTORY SECTIONS FROM CHAPTER 67 OF THE SAN FRANCISCO ADMINISTRATIVE CODE UNLESS OTHERWISE SPECIFIED (in pertinent part)

SEC. 67.20. DEFINITIONS.

Whenever in this article the following words or phrases are used, they shall mean:

(a) "Department" shall mean a department of the City and County of San Francisco.

(b) "Public Information" shall mean the content of "public records" as defined in the California Public Records Act (Government Code Section 6252), whether provided in documentary form or in an oral communication. "Public Information" shall not include "computer software" developed by the City and County of San Francisco as defined in the California Public Records Act (Government Code Section 6254.9).

(c) "Supervisor of Records" shall mean the City Attorney.

SEC. 67.21. PROCESS FOR GAINING ACCESS TO PUBLIC RECORDS; ADMINISTRATIVE APPEALS.

(a) Every person having custody of any public record or public information, as defined herein, (hereinafter referred to as a custodian of a public record) shall, at normal times and during normal and reasonable hours of operation, without unreasonable delay, and without requiring an appointment, permit the public record, or any segregable portion of a record, to be inspected and examined by any person and shall furnish one copy thereof upon payment of a reasonable copying charge, not to exceed the lesser of the actual cost or ten cents per page.

(b) A custodian of a public record shall, as soon as possible and within ten days following receipt of a request for inspection or copy of a public record, comply with such request. Such request may be delivered to the office of the custodian by the requester orally or in writing by fax, postal delivery, or e-mail. If the custodian believes the record or information requested is not a public record or is exempt, the custodian shall justify withholding any record by demonstrating, in writing as soon as possible and within ten days following receipt of a request, that the record in question is exempt under express provisions of this ordinance.

(c) A custodian of a public record shall assist a requester in identifying the existence, form, and nature of any records or information maintained by, available to, or in the custody of the custodian, whether or not the contents of those records are exempt from disclosure and shall, when requested to do so, provide in writing within seven days following receipt of a request, a statement as to the existence, quantity, form and nature of records relating to a particular subject or questions with enough specificity to enable a requester to identify records in order to make a request under (b). A custodian of any public record, when not in possession of the record requested, shall assist a requester in directing a request to the proper office or staff person.

(d) If the custodian refuses, fails to comply, or incompletely complies with a request described in (b), the person making the request may petition the supervisor of records for a determination whether the record requested is public. The supervisor of records shall inform the petitioner, as soon as possible and within 10 days, of its determination whether the record requested, or any part of the record requested, is public. Where requested by the petition, and where otherwise desirable, this determination shall be in writing. Upon the determination by the supervisor of records that the record is public, the supervisor of records shall immediately order the custodian of the public record to comply with the person's request. If the custodian refuses or fails to comply with any such order within 5 days, the supervisor of records shall notify the district attorney or the attorney general who shall take whatever measures she or he deems necessary and appropriate to insure compliance with the provisions of this ordinance.

(e) If the custodian refuses, fails to comply, or incompletely complies with a request described in (b) above or if a petition is denied or not acted on by the supervisor of public records, the person making the request may petition the Sunshine Task Force for a determination whether the record requested is public. The Sunshine Task Force shall inform the petitioner, as soon as possible and within 2 days after its next meeting but in no case later than 45 days from when a petition in writing is received, of its determination whether the record requested, or any part of the record requested, is public. Where requested by the petition, and where otherwise desirable, this determination shall be in writing. Upon the determination that the record is public, the Sunshine Task Force shall immediately order the custodian of the public record to comply with the person's request. If the custodian refuses or fails to comply with any such order within 5 days, the Sunshine Task Force shall notify the district attorney or the attorney general who may take whatever measures she or he deems necessary to insure compliance with the provisions of this ordinance. The Board of Supervisors and the City Attorney's office shall provide sufficient staff and resources to allow the Sunshine Task Force to fulfill its duties under this provision. Where requested by the petition, the Sunshine Task Force may conduct a public hearing concerning the records request denial. An authorized representative of the custodian of the public records requested shall attend any hearing and explain the basis for its decision to withhold the records requested.

(f) The administrative remedy provided under this article shall in no way limit the availability of other administrative remedies provided to any person with respect to any officer or employee of any agency, executive office, department or board; nor shall the administrative remedy provided by this section in any way limit the availability of judicial remedies otherwise available to any person requesting a public record. If a custodian of a public record refuses or fails to comply with the request of any person for inspection or copy of a public record or with an administrative order under this section, the superior court shall have jurisdiction to order compliance.

(g) In any court proceeding pursuant to this article there shall be a presumption that the record sought is public, and the burden shall be upon the custodian to prove with specificity the exemption which applies.

(h) On at least an annual basis, and as otherwise requested by the Sunshine Ordinance Task Force, the supervisor of public records shall prepare a tally and report of every petition brought before it for access to records since the time of its last tally and report. The report shall at least identify for each petition the record or records sought, the custodian of those records, the ruling of the supervisor of public records, whether any ruling was overturned by a

court and whether orders given to custodians of public records were followed. The report shall also summarize any court actions during that period regarding petitions the Supervisor has decided. At the request of the Sunshine Ordinance Task Force, the report shall also include copies of all rulings made by the supervisor of public records and all opinions issued.

(i) The San Francisco City Attorney's office shall act to protect and secure the rights of the people of San Francisco to access public information and public meetings and shall not act as legal counsel for any city employee or any person having custody of any public record for purposes of denying access to the public. The City Attorney may publish legal opinions in response to a request from any person as to whether a record or information is public. All communications with the City Attorney's Office with regard to this ordinance, including petitions, requests for opinion, and opinions shall be public records.

(j) Notwithstanding the provisions of this section, the City Attorney may defend the City or a City Employee in litigation under this ordinance that is actually filed in court to any extent required by the City Charter or California Law.

(k) Release of documentary public information, whether for inspection of the original or by providing a copy, shall be governed by the California Public Records Act (Government Code Section 6250 et seq.) in particulars not addressed by this ordinance and in accordance with the enhanced disclosure requirements provided in this ordinance.

(l) Inspection and copying of documentary public information stored in electronic form shall be made available to the person requesting the information in any form requested which is available to or easily generated by the department, its officers or employees, including disk, tape, printout or monitor at a charge no greater than the cost of the media on which it is duplicated. Inspection of documentary public information on a computer monitor need not be allowed where the information sought is necessarily and unseparably intertwined with information not subject to disclosure under this ordinance. Nothing in this section shall require a department to program or reprogram a computer to respond to a request for information or to release information where the release of that information would violate a licensing agreement or copyright law.

SEC. 67.21-1. POLICY REGARDING USE AND PURCHASE OF COMPUTER SYSTEMS.

(a) It is the policy of the City and County of San Francisco to utilize computer technology in order to reduce the cost of public records management, including the costs of collecting, maintaining, and disclosing records subject to disclosure to members of the public under this section. To the extent that it is technologically and economically feasible, departments that use computer systems to collect and store public records shall program and design these systems to ensure convenient, efficient, and economical public access to records and shall make public records easily accessible over public networks such as the Internet.

(b) Departments purchasing new computer systems shall attempt to reach the following goals as a means to achieve lower costs to the public in connection with the public disclosure of records:

(1) Implementing a computer system in which exempt information is segregated or filed separately from otherwise disclosable information.

(2) Implementing a system that permits reproduction of electronic copies of records in a format that is generally recognized as an industry standard format.

(3) Implementing a system that permits making records available through the largest non-profit, non-proprietary public computer network, consistent with the requirement for security of information.

SEC. 67.24. PUBLIC INFORMATION THAT MUST BE DISCLOSED.

Notwithstanding a department's legal discretion to withhold certain information under the California Public Records Act, the following policies shall govern specific types of documents and information and shall provide enhanced rights of public access to information and records:

(a) Drafts and Memoranda.

(1) Except as provided in subparagraph (2), no preliminary draft or department memorandum, whether in printed or electronic form, shall be exempt from disclosure under Government Code Section 6254, Subdivision (a) or any other provision. If such a document is not normally kept on file and would otherwise be disposed of, its factual content is not exempt under Subdivision (a). Only the recommendation of the author may, in such circumstances, be withheld as exempt.

(2) Draft versions of an agreement being negotiated by representatives of the City with some other party need not be disclosed immediately upon creation but must be preserved and made available for public review for 10 days prior to the presentation of the agreement for approval by a policy body, unless the body finds that and articulates how the public interest would be unavoidably and substantially harmed by compliance with this 10 day rule, provided that policy body as used in this subdivision does not include committees. In the case of negotiations for a contract, lease or other business agreement in which an agency of the City is offering to provide facilities or services in direct competition with other public or private entities that are not required by law to make their competing proposals public or do not in fact make their proposals public, the policy body may postpone public access to the final draft agreement until it is presented to it for approval.

(b) Litigation Material.

(1) Notwithstanding any exemptions otherwise provided by law, the following are public records subject to disclosure under this Ordinance:

(i) A pre-litigation claim against the City;

(ii) A record previously received or created by a department in the ordinary course of business that was not attorney/client privileged when it was previously received or created;

(iii) Advice on compliance with, analysis of, an opinion concerning liability under, or any communication otherwise concerning the California Public

Records Act, the Ralph M. Brown Act, the Political Reform Act, any San Francisco Governmental Ethics Code, or this Ordinance.

(2) Unless otherwise privileged under California law, when litigation is finally adjudicated or otherwise settled, records of all communications between the department and the adverse party shall be subject to disclosure, including the text and terms of any settlement.

(c) Personnel Information. None of the following shall be exempt from disclosure under Government Code Section 6254, subdivision (c), or any other provision of California Law where disclosure is not forbidden:

(1) The job pool characteristics and employment and education histories of all successful job applicants, including at a minimum the following information as to each successful job applicant:

(i) Sex, age and ethnic group;

(ii) Years of graduate and undergraduate study, degree(s) and major or discipline;

(iii) Years of employment in the private and/or public sector;

(iv) Whether currently employed in the same position for another public agency.

(v) Other non-identifying particulars as to experience, credentials, aptitudes, training or education entered in or attached to a standard employment application form used for the position in question.

(2) The professional biography or curriculum vitae of any employee, provided that the home address, home telephone number, social security number, age, and marital status of the employee shall be redacted.

(3) The job description of every employment classification.

(4) The exact gross salary and City-paid benefits available to every employee.

(5) Any memorandum of understanding between the City or department and a recognized employee organization.

(6) The amount, basis, and recipient of any performance-based increase in compensation, benefits, or both, or any other bonus, awarded to any employee, which shall be announced during the open session of a policy body at which the award is approved.

(7) The record of any confirmed misconduct of a public employee involving personal dishonesty, misappropriation of public funds, resources or benefits, unlawful discrimination against another on the basis of status, abuse of authority, or violence, and of any discipline imposed for such misconduct.

(d) Law Enforcement Information.

The District Attorney, Chief of Police, and Sheriff are encouraged to cooperate with the press and other members of the public in allowing access to local records pertaining to

investigations, arrests, and other law enforcement activity. However, no provision of this ordinance is intended to abrogate or interfere with the constitutional and statutory power and duties of the District Attorney and Sheriff as interpreted under Government Code section 25303, or other applicable State law or judicial decision. Records pertaining to any investigation, arrest or other law enforcement activity shall be disclosed to the public once the District Attorney or court determines that a prosecution will not be sought against the subject involved, or once the statute of limitations for filing charges has expired, whichever occurs first. Notwithstanding the occurrence of any such event, individual items of information in the following categories may be segregated and withheld if, on the particular facts, the public interest in nondisclosure clearly and substantially outweighs the public interest in disclosure:

(1) The names of juvenile witnesses (whose identities may nevertheless be indicated by substituting a number or alphabetical letter for each individual interviewed);

(2) Personal or otherwise private information related to or unrelated to the investigation if disclosure would constitute an unwarranted invasion of privacy;

(3) The identity of a confidential source;

(4) Secret investigative techniques or procedures;

(5) Information whose disclosure would endanger law enforcement personnel; or

(6) Information whose disclosure would endanger the successful completion of an investigation where the prospect of enforcement proceedings is concrete and definite.

This Subdivision shall not exempt from disclosure any portion of any record of a concluded inspection or enforcement action by an officer or department responsible for regulatory protection of the public health, safety, or welfare.

(e) Contracts, Bids and Proposals.

(1) Contracts, contractors' bids, responses to requests for proposals and all other records of communications between the department and persons or firms seeking contracts shall be open to inspection immediately after a contract has been awarded. Nothing in this provision requires the disclosure of a private person's or organization's net worth or other proprietary financial data submitted for qualification for a contract or other benefit until and unless that person or organization is awarded the contract or benefit. All bidders and contractors shall be advised that information provided which is covered by this subdivision will be made available to the public upon request. Immediately after any review or evaluation or rating of responses to a Request for Proposal ("RFP") has been completed, evaluation forms and score sheets and any other documents used by persons in the RFP evaluation or contractor selection process shall be available for public inspection. The names of scorers, graders or evaluators, along with their individual ratings, comments, and score sheets or comments on related documents, shall be made immediately available after the review or evaluation of a RFP has been completed.

(2) Notwithstanding the provisions of this Subdivision or any other provision of this ordinance, the Director of Public Health may withhold from disclosure

proposed and final rates of payment for managed health care contracts if the Director determines that public disclosure would adversely affect the ability of the City to engage in effective negotiations for managed health care contracts. The authority to withhold this information applies only to contracts pursuant to which the City (through the Department of Public Health) either pays for health care services or receives compensation for providing such services, including mental health and substance abuse services, to covered beneficiaries through a pre-arranged rate of payment. This provision also applies to rates for managed health care contracts for the University of California, San Francisco, if the contract involves beneficiaries who receive services provided jointly by the City and University. This provision shall not authorize the Director to withhold rate information from disclosure for more than three years.

(3) During the course of negotiations for:

(i) personal, professional, or other contractual services not subject to a competitive process or where such a process has arrived at a stage where there is only one qualified or responsive bidder;

(ii) leases or permits having total anticipated revenue or expense to the City and County of five hundred thousand dollars ($500,000) or more or having a term of ten years or more; or

(iii) any franchise agreements,

all documents exchanged and related to the position of the parties, including draft contracts, shall be made available for public inspection and copying upon request. In the event that no records are prepared or exchanged during negotiations in the above-mentioned categories, or the records exchanged do not provide a meaningful representation of the respective positions, the City Attorney or City representative familiar with the negotiations shall, upon a written request by a member of the public, prepare written summaries of the respective positions within five working days following the final day of negotiation of any given week. The summaries will be available for public inspection and copying. Upon completion of negotiations, the executed contract, including the dollar amount of said contract, shall be made available for inspection and copying. At the end of each fiscal year, each City department shall provide to the Board of Supervisors a list of all sole source contracts entered into during the past fiscal year. This list shall be made available for inspection and copying as provided for elsewhere in this Article.

(f) Budgets and Other Financial Information. Budgets, whether tentative, proposed or adopted, for the City or any of its departments, programs, projects or other categories, and all bills, claims, invoices, vouchers or other records of payment obligations as well as records of actual disbursements showing the amount paid, the payee and the purpose for which payment is made, other than payments for social or other services whose records are confidential by law, shall not be exempt from disclosure under any circumstances.

(g) Neither the City nor any office, employee, or agent thereof may assert California Public Records Act Section 6255 or any similar provision as the basis for withholding any documents or information requested under this ordinance.

(h) Neither the City nor any office, employee, or agent thereof may assert an exemption for withholding for any document or information based on a "deliberative process"

exemption, either as provided by California Public Records Act Section 6255 or any other provision of law that does not prohibit disclosure.

(i) Neither the City, nor any office, employee, or agent thereof, may assert an exemption for withholding for any document or information based on a finding or showing that the public interest in withholding the information outweighs the public interest in disclosure. All withholdings of documents or information must be based on an express provision of this ordinance providing for withholding of the specific type of information in question or on an express and specific exemption provided by California Public Records Act that is not forbidden by this ordinance.

SEC. 67.25. IMMEDIACY OF RESPONSE.

(a) Notwithstanding the 10-day period for response to a request permitted in Government Code Section 6256 and in this Article, a written request for information described in any category of non-exempt public information shall be satisfied no later than the close of business on the day following the day of the request. This deadline shall apply only if the words "Immediate Disclosure Request" are placed across the top of the request and on the envelope, subject line, or cover sheet in which the request is transmitted. Maximum deadlines provided in this article are appropriate for more extensive or demanding requests, but shall not be used to delay fulfilling a simple, routine or otherwise readily answerable request.

(b) If the voluminous nature of the information requested, its location in a remote storage facility or the need to consult with another interested department warrants an extension of 10 days as provided in Government Code Section 6456.1, the requester shall be notified as required by the close of business on the business day following the request.

(c) The person seeking the information need not state his or her reason for making the request or the use to which the information will be put, and requesters shall not be routinely asked to make such a disclosure. Where a record being requested contains information most of which is exempt from disclosure under the California Public Records Act and this article, however, the City Attorney or custodian of the record may inform the requester of the nature and extent of the non-exempt information and inquire as to the requester's purpose for seeking it, in order to suggest alternative sources for the information which may involve less redaction or to otherwise prepare a response to the request.

(d) Notwithstanding any provisions of California Law or this ordinance, in response to a request for information describing any category of non-exempt public information, when so requested, the City and County shall produce any and all responsive public records as soon as reasonably possible on an incremental or "rolling" basis such that responsive records are produced as soon as possible by the end of the same business day that they are reviewed and collected. This section is intended to prohibit the withholding of public records that are responsive to a records request until all potentially responsive documents have been reviewed and collected. Failure to comply with this provision is a violation of this Article.

Memorandum
Privileged & Confidential

TO: Sunshine Ordinance Task Force
DATE: September 27, 2013
PAGE: 13
RE: Complaint No. 13024 – Ringel v. Planning Department

SEC. 67.26. WITHHOLDING KEPT TO A MINIMUM.

No record shall be withheld from disclosure in its entirety unless all information contained in it is exempt from disclosure under express provisions of the California Public Records Act or of some other statute. Information that is exempt from disclosure shall be masked, deleted or otherwise segregated in order that the nonexempt portion of a requested record may be released, and keyed by footnote or other clear reference to the appropriate justification for withholding required by Section 67.27 of this Article. This work shall be done personally by the attorney or other staff member conducting the exemption review. The work of responding to a public-records request and preparing documents for disclosure shall be considered part of the regular work duties of any City employee, and no fee shall be charged to the requester to cover the personnel costs of responding to a records request.

SEC. 67.27. JUSTIFICATION OF WITHHOLDING.

Any withholding of information shall be justified, in writing, as follows:

(a) A withholding under a specific permissive exemption in the California Public Records Act, or elsewhere, which permissive exemption is not forbidden to be asserted by this ordinance, shall cite that authority.

(b) A withholding on the basis that disclosure is prohibited by law shall cite the specific statutory authority in the Public Records Act or elsewhere.

(c) A withholding on the basis that disclosure would incur civil or criminal liability shall cite any specific statutory or case law, or any other public agency's litigation experience, supporting that position.

(d) When a record being requested contains information, most of which is exempt from disclosure under the California Public Records Act and this Article, the custodian shall inform the requester of the nature and extent of the nonexempt information and suggest alternative sources for the information requested, if available.

Young, Victor

From: Ausberry, Andrea
Sent: Thursday, November 14, 2013 12:32 PM
To: SOTF
Cc: Young, Victor
Subject: FW: FW: SOTF Hearing Documentation - Complaint No. 13024 - 480 Potrero
Attachments: Re: FW: SOTF Hearing Documentation - Complaint No. 13024 - 480 Potrero

Victor,

Add the following email to the efile and hard file too.

Best regards,

Andrea Ausberry
Board of Supervisors

From: Mica [mailto:supermica@gmail.com]
Sent: Thursday, November 14, 2013 12:11 PM
Cc: SOTF; Ausberry, Andrea
Subject: Re: FW: SOTF Hearing Documentation - Complaint No. 13024 - 480 Potrero

Ms. Ausberry & SOTF:

The information I received on Oct. 31 still is not the bulk of what I'm looking for.

From the Complaint Report:

> Complainant responded on April 29, and set forth specific questions related to correspondence, to wit: he inquired as to why his own correspondence was missing from Don Lewis's case files, as well as other correspondence; he inquired as to why Ben Fu's correspondence folder was completely empty; and he queried whether Ms. Hwang was unable to obtain digital correspondence/electronic files from the servers of the Planning Dept. He also reiterated his request for various documents and correspondence relating to several consulting firms regarding the proposed development at 480 Potrero (including SIA Consulting, Town Consulting, Kitchen Cabinet Consulting, and Mission Housing), interoffice correspondence, and outside agency correspondence. Finally, he reiterated four categories of documents that he continued to seek: receipts for any newspaper ads/articles published; dates or trip logs for site visits; minutes of meetings/phone calls; and electronic data, including digital photos, powerpoint presentations, word processing documents, spreadsheet files, PDF's, et al. On April 29, Ms. Hwang related Mr. Fu's response via email only to the latter four categories, and stated that she would check with Mr. Lewis again.

I have asked Ms. Hwang if she could have an Admin. retrieve emails from the Exchange Server, still to no avail.

Don Lewis has not complied with any additional correspondence and Ben Fu quite little. EXAMPLE: There are emails from Ms. Hwang asking the Planner's, "please help me out with your files for the Sunshine Complaint". Those are not what I'm looking for. The Planner's have not complied, or have minimally complied.

Assuming communications are not privileged between the Developer and the Planner's, as well as other inner-office communications regarding 480 Potrero.

I had been hoping that the Order of Determination would yield something along those lines. Ms. Hwang however seems to have no power.

Without an IT Admin searching for the Potrero files from the backups, we may never know what the Planner's are covering up. If emails from me are missing, as well as my family, who knows what else has been deleted by the Planner's.

The

On Wed, Oct 30, 2013 at 10:05 AM, Hwang, Lulu <lulu.hwang@sfgov.org> wrote:

I have a CD of email from Ben and hard copies from Don, will Mica come to the department to review these materials?

Please advise

Thanks

Lulu

From: Lewis, Don (CPC)
To: Fu, Ben; Hwang, Lulu
Cc: DiSanto, Thomas
Subject: RE: SOTF Hearing Documentation - Complaint No. 13024 - 480 Potrero
Date: Monday, September 30, 2013 9:17:54 AM
Attachments: image001.png
image002.png
image003.png
image004.png
image005.png

All correspondence post-Sunshine request is in the file. We are not required to keep every non-substantive email in the file if a Sunshine Request has not been filed.

Don Lewis
Environmental Planner
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco CA 94103
(415) 575 – 9095
(415) 558 – 6409 fax

This is not correct and it is a violation of California Code of Regulations, Title 14, Chapter 3, Article 13, §15208.

From: Fu, Ben
Sent: Friday, September 27, 2013 4:45 PM
To: Hwang, Lulu; Lewis, Don (CPC)
Cc: DiSanto, Thomas
Subject: RE: SOTF Hearing Documentation - Complaint No. 13024 - 480 Potrero

Im not sure if there is even a correspondence folder in the file. But all emails were placed in the I drive last time so we can provide a disk for him. Everything related to the case is in the file.

Thanks,

Ben A. Fu
City Planner

Planning Department, City and County of San Francisco
1650 Mission Street, Suite 400, San Francisco, CA 94103
Direct: 415-558-6613 **Fax:** 415-558-6409
Email: ben.fu@sfgov.org
Web: www.sfplanning.org

1. There was a correspondence folder in the case files. See empty folder photo next page.
2. How can everything be in the case files if there is no correspondence folder?

From: Hwang, Lulu
Sent: Friday, September 27, 2013 4:18 PM
To: Fu, Ben; Lewis, Don (CPC)
Cc: DiSanto, Thomas
Subject: FW: SOTF Hearing Documentation - Complaint No. 13024 - 480 Potrero
Importance: High

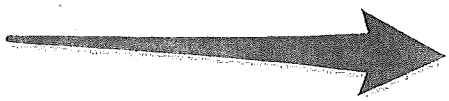
OK Help me out here.

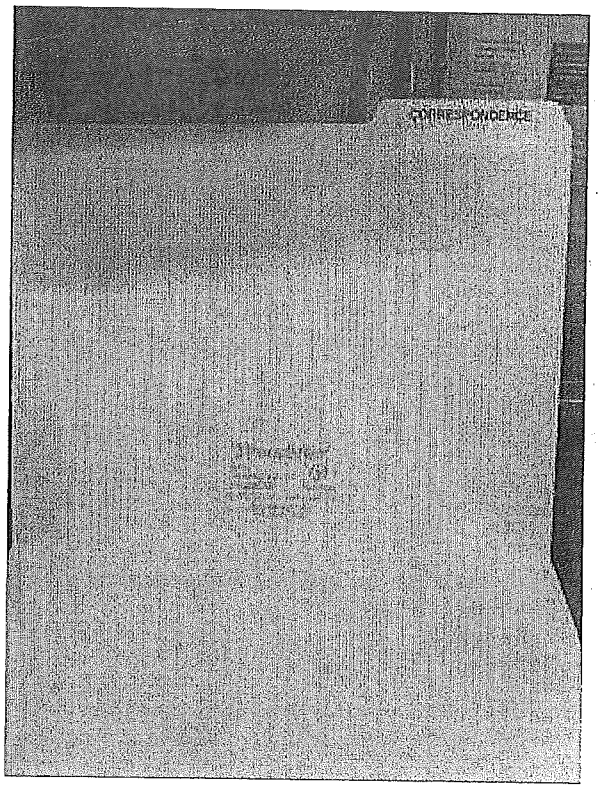
Since both of you express that you will not be going to the SOTF, please help me to answer the question.

The main concern Mica had, he said the Correspondence folder for 480 Potrero is empty, where are the files??

Thanks

Lulu




CORRESPONDENCE

13-24

Ausberry, Andrea

From: complaints@sfgov.org
Sent: Friday, April 26, 2013 3:19 AM
To: SOTF
Subject: Sunshine Complaint

To:sotf@sfgov.org
Email:complaints@sfgov.org
DEPARTMENT:Planning Dept.
CONTACTED:Ben Fu, Don Lewis, Lulu Hwang
PUBLIC_RECORDS_VIOLATION:Yes
PUBLIC_MEETING_VIOLATION:No
MEETING_DATE:
SECTIONS_VIOLATED:Sec. 67.21. Process For Gaining Access To Public Records
DESCRIPTION:On March 31, 2013 I requested a copy of the complete file for the proposed development at 480 Potrero Ave via separate emails to both Environmental Planner Don Lewis & City Planner Ben Fu. Lulu Hwang was CC'd to both requests. I asked specifically for "all documents, in addition to any emails &/or other electronic forms of data which they have for this project". Mr. Lewis promptly responded on April 1 & I was able to go in the next day to begin reviewing his case file. There were no forms of electronic data provided. There was only minimal correspondence on record. Other documentation was either incomplete, missing, or possibly in Ben Fu's files. Mr. Fu however had not acknowledged my request for 10 day, so on April 10 I made a second. Only then did he email to let me know that the folder was avail. at the front desk of the Planning Dept. I again inquired if the folder was complete, & again he never responded. On April 15 I went in to review said files & found his Correspondence section for 480 Potrero empty = nothing. Considering I personally had previous correspondance with both Planners, I expected to see those in the record. Sensing there was a larger problem at hand... later in the day on April 15th, I wrote to Lulu Hwang "I humbly request access under the Sunshine Ordinance to everything held in custody by the SF Planning Dept, including emails, electronic files, phone records, meeting minutes, etc. related to the proposed development at 480 Potrero Ave." & 10 days later I had not heard back from Ms. Hwang. Yesterday, April 25 I emailed again, this time copying SOTF. Ms. Hwang didn't seem to understand that my Sunshine Ordinance request was only made after I had no other choice because Mr. Lewis & Mr. Fu were not forthcoming with what I had asked for. I explained to her that "I couldn't have been any clearer in my requests. I asked specifically for "all documents, in addition to any emails &/or other electronic forms of data which they have for this project". I know for a fact that there is more in the custody of the Planning Dept. RE: the proposed project at 480 Potrero Ave. than what was available at the front desk for both Don Lewis & Ben Fu's case files. I inventoried those documents & reported to you that they were incomplete. Thus, I made my formal request with you for "access under the Sunshine Ordinance to everything held in custody by the SF Planning Dept, including emails, electronic files, phone records, meeting minutes, etc. related to the proposed development at 480 Potrero Ave". This matter is coming to hearing with the Planning Commissioners and the custodians of the records at the Planning Dept. are making it more than difficult for me to access public information." By end of day yesterday all she could provide me with was 5 historical documents which were of no pertinence to the proposed project at 480 Potrero Ave. I feel the Planning Dept. has given me the runaround & that I am without other options but to request assistance from the SOTF.
HEARING:Yes
PRE-HEARING:Yes
DATE:April 26, 2013
NAME:Mica Ringel
ADDRESS:485 Potrero Ave, Unit C
CITY:San Francisco
ZIP:94110

PHONE:4155197523
CONTACT_EMAIL:supermica@gmail.com
ANONYMOUS:
CONFIDENTIALITY_REQUESTED:No

From:	Mica
To:	Hwang, Lulu
Cc:	SOTF; Ausberry, Andrea
Subject:	Re: FW: SOTF Hearing Documentation - Complaint No. 13024 - 480 Potrero
Date:	Wednesday, November 06, 2013 9:00:39 AM

Ms. Hwang:

Can you have an IT Admin search the Planning Department servers for 480 Potrero, including the Exchange Server?

From the Complaint Report:

> Complainant responded on April 29, and set forth specific questions related to correspondence, to wit: he inquired as to why his own correspondence was missing from Don Lewis's case files, as well as other correspondence; he inquired as to why Ben Fu's correspondence folder was completely empty; and he queried whether Ms. Hwang was unable to obtain digital correspondence/electronic files from the servers of the Planning Dept. He also reiterated his request for various documents and correspondence relating to several consulting firms regarding the proposed development at 480 Potrero (including SIA Consulting, Town Consulting, Kitchen Cabinet Consulting, and Mission Housing), interoffice correspondence, and outside agency correspondence. Finally, he reiterated four categories of documents that he continued to seek: receipts for any newspaper ads/articles published; dates or trip logs for site visits; minutes of meetings/phone calls; and electronic data, including digital photos, powerpoint presentations, word processing documents, spreadsheet files, PDF's, et al. On April 29, Ms. Hwang related Mr. Fu's response via email only to the latter four categories, and stated that she would check with Mr. Lewis again.

In Don Lewis case files there are now emails of you asking him to comply with the request and his reply that he doesn't have to provide emails or electronic files and all the additional emails from Ben Fu are recent.

I am looking for the original communications between the Planners **prior** to the Sunshine Complaint, not **since** the Sunshine Complaint.

It is clear that as much as you ask them, they will not comply, or cannot comply, and you are powerless.

So, my question is can you have an IT Admin search for emails and digital files related to 480 Potrero?

Otherwise, the Order of Determination has produced nothing new.

--M.Ringel
(415) 519-7523

On Wed, Oct 30, 2013 at 6:25 PM, Mica <supermica@gmail.com> wrote:

> Sure will. Thanks. I'll come in tomorrow afternoon.
>
> On Wed, Oct 30, 2013 at 10:05 AM, Hwang, Lulu <lulu.hwang@sfgov.org> wrote:

I have a CD of email from Ben and hard copies from Don, will Mica come to the department to review these materials?

Please advise

Thanks

Lulu

Ausberry, Andrea

From:	Mica [supermica@gmail.com]
Sent:	Tuesday, May 14, 2013 11:15 AM
To:	SOTF
Cc:	Fu, Ben; Lewis, Don (CPC); Hwang, Lulu; Ionin, Jonas; DiSanto, Thomas; Threet, Jerry; Grant, Kitt (sunshinechairgrant@gmail.com); Juan Jayo
Subject:	Re: SOTF - Mediation of Complaint Filed with SOTF - Complaint No. 13024

Hello, SOTF:

This matter is not resolved.

> Mr. Lewis & Mr. Fu have not supplied with any other documents.

> Ms. Hwang has only has provided me with a few Historical Documents pulled from the Archives.

I am still looking for "*all documents, in addition to any emails &/or other electronic forms of data*" held in custody by the Plannning Department RE: 480 Potrero Ave / 2011.0430 (U, X, E, !, etc.) & not just what the Planner's have selected for the "Public Case Files".

These items include:

- All Correspondence to & from anyone at the Planning Dept. (Include those CC & BCC)
    - SIA Consulting siaconsult.com
    - Town Consulting townconsulting.com
    - Kitchen Cabinet Public Affairs or SF Housing Authority
    - Mission Housing or Mariposa Gardens
        - Project Sponsor Reza Khoshnevisan reza@siaconsult.com
        - Consultant Tony Kim tony@townconsulting.org
        - including Consultant Ahsha Safai ahshasafai@gmail.com
    - Inter-office emails, memos, notices, authorizations, revisions, questions, answers, clarifications
    - Outside agency emails, memos, letters
    - Public with questions or concerns

- If there were site visits I would like to the know the dates or see said trip logs.
- If there were any meetings or phone calls I would like to review the minutes.

- If there's electronic data, I would like to see the
    - photos
    - powerpoint presentations
    - word processing documents
    - spreadsheet files
    - database printouts
    - PDF's

- maps
- renderings/models

- Anything related to any studies or research. Please include drafts & authorizations (scope of work) for everything

- Any data CD's

Everything

I would still like to know:

- Where Don Lewis's Graphics folder is & why was it not in the case file on April 1?
- Why was Ben Fu's Correspondence folder empty on April 15?

If it's an option I would prefer Digital copies over Paper.

Thank you.

--Mica Ringel
(415) 519-7523

On Tue, May 14, 2013 at 9:20 AM, SOTF <sotf@sfgov.org> wrote:

Good Morning,

Please disregard the following email. Mr. Ringel filed this complaint twice in two different formats.

The Planning department responded to the mediation of this complaint on April 29, 2013 (see attached).

The Complainant has not responded to whether the documents/response provided by the Respondent completes the request.

Mr. Ringel - The SOTF Office will consider your case to be resolved. Unless, you provide a detailed response to whether the documents the Respondent has provided completes your request.

Thank you,

Andrea S. Ausberry
Administrator
Sunshine Ordinance Task Force
Office 415.554.7724 | Fax 415.554.5163
sotf@sfgov.org | www.sfbos.org
City Hall, 1 Dr. Carlton B. Goodlett Place, Rm. 244
San Francisco, CA 94102
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From: SOTF
Sent: Monday, May 13, 2013 2:36 PM
To: Fu, Ben; Lewis, Don (CPC); Hwang, Lulu; Ionin, Jonas; Avery, Linda
Cc: Jerry.Threet@sfgov.org; Grant, Kitt (sunshinechairgrant@gmail.com); Mica
Subject: SOTF - Mediation of Complaint Filed with SOTF - Complaint No. 13024

Good Afternoon,

You have been named as a Respondent in the following complaint submitted by Mica Ringel against Planning Department. In an attempt to mediate and stave off a hearing before the Sunshine Ordinance Task Force, please respond to the following request within five business days.

The Complainant alleges: *Complaint Attached.*

Pursuant to Section 67.21(b), If the custodian of public records believes the record or information requested is not a public record or is exempt, the custodian shall justify withholding any record by demonstrating, in writing as soon as possible and within ten days following receipt of a request, that the record in question is exempt under express provisions of the Sunshine Ordinance.

Thank you,

Andrea S. Ausberry
Administrator
Sunshine Ordinance Task Force
Office 415.554.7724 | Fax 415.554.5163
sotf@sfgov.org | www.sfbos.org
City Hall, 1 Dr. Carlton B. Goodlett Place, Rm. 244
San Francisco, CA 94102
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Ausberry, Andrea

From: Hwang, Lulu
Sent: Monday, April 29, 2013 5:47 PM
To: supermica@gmail.com
Cc: Lewis, Don (CPC); Fu, Ben; Juan Jayo (jmj8@pge.com); SOTF
Subject: RE: Sunshine Ordinance request 480 Potrero Ave
Attachments: Ben Fu recovered.pdf

This is the response from Ben and I will check with Don again tomorrow

- If anything was published in the newspaper, I would like to review the receipts or the articles/adverts.

  Nothing has been published for the large project authorization.

- If there were site visits, I would like to the know the dates or see said trip logs.

  I have also visited the site but I generally do not keep a log of the day's events.

- If there were meetings/phone calls, I would like to review the minutes.

  I generally do not keep minutes of meetings or phone calls.

- If there's electronic data, I would like to see the digital photos, powerpoint presentations, word processing documents, spreadsheet files, PDF's, et al.

  All data and materials provided by the project sponsor are in the project case file.

Thanks!
Lulu
Have a Good Day Today and a Better Day Tomorrow...

From: Mica [mailto:supermica@gmail.com]
Sent: Monday, April 29, 2013 3:11 PM
To: Hwang, Lulu
Cc: Juan Jayo
Subject: Re: Sunshine Ordinance request 480 Potrero Ave

Ms. Hwang:

I have been copied on correspondence to & from the Planning Dept RE: 480 which has not made it into the record.

- Why is my own correspondence missing fron Don Lewis's case files, as well as the correspondence from others which I personally know?

Ben told me all materials are in the case file which you already reviewed.

- Why despite several requests was Ben Fu's Correspondence folder completely empty on April 15th?

I requested from you Ms. Hwang everything held in custody.

- Are you unable to obtain digital correspondence/electronic files from the servers of the Planning Dept?

Right now I'm looking for lots of things.

Everything between the Planning Dept. & SIA Consulting (siaconsult.com), including Project Sponsor Reza Khoshnevisan, Town Consulting (townconsulting.com), including Consultant Tony Kim, Kitchen Cabinet Consulting, including Consultant Asha Safai (ahshasafai@gmail.com), Mission Housing, including Mariposa Gardens, inter-office documentation/correspondence, & outside agency documentation/correspondence RE: the proposed development at 480 Potrero Ave.

- If anything was published in the newspaper, I would like to review the receipts or the articles/adverts.
- If there were site visits, I would like to the know the dates or see said trip logs.
- If there were meetings/phone calls, I would like to review the minutes.
- If there's electronic data, I would like to see the digital photos, powerpoint presentations, word processing documents, spreadsheet files, PDF's, et al.

--Mic Ringel

On Mon, Apr 29, 2013 at 2:49 PM, Hwang, Lulu <lulu.hwang@sfgov.org> wrote:

Hello

To clarify regarding the complaint you have for Planning Department is giving you a run around..

On April 11, Ben Fu already sent you an email letting you know that the case file is ready for review. I checked with the reception desk and they told me that the file already reviewed and ready to go back to Ben.

I went to Ben and I asked if there is anything else we left that we can put out for you to review? Ben told me all materials are in the case file which you already reviewed.

I just want to do more research and went to the historical file room and see if there anything else and I found a few more pieces of paper, scanned and email to you.

We do not have any "*addition to any emails &/or other electronic forms of data* " materials that we are not disclosing to to you.

Thanks!
Lulu
Have a Good Day Today and a Better Day Tomorrow...

From: Mica [mailto:supermica@gmail.com]

Sent: Friday, April 26, 2013 4:31 PM
To: Hwang, Lulu; Fu, Ben; Lewis, Don (CPC)
Subject: Re: Sunshine Ordinance request 480 Potrero Ave

For your records is the attached PDF complaint requesting assistance from the SOTF to obtain all documents, including digital files, held within custody of the SF Planning Dept. for the proposed project at 480 Potrero Ave.

On Thu, Apr 25, 2013 at 7:40 PM, Hwang, Lulu <lulu.hwang@sfgov.org> wrote:

Besides all the materials in the case file from Ben and Don, the only thing I found in the Historical files are attached.

Thanks!
Lulu

Have a Good Day Today and a Better Day Tomorrow...

From: Mica [mailto:supermica@gmail.com]
Sent: Thursday, April 25, 2013 12:56 PM
To: Hwang, Lulu
Cc: Juan Jayo; SOTF; Diane Ringel; Fu, Ben

Subject: Re: Sunshine Ordinance request 480 Potrero Ave

I couldn't have been any clearer in my requests.

I asked specifically for "all documents, in addition to any emails &/or other electronic forms of data which they have for this project".

I know for a fact that there is more in the custody of the Planning Dept. RE: the proposed project at 480 Potrero Ave. than what was available at the front desk for both Don Lewis & Ben Fu's case files.

I inventoried those documents & reported to you that they were incomplete.

Thus, I made my formal request with you for "access under the Sunshine Ordinance to everything held in custody by the SF Planning Dept, including emails, electronic files, phone records, meeting minutes, etc. related to the proposed development at 480 Potrero Ave".

This matter is coming to hearing with the Planning Commissioners and the custodians of the records at the Planning Dept. are making it more than difficult for me to access public information.

On Thu, Apr 25, 2013 at 12:38 PM, Hwang, Lulu <lulu.hwang@sfgov.org> wrote:

Hello

On April 11, Ben sent you an email to let you know that the case file is available for you to review at the 4th floor reception desk. And our record shown that you had already come and review the case file.

May I assist you on what other files you would like to review?

Thanks!
Lulu Hwang
Planning Department
Operations & IS Administrator
1650 Mission Street #400
San Francisco CA 94103
415-558-6318 (V)
Lulu.Hwang@SFGOV.ORG
Have a Good Day Today and a Better Day Tomorrow...

From: Mica [mailto:supermica@gmail.com]
Sent: Thursday, April 25, 2013 11:59 AM
To: Hwang, Lulu
Cc: Juan Jayo; SOTF; Diane Ringel
Subject: Re: Sunshine Ordinance request 480 Potrero Ave

Dear Ms. Hwang:

Third request. Now you too have not replied for 10 days.

It appears the Planning Dept. is far out of compliance with the Sunshine Ordinance http://sfbos.org/index.aspx?page=4460

How much longer is reasonable for me to wait before filing a formal complaint with the SOTF?

Mica Ringel

485 Potrero Ave

San Francisco, CA 94110

(415) 519-7523

On Mon, Apr 15, 2013 at 3:01 PM, Mica <supermica@gmail.com> wrote:

Dear Ms. Hwang:

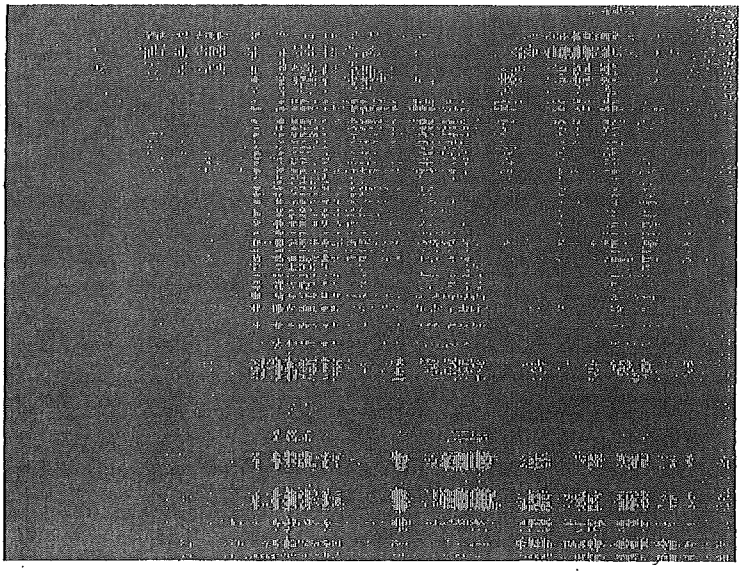
On March 31, 2013 I requested a copy of the complete file for the proposed development at 480 Potrero Ave from both Environmental Planner Don Lewis & City Planner Ben Fu.

I asked specifically for all documents, in addition to any emails &/or other electronic forms of data which they have for this project.

Whereas Mr. Lewis promptly responded on April 1, I was able to go in the next day to begin reviewing his case file.

Mr. Fu however had not acknowledged my request as of April 10, so I made a second. See emails below. He let me know the folder was avail. at the front desk. I again asked if the folder was complete, & again he never responded.

Earlier today I went in to the Planning Dept. to review said files & am perturbed to have found that the Correspondence folder for 480 Potrero is empty. Picture attached.



I've been told by Sue Hestor that you're very good with documentation... & so in preparation of the hearing scheduled for May 16, 2013, I humbly request access under the Sunshine Ordinance to everything held in custody by the SF Planning Dept, including emails, electronic files, phone records, meeting minutes, etc. related to the proposed development at 480 Potrero Ave.

Regards,

Mica Ringel

485 Potrero Ave

San Francisco, CA 94110

(415) 519-7523

---------- Forwarded message ----------
From: **Mica** <supermica@gmail.com>
Date: Mon, Apr 15, 2013 at 11:17 AM
Subject: Re: Request for all files regarding 480 Potrero Ave
To: "Fu, Ben" <ben.fu@sfgov.org>
Cc: "Hwang, Lulu" <lulu.hwang@sfgov.org>

Mr. Fu:

Thanks for getting back to me. I was told to make my request with both you & Don Lewis for all files, in addition to any emails &/or other electronic forms of data which you both have for the proposed project at 480 Potrero.

I came in two weeks ago to review the files which Mr. Lewis had made available, & would like to come in today from around 12:30-3 to begin assessment of yours.

Per your suggestion, if I need further assistance going forward regarding this documentation request I'll make it with Ms. Hwang under the Sunshine Ord.

Regards,

--Mica Ringel

On Thu, Apr 11, 2013 at 9:59 AM, Fu, Ben <ben.fu@sfgov.org> wrote:

Mica,

If you are making a request under the sunshine ordinance, please contact Lulu Hwang. Otherwise, if you wish to review the case file, it is available at the 4th floor reception.

Regards,

Ben A. Fu, City Planner

San Francisco Planning Department

1650 Mission Street, Suite 400

San Francisco, CA 94103

T: 415.558.6613

F: 415.558.6409

ben.fu@sfgov.org

From: Mica [mailto:supermica@gmail.com]
Sent: Wednesday, April 10, 2013 2:58 PM
To: Fu, Ben
Subject: Re: Request for all files regarding 480 Potrero Ave

Thanks for letting me know.

Per my request a week ago Monday, is it complete with all documents, in addition to any emails &/or other electronic forms of data which you have for this project?

Regards, --Mica Ringel

On Wed, Apr 10, 2013 at 2:46 PM, Fu, Ben <ben.fu@sfgov.org> wrote:

Mica,

The case file is available for public review. You are welcome to make any copies at the reception lobby.

Regards,

Ben A. Fu, City Planner

San Francisco Planning Department

1650 Mission Street, Suite 400

San Francisco, CA 94103

T: 415.558.6613

F: 415.558.6409

ben.fu@sfgov.org

---------- Forwarded message ----------
From: **Mica** <supermica@gmail.com>
Date: Wed, Apr 10, 2013 at 2:31 PM
Subject: Re: Request for all files regarding 480 Potrero Ave
To: ben.fu@sfgov.org

Second request.

From: Mica [mailto:supermica@gmail.com]
Sent: Sunday, March 31, 2013 10:22 PM
To: Fu, Ben
Cc: Hwang, Lulu; Wycko, Bill

Subject: Request for all files regarding 480 Potrero Ave

Dear Mr. Fu:

In preparation of the hearing scheduled for May 16, 2013 I am requesting a copy of the complete file for the proposed development at 480 Potrero Ave.

Please include all documents, in addition to any emails &/or other electronic forms of data which you have for this project.

Please let me know when you expect this packet of information available for pickup.

I am also requesting the same from Don Lewis.

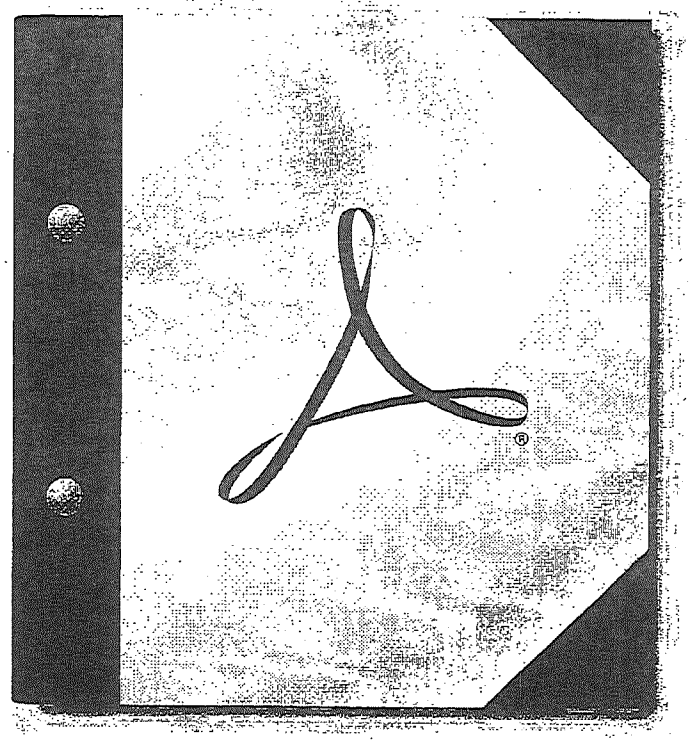
Regards,

Mica Ringel

485 Potrero Ave

San Francisco, CA 94110

(415) 519-7523



For the best experience, open this PDF portfolio in Acrobat X or Adobe Reader X, or later.

Get Adobe Reader Now!

From:	Lewis, Don
To:	Jones, Sarah; tony@townconsulting.com; Reza Khoshnevisan (reza@sjaconsult.com)
Cc:	Fu, Ben
Subject:	480 Potrero - PMND/CPE Appeal
Date:	Wednesday, October 17, 2012 10:36:12 AM
Attachments:	480 Potrero Avenue Appeal Letter.pdf

Hello all,

Attached is the appeal letter for 480 Potrero Avenue.

Ben, when were you thinking of taking the CU to the Commission?

Thanks,

Don Lewis
Environmental Planner
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco CA 94103
(415) 575 – 9095
(415) 558 – 6409 fax

From: jean@woodwinds.net
To: don.lewis@sfgov.org; ben.fu@sfgov.org
Subject: 480 Potrero Avenue - Case 2011.0430E
Date: Thursday, May 31, 2012 2:12:00 PM

Hello,
I have a few questions about Case 2011.0430E which I hope one of you will be kind enough to answer.

1) Why are only 33 parking spaces planned for 78 apartments?
2) How many square feet are contained in each of the apartment layouts?
3) How many commercial sites and what type do you expect?
4) Is the housing low or medium income?
5) Is the housing to be purchased or rented?
6) Will rent control be in place if rented?
7) Who will be running the apartments if rented.. what management company?
8) Who is the construction company planning on building the apartments?
9) Will there be a benefit fee given to the Eastern Neighborhoods Benefit fund? If so, how much?
10) Is this apartments in an area considered in a Redevelopment Plan?

Thank you,
Jean Bogiages, MUNA chair
http://sfmuna.org

From:	Ron Albert
To:	reza@slaconsult.com
Cc:	don.lewis@sfgov.org; ben.fu@sfgov.org
Subject:	480 Potrero Project
Date:	Tuesday, July 31, 2012 5:12:00 PM
Attachments:	480PotreroLetter0001.pdf

Mr. Khoshnevisan:
Please confirm receipt of this email and the attached letter.

Ronald P. Albert
Albert Law Corporation
66 George Lane, Suite 101
Sausalito, CA 94965-1890
Telephone: 415-332-5600
E-mail: rpa@albertlawcorp.com

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From: Lewis, Don (CPC)
To: Reza Khoshnevisan (reza@slaconsult.com); tony@townconsulting.com
Cc: Fu, Ben
Subject: 480 Potrero Revised Plans
Date: Monday, April 01, 2013 8:38:15 AM

When will the revised plans be ready?

There's a good amount of work I need to do once I receive these plans. The Neg Dec needs to be amended since there is now ground-floor retail, and I will also need to revise the appeal response. The sooner I get these plans the better.

Thanks,
Don Lewis
Environmental Planner
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco CA 94103
(415) 575 – 9095
(415) 558 – 6409 fax

From:	Mica
To:	Lewis, Don (CPC); Wycko, Bill
Cc:	Fu, Ben; CohenStaff; Cohen, Malia
Subject:	480 Potrero / Planning Dept. Case No. 2011.0430U
Date:	Tuesday, April 23, 2013 10:12:54 AM

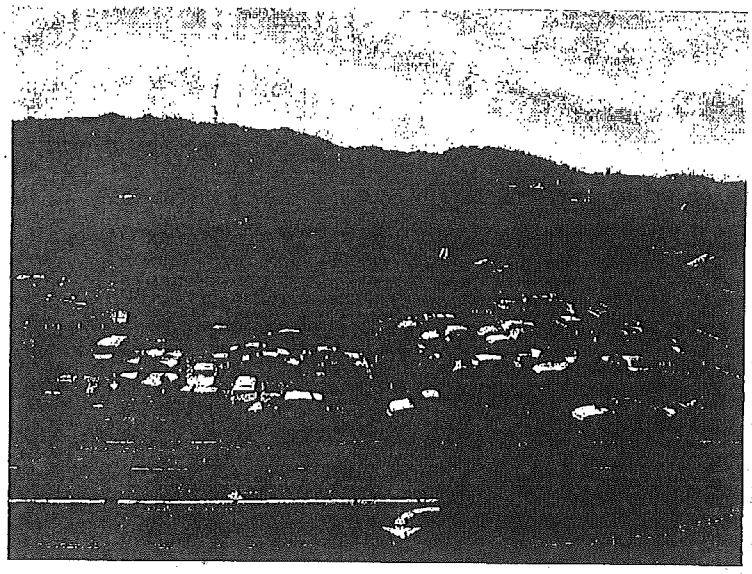
Dear Mr. Lewis:

I believe that the Preliminary Mitigated Negative Declaration is flawed on the face of it (*Prima Facie*).

480 is described in error as being "currently a vacant lot" while for more than a year it has been leased to Sunny's Auto Body for use as a "parking lot".

It speaks for itself (*Res Ipsa Loquitor*) that it is not "currently a vacant lot" when during business hours 6 days a week there are consistently 30-50 vehicles parked there.

I count 31 vehicles on site as I type this email now. Below is a picture from yesterday with again 50 cars parked there.



The inaccurate "vacant lot" site description is repeated three times throughout the PMND, it was duly advertised in newspapers, it was posted on site, & letters were sent to neighbors in a 300 ft. radius... all with this misrepresentation.

Has the Planning Dept. copy & pasted SIA Consulting's site description without fact checking first?

Following are sections of the Planning code which may be relevant:

SEC. 102.28. USE.

The purpose for which land or a structure, or both, are designed, constructed, arranged or intended, or for which they are occupied or maintained, let or leased.

SEC. 150. OFF-STREET PARKING AND LOADING REQUIREMENTS.

(d) **Spaces to be Retained.** Once any off-street parking or loading space has been provided which wholly or partially meets the requirements of this Code, such off-street parking or loading space shall not thereafter be reduced, eliminated or made unusable in any manner.

SEC. 156. PARKING LOTS.

(a) A "parking lot" is hereby defined as an off-street open area or portion thereof solely for the parking of passenger automobiles. Such an area or portion shall be considered a parking lot whether or not on the same lot as another use, whether or not required by this Code for any structure or use, and whether classified as an accessory, principal or conditional use.

I would appreciate a response to my concerns at your earliest convenience.

Regards,

Mica Ringel
485 Potrero Ave
San Francisco, CA 94110

(415) 519-7523

From:	Mica
To:	Fu, Ben
Cc:	Lewis, Don (CPC); Wycko, Bill; CohenSteff; Cohen, Mella
Subject:	480 Potrero / Planning Dept. Case No. 2011.0430X
Date:	Thursday, April 25, 2013 10:35:11 AM
Attachments:	Application - 2011.0430X - 480 Potrero Avenue.pdf

Dear Mr. Fu:

I believe the Large Project Application for 480 Potrero has been misrepresented to the Planning Dept. & that it contains errors on the face of it (*Prima Facie*).

Present or Previous Use:	previously a warehouse, present use = vacant

For more than a year the owner of 480 has been leasing the property to Sunny's Auto Body for use as a parking lot.

It speaks for itself (*Res Ipsa Loquitor*) that it's "present use" is not "vacant" when during business hours 6 days a week there are consistently 30-50 vehicles parked there.

I count 34 vehicles on site as I type this email now. Below is a picture from yesterday with 45 cars parked there.

Inline image 1

The inaccuracies continue...

				PROJECT TOTALS
PROJECT FEATURES				
Dwelling Units	0	0	84	84
Hotel Rooms	0	0	0	0
Parking Spaces	0	0	38	38
Loading Spaces	0	0	0	0
Number of Buildings	vacant	n/a	1	1
Height of Building(s)	n/a	n/a	68'	50'
Number of Stories	n/a	n/a	6	6
Bicycle Spaces	n/a	n/a	12	12 thd
GROSS SQUARE FOOTAGE (GSF)				
Residential	n/a		85,490 sq. ft.	85,490 sq ft
Retail	n/a		0	0
Office	n/a		0	0
Industrial/PDR Production, Distribution, & Repair	n/a		0	0
Parking	n/a		0	0
Other (Specify Use)			0	0
TOTAL GSF	0		85,490 sq. ft.	85,490 sq. ft.

Following are sections of the Planning code which may otherwise be relevant, if not for the above misrepresentations:

SEC. 102.28. USE.

The purpose for which land or a structure, or both, are designed, constructed, arranged or intended, or for which they are occupied or maintained, let or leased.

SEC. 150. OFF-STREET PARKING AND LOADING REQUIREMENTS.

(d) **Spaces to be Retained.** Once any off-street parking or loading space has been provided which wholly or partially meets the requirements of this Code, such off-street parking or loading space shall not thereafter be reduced, eliminated or made unusable in any manner

SEC. 156. PARKING LOTS.

(a) A "parking lot" is hereby defined as an off-street open area or portion thereof solely for the parking of passenger automobiles. Such an area or portion shall be considered a parking lot whether or not on the same lot as another use, whether or not required by this Code for any structure or use, and whether classified as an accessory, principal or conditional use.

The previous warehouse structure was demolished and the subject parcel is currently vacant.

Actually, the subject parcel is currently a parking lot.

It is of great concern that the Applicant's Affidavit has been signed under penalty of perjury on 10/4/12 by the Property Owner's Agent, Tony Kim of Town Consulting, who was formally employed by the SF Planning Dept.

Applicant's Affidavit

Under penalty of perjury the following declarations are made:
a. The undersigned is the owner or authorized agent of the owner of this property.
b. The information presented is true and correct to the best of my knowledge.
c. The other information or applications may be required.

Signature: See LOA Date: 10/4/12

Print name, and indicate whether owner, or authorized agent:

Owner / Authorized Agent (circle one)

LETTER OF AUTHORIZATION

I, Sia Tahbazof, as property owner(s) of the below-described property, does hereby appoint Town Consulting as authorized agent for the purpose of researching all permit history and filing any applications and obtaining any and all governmental permits/entitlements/appeals and approvals on the below-described property. The undersigned understands that the application may be denied, modified, or approved with conditions and that such conditions or modification must be complied with prior to issuance of permits or approvals.

Address: 480 Potrero Avenue

Property Owner(s)

I believe SIA Consulting, through Project Sponsor Reza Khoshnevisan, Consultant Tony Kim, & Consultant Asa Safai have misrepresented other parts of this project as well.

I would appreciate your response to my concerns at your earliest convenience as this is not the only document in your case file for 480 Potrero which appears to have not been fact checked.

Regards,

Mica Ringel
485 Potrero Ave
San Francisco, CA 94110

(415) 519-7523

From:	jean boglages
To:	Fu, Ben
Subject:	480 Potrero
Date:	Wednesday, January 30, 2013 1:05:45 PM

Hi Ben,
Do you have any idea when the 480 Potrero project will come before the commission?
I'm trying to decide when to schedule a meeting with the developer.
Thanks,
Jean Boglages

From: Reza Khoshnevisan
To: Fu, Ben
Subject: FW: 480 POTRERO
Date: Monday, April 01, 2013 5:26:30 PM

Hi Ben;
Here is some renderings for your review.

Thanks;
Reza Khoshnevisan
SIA Consulting Corp.
1256 Howard Street
San Francisco, Ca. 94103
Tel: 415.922.0200, ext.108
Fax: 415.922.0203

From: brad terrell [mailto:terrell.brad@gmail.com]
Sent: Monday, April 01, 2013 4:51 PM
To: Reza Khoshnevisan; Renee Lu
Subject: 480 POTRERO

Hi Reza,
Please see the attached illustrations. These additional views are rendered free of the proposed landscaping to clearly illustrate the design.
-Brad

From: jean bogiages
To: Fu, Ben
Subject: Large Project Authorization Application
Date: Saturday, April 27, 2013 8:11:43 AM

Hi Ben,

I have a copy of the Application for Large Project Authorization for 480 Potrero (11.0430 X) which is dated 10/4/12.
If there is a newer version, please email me a copy.
Thanks,
Jean Bogiages

From:	jean bogiages
To:	Fu, Ben
Cc:	dean@deansgaragedoors.com; Juan Jayo; supermica@gmail.com
Subject:	Meeting with members of the "Save Potrero" committee regarding the planned 480 Potrero Development
Date:	Tuesday, November 13, 2012 6:19:13 PM

Hi Ben,

Thank you for giving me multiple time slots for our neighborhood group representatives to talk to you about the 480 Potrero development plans.
After emailing the three who have been selected to represent the neighborhood group, I find that 11:30 Tuesday, 11/20 is the day and time that everyone can meet.
I'm guessing that we will find your office at 1650 Mission street, where the planning department is located.
Are you on the 4th floor?

Thanks again,
Jean Bogiages
415-305-8230

From:	jean boglages
To:	Fu, Ben; Lewis, Don (CPC)
Subject:	Planning Commission Meeting Schedule
Date:	Tuesday, March 26, 2013 8:46:40 AM

Hi,
Has there been any date scheduled yet for the480 Potrero project?
Thanks,
Jean Boglages

From: Aidin Massoudi
To: Fu, Ben
Cc: Reza Khoshnevisan; Siavash Tahbazof; Lewis, Don
Subject: RE: 480 Potrero Avenue (3973/002C) Shadow Analysis
Date: Thursday, August 30, 2012 9:32:31 AM

Hi Ben,

I dropped off a new Shadow Analysis pack w/fee this morning. If the old one is found, please disregard it.

Thank you

Aidin Massoudi
SIA Consulting Corp.
1256 Howard Street
San Francisco, Ca. 94103
Tel: 415.922.0200 Ext.105
Fax: 415.922.0203
www.siaconsult.com

From: Fu, Ben [mailto:ben.fu@sfgov.org]
Sent: Wednesday, August 29, 2012 10:01 AM
To: Aidin Massoudi
Cc: Reza Khoshnevisan; Siavash Tahbazof; Lewis, Don
Subject: RE: 480 Potrero Avenue (3973/002C) Shadow Analysis

If you have already submitted a shadow study, then there's no need to submit another. However, the Planning Department has no record of a previous submittal. Please submit the shadow study to the attention of Julian Banales.

Regards,

Ben A. Fu, City Planner
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103
T: 415.558.6613
F: 415.558.6409
ben.fu@sfgov.org

From: Aidin Massoudi [mailto:Aidin@siaconsult.com]
Sent: Tuesday, August 28, 2012 5:35 PM
To: Fu, Ben
Cc: Reza Khoshnevisan; Siavash Tahbazof
Subject: 480 Potrero Avenue (3973/002C) Shadow Analysis

Hi Ben,

I was told that you are requesting a new Shadow Analysis app. I submitted an application with the fee in March and the 1"=200' scale site plan (please see attached).

Please let me know if these items have been received. I will check and see if the fee check was deposited.

Thank you,

Aidin Massoudi
SIA Consulting Corp.
1256 Howard Street
San Francisco, Ca. 94103
Tel: 415.922.0200 Ext.105
Fax: 415.922.0203
www.siaconsult.com

From: Reza Khoshnevisan
To: Ron Albert
Cc: don.lewis@sfgov.org; ben.fu@sfgov.org; Tony Kim
Subject: RE: 480 Potrero Project
Date: Wednesday, August 01, 2012 4:35:00 PM

Hello Mr. Albert;
I did receive your email yesterday. I am the project designer / consultant and as you know we are working on plans to develop the subject lot. Just for clarification, I was unaware of the any attempts to reach me or any of my staff. Moreover, I contacted Mr. Phil Palileo (the property manager) this morning and he stated that he was un aware of your client trying to reach him. Since my client purchased the lot they have made sure that land is secure and have continued efforts to clean up and to paint over the gratifies at the site. In addition, I was told that the property manager did not know about any water intrusion issues effecting the adjacent properties. For any maintenance issues you can contact Phil at 415.672.8080 he is extremely easy to reach and willing to correct any issues at the site.

As for the development, we are in process of completing our traffic study and various other aspects of the environmental requirements. We were planning to hold extensive neighborhood meetings after we get the necessary environmental reports such as traffic study so that we better understand the impact of the project towards the neighborhood ourselves before presenting this to the neighborhood. As we are still fine tuning our plans, we value your input and we are very interested in knowing what your concerns may be towards our development. Please feel free to contact me if you have any questions in regards to the plan or the permit process. I am always available and willing to meet you or your client.

Kindest regards;

Reza Khoshnevisan
SIA Consulting Corp.
1256 Howard Street
San Francisco, Ca. 94103
Tel: 415.922.0200, ext.108
Fax: 415.922.0203

From: Ron Albert [mailto:rpa@albertlawcorp.com]
Sent: Tuesday, July 31, 2012 5:14 PM
To: Reza Khoshnevisan
Cc: don.lewis@sfgov.org; ben.fu@sfgov.org
Subject: 480 Potrero Project

Mr. Khoshnevisan:
Please confirm receipt of this email and the attached letter.

Ronald P. Albert
Albert Law Corporation
66 George Lane, Suite 101

Sausalito, CA 94965-1890
Telephone: 415-332-5600
E-mail: rpa@albertlawcorp.com

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From: Lewis, Don (CPC)
To: Reza Khoshnevisan
Cc: tony@townconsulting.com; Fu, Ben
Subject: RE: 480 Potrero Revised Plans
Date: Monday, April 01, 2013 8:45:13 AM

Only need 11 by 17, and you can email them to me. Thanks.

Thanks,
Don Lewis
Environmental Planner
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco CA 94103
(415) 575 – 9095
(415) 558 – 6409 fax

From: Reza Khoshnevisan [mailto:reza@siaconsult.com]
Sent: Monday, April 01, 2013 8:42 AM
To: Lewis, Don (CPC)
Cc: tony@townconsulting.com; Fu, Ben
Subject: Re: 480 Potrero Revised Plans

We are ready, would you like full size sets?

Sent from my iPhone

On Apr 1, 2013, at 8:38 AM, "Lewis, Don (CPC)" <don.lewis@sfgov.org> wrote:

> When will the revised plans be ready?
>
> There's a good amount of work I need to do once I receive these plans. The Neg Dec needs to be amended since there is now ground-floor retail, and I will also need to revise the appeal response. The sooner I get these plans the better.
>
> Thanks,
> Don Lewis
> Environmental Planner
> San Francisco Planning Department
> 1650 Mission Street, Suite 400
> San Francisco CA 94103
> (415) 575 – 9095
> (415) 558 – 6409 fax

From:	Ron Miguel
To:	"Reza Khoshnevisan"; Cohen, Malia
Cc:	jean@woodwinds.net; dean@deansgaragedoors.com; Fu, Ben
Subject:	RE: 480 Potrero
Date:	Wednesday, January 30, 2013 10:56:30 AM

Reza – Thank you for your offer of revised plans – I would appreciate seeing them. I do not know if my suggestions/comments will satisfy the neighborhood. I have advised them to meet with you, and I suggest that you do so following any revisions. If either you or they would like me to attend such a meeting, I will try to make it.

Ron Miguel
600 De Haro St.
San Francisco, CA 94107
415-601-0708

From: Reza Khoshnevisan [mailto:reza@siaconsult.com]
Sent: Wednesday, January 30, 2013 10:00 AM
To: Ron Miguel; Malia Cohen
Cc: jean@woodwinds.net; dean@deansgaragedoors.com; Ben.Fu@sfgov.org
Subject: 480 Potrero

Hi Mr. Miguel;
Thank you so much for your help with this project. Your efforts are greatly appreciated. We are in process of revising our plans to satisfy your recommendations. I will email you the revised plans as soon as they become available. Do you have any indication whether the neighborhood will be satisfied if we meet the outlined recommendations?

Kindest regards;
Reza Khoshnevisan
SIA Consulting Corp.
1256 Howard Street
San Francisco, Ca. 94103
Tel: 415.922.0200, ext.108
Fax: 415.922.0203

From: Ron Miguel [mailto:rm@well.com]
Sent: Sunday, January 27, 2013 10:13 AM
To: Malia Cohen
Cc: jean@woodwinds.net; dean@deansgaragedoors.com; Ben.Fu@sfgov.org; Reza Khoshnevisan
Subject: 480 Potrero

Supervisor Cohen – I have attached a letter outlining my efforts regarding the proposed SIA development at 480 Potrero Ave.

Please let me know if I can be of further assistance.

Sincerely,

Ron Miguel

600 De Haro St.
San Francisco, CA 94107
415-601-0708

From:	Reza Khoshnevisan
To:	Ron Miguel; Cohen, Malia
Cc:	jean@woodwinds.net; dean@deansgaragedoors.com; Fu, Ben
Subject:	RE: 480 Potrero
Date:	Friday, February 01, 2013 2:42:51 PM

Thank you, I'll keep you updated. Your input is greatly appreciated.

Thanks;
Reza

From: Ron Miguel [mailto:rm@well.com]
Sent: Wednesday, January 30, 2013 10:53 AM
To: Reza Khoshnevisan; 'Malia Cohen'
Cc: jean@woodwinds.net; dean@deansgaragedoors.com; Ben.Fu@sfgov.org
Subject: RE: 480 Potrero

Reza – Thank you for your offer of revised plans – I would appreciate seeing them. I do not know if my suggestions/comments will satisfy the neighborhood. I have advised them to meet with you, and I suggest that you do so following any revisions. If either you or they would like me to attend such a meeting, I will try to make it.

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Sincerely,

Ron Miguel
600 De Haro St.
San Francisco, CA 94107
415-601-0708

From: George Nelson
To: Fu, Ben
Subject: RE: 480 Potrero
Date: Monday, December 10, 2012 4:27:29 PM

Many thanks.

Nelson

From: ben.fu@sfgov.org
To: nelson.george@hotmail.co.uk
Subject: RE: 480 Potrero
Date: Tue, 11 Dec 2012 00:12:54 +0000

George,

Please see below for project contact info.

Project Sponsor/Developer/Architect:
Reza Khoshnevisan
SIA Consulting Corp.
1256 Howard Street
San Francisco, Ca. 94103
Tel: 415.922.0200, ext.108
Fax: 415.922.0203

Ben A. Fu, City Planner
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103
T: 415.558.6613
F: 415.558.6409
ben.fu@sfgov.org

From: George Nelson [mailto:nelson.george@hotmail.co.uk]
Sent: Monday, December 10, 2012 4:09 AM
To: Banales, Julian
Subject: 480 Potrero

Dear Mr Banales,

I am a reporter from the Potrero View newspaper currently writing a story describing the proposed development at 480 Potrero. A letter you sent Reza Khoshnevisan came to my attention - might you be able to tell me who the architect and development company will be if the plans to develop the site are given the green light? Many thanks.

Sincerely,

Nelson George

From: Lewis, Don (CPC)
To: jean@woodwinds.net; Fu, Ben
Subject: RE: Planning Commission Meeting Schedule
Date: Tuesday, March 26, 2013 9:22:17 AM

Hello Jean,

Pushed to May 16th. Still haven't rec'd the revised plans from sponsor.

Thanks,
Don Lewis
Environmental Planner
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco CA 94103
(415) 575 – 9095
(415) 558 – 6409 fax

-----Original Message-----
From: jean bogiages [mailto:jean@woodwinds.net]
Sent: Tuesday, March 26, 2013 8:46 AM
To: Fu, Ben; Lewis, Don (CPC)
Subject: Planning Commission Meeting Schedule

Hi,
Has there been any date scheduled yet for the480 Potrero project?
Thanks,
Jean Bogiages

From:	Hwang, Lulu
To:	Mica
Cc:	Juan Jayo; SOTF; Diane Ringel; Fu, Ben; Lewis, Don (CPC)
Subject:	RE: Sunshine Ordinance request 480 Potrero Ave
Date:	Thursday, April 25, 2013 7:40:23 PM
Attachments:	480 Potrero Ave.pdf

Besides all the materials in the case file from Ben and Don, the only thing I found in the Historical files are attached.

Thanks!
Lulu
Have a Good Day Today and a Better Day Tomorrow...

From: Mica [mailto:supermica@gmail.com]
Sent: Thursday, April 25, 2013 12:56 PM
To: Hwang, Lulu
Cc: Juan Jayo; SOTF; Diane Ringel; Fu, Ben
Subject: Re: Sunshine Ordinance request 480 Potrero Ave

I couldn't have been any clearer in my requests.

I asked specifically for "all documents, in addition to any emails &/or other electronic forms of data which they have for this project".

I know for a fact that there is more in the custody of the Planning Dept. RE: the proposed project at 480 Potrero Ave. than what was available at the front desk for both Don Lewis & Ben Fu's case files.

I inventoried those documents & reported to you that they were incomplete.

Thus, I made my formal request with you for "access under the Sunshine Ordinance to everything held in custody by the SF Planning Dept, including emails, electronic files, phone records, meeting minutes, etc. related to the proposed development at 480 Potrero Ave".

This matter is coming to hearing with the Planning Commissioners and the custodians of the records at the Planning Dept. are making it more than difficult for me to access public information.

On Thu, Apr 25, 2013 at 12:38 PM, Hwang, Lulu <lulu.hwang@sfgov.org> wrote:
Hello

On April 11, Ben sent you an email to let you know that the case file is available for you to review at the 4th floor reception desk. And our record shown that you had already come and

review the case file.

May I assist you on what other files you would like to review?

Thanks!
Lulu Hwang
Planning Department
Operations & IS Administrator
1650 Mission Street #400
San Francisco CA 94103
415-558-6318 (V)
Lulu.Hwang@SFGOV.ORG
Have a Good Day Today and a Better Day Tomorrow...

From: Mica [mailto:supermica@gmail.com]
Sent: Thursday, April 25, 2013 11:59 AM
To: Hwang, Lulu
Cc: Juan Jayo; SOTF; Diane Ringel
Subject: Re: Sunshine Ordinance request 480 Potrero Ave

Dear Ms. Hwang:

Third request. Now you too have not replied for 10 days.

It appears the Planning Dept. is far out of compliance with the Sunshine Ordinance http://sfbos.org/index.aspx?page=4460

How much longer is reasonable for me to wait before filing a formal complaint with the SOTF?

Mica Ringel
485 Potrero Ave
San Francisco, CA 94110

(415) 519-7523

On Mon, Apr 15, 2013 at 3:01 PM, Mica <supermica@gmail.com> wrote:
Dear Ms. Hwang:

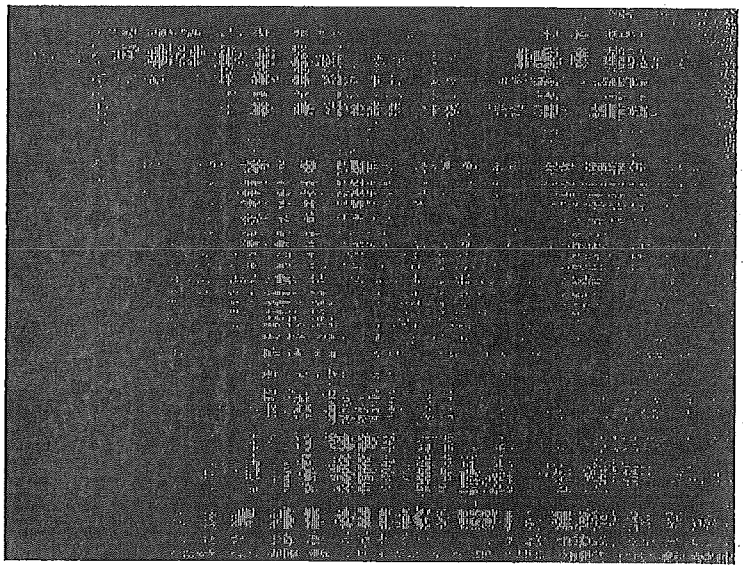
On March 31, 2013 I requested a copy of the complete file for the proposed development at 480 Potrero Ave from both Environmental Planner Don Lewis & City Planner Ben Fu.

I asked specifically for all documents, in addition to any emails &/or other electronic forms of data which they have for this project.

Whereas Mr. Lewis promptly responded on April 1, I was able to go in the next day to begin reviewing his case file.

Mr. Fu however had not acknowledged my request as of April 10, so I made a second. See emails below. He let me know the folder was avail. at the front desk. I again asked if the folder was complete, & again he never responded.

Earlier today I went in to the Planning Dept. to review said files & am perturbed to have found that the Correspondence folder for 480 Potrero is empty. Picture attached.



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Regards,

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From: **Mica** <supermica@gmail.com>
Date: Mon, Apr 15, 2013 at 11:17 AM
Subject: Re: Request for all files regarding 480 Potrero Ave
To: "Fu, Ben" <ben.fu@sfgov.org>
Cc: "Hwang, Lulu" <lulu.hwang@sfgov.org>

Mr. Fu:

Thanks for getting back to me. I was told to make my request with both you & Don Lewis for all files, in addition to any emails &/or other electronic forms of data which you both have for the proposed project at 480 Potrero.

I came in two weeks ago to review the files which Mr. Lewis had made available, & would like to come in today from around 12:30-3 to begin assessment of yours.

Per your suggestion, if I need further assistance going forward regarding this documentation request I'll make it with Ms. Hwang under the Sunshine Ord.

Regards,

--Mica Ringel

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Mica,

If you are making a request under the sunshine ordinance, please contact Lulu Hwang. Otherwise, if you wish to review the case file, it is available at the 4th floor reception.

Regards,

Ben A. Fu, City Planner
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103
T: 415.558.6613
F: 415.558.6409
ben.fu@sfgov.org

From: Mica [mailto:supermica@gmail.com]
Sent: Wednesday, April 10, 2013 2:58 PM
To: Fu, Ben

Subject: Re: Request for all files regarding 480 Potrero Ave

Thanks for letting me know.

Per my request a week ago Monday, is it complete with all documents, in addition to any emails &/or other electronic forms of data which you have for this project?

Regards, --Mica Ringel

On Wed, Apr 10, 2013 at 2:46 PM, Fu, Ben <ben.fu@sfgov.org> wrote:
Mica,

The case file is available for public review. You are welcome to make any copies at the reception lobby.

Regards,

Ben A. Fu, City Planner
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1650 Mission Street, Suite 400
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From: **Mica** <supermica@gmail.com>
Date: Wed, Apr 10, 2013 at 2:31 PM
Subject: Re: Request for all files regarding 480 Potrero Ave
To: ben.fu@sfgov.org

Second request.

From: Mica [mailto:supermica@gmail.com]
Sent: Sunday, March 31, 2013 10:22 PM
To: Fu, Ben
Cc: Hwang, Lulu; Wycko, Bill

Subject: Request for all files regarding 480 Potrero Ave

Dear Mr. Fu:

In preparation of the hearing scheduled for May 16, 2013 I am requesting a copy of the complete file for the proposed development at 480 Potrero Ave.

Please include all documents, in addition to any emails &/or other

electronic forms of data which you have for this project.

Please let me know when you expect this packet of information available for pickup.

I am also requesting the same from Don Lewis.

Regards,

Mica Ringel
485 Potrero Ave
San Francisco, CA 94110

(415) 519-7523

From: Hwang, Lulu
To: Mica
Cc: Fu, Ben; Lewis, Don (CPC); SOTF; DCP, Reception
Subject: RE: Sunshine Ordinance request 480 Potrero Ave
Date: Monday, April 29, 2013 2:49:04 PM

Hello

To clarify regarding the complaint you have for Planning Department is giving you a run around..

On April 11, Ben Fu already sent you an email letting you know that the case file is ready for review. I checked with the reception desk and they told me that the file already reviewed and ready to go back to Ben.

I went to Ben and I asked if there is anything else we left that we can put out for you to review? Ben told me all materials are in the case file which you already reviewed.

I just want to do more research and went to the historical file room and see if there anything else and I found a few more pieces of paper, scanned and email to you.

We do not have any "*addition to any emails &/or other electronic forms of data* " materials that we are not disclosing to to you.

Thanks!
Lulu
Have a Good Day Today and a Better Day Tomorrow...

From: Mica [mailto:supermica@gmail.com]
Sent: Friday, April 26, 2013 4:31 PM
To: Hwang, Lulu; Fu, Ben; Lewis, Don (CPC)
Subject: Re: Sunshine Ordinance request 480 Potrero Ave

For your records is the attached PDF complaint requesting assistance from the SOTF to obtain all documents, including digital files, held within custody of the SF Planning Dept. for the proposed project at 480 Potrero Ave.

On Thu, Apr 25, 2013 at 7:40 PM, Hwang, Lulu <lulu.hwang@sfgov.org> wrote:
Besides all the materials in the case file from Ben and Don, the only thing I found in the Historical files are attached..

Thanks!
Lulu
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From: Mica [mailto:supermica@gmail.com]
Sent: Thursday, April 25, 2013 12:56 PM
To: Hwang, Lulu
Cc: Juan Jayo; SOTF; Diane Ringel; Fu, Ben

Subject: Re: Sunshine Ordinance request 480 Potrero Ave

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May I assist you on what other files you would like to review?

Thanks!
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Planning Department
Operations & IS Administrator
1650 Mission Street #400
San Francisco CA 94103
415-558-6318 (V)
Lulu.Hwang@SFGOV.ORG
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From: Mica [mailto:supermica@gmail.com]
Sent: Thursday, April 25, 2013 11:59 AM
To: Hwang, Lulu
Cc: Juan Jayo; SOTF; Diane Ringel
Subject: Re: Sunshine Ordinance request 480 Potrero Ave

Dear Ms. Hwang:

Third request. Now you too have not replied for 10 days.

It appears the Planning Dept. is far out of compliance with the Sunshine Ordinance http://sfbos.org/index.aspx?page=4460

How much longer is reasonable for me to wait before filing a formal complaint with the SOTF?

Mica Ringel
485 Potrero Ave
San Francisco, CA 94110

(415) 519-7523

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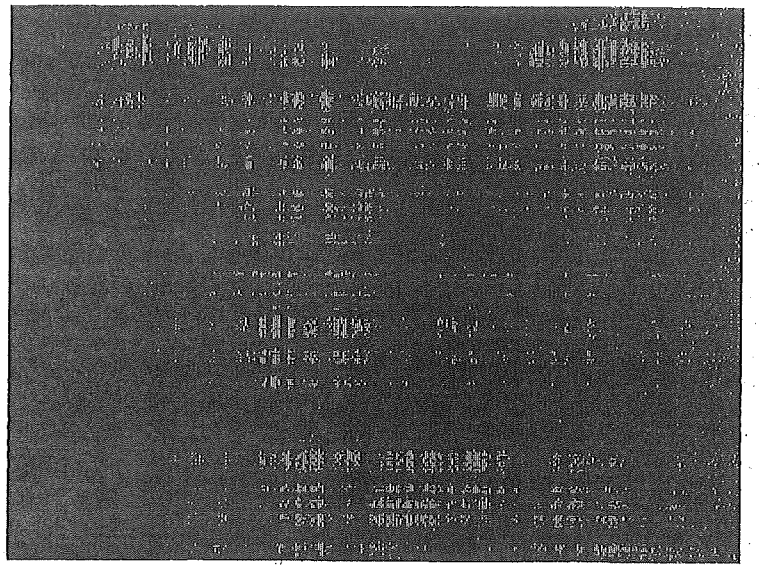

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Ben A. Fu, City Planner
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1650 Mission Street, Suite 400
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T: 415.558.6613
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485 Potrero Ave
San Francisco, CA 94110

(415) 519-7523

From:	Hwang, Lulu
To:	Mica
Cc:	Juan Jayo; SOTF; Diane Ringel; Fu, Ben
Subject:	RE: Sunshine Ordinance request 480 Potrero Ave
Date:	Thursday, April 25, 2013 12:39:01 PM

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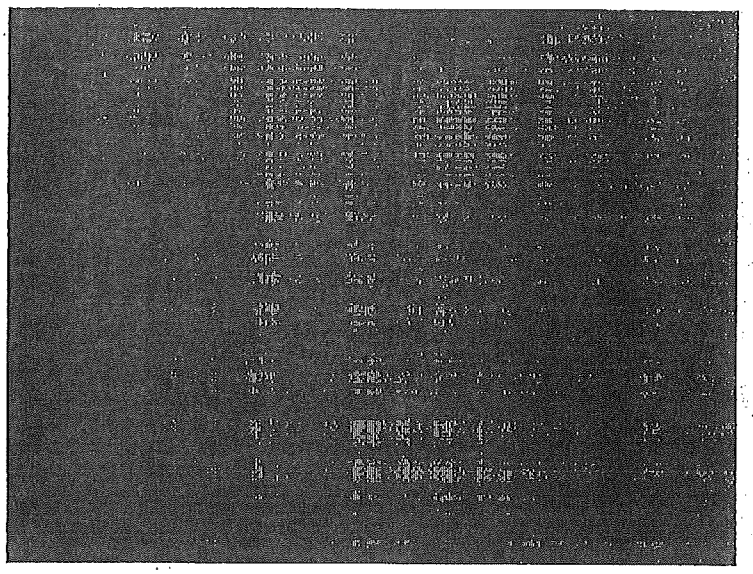

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Please include all documents, in addition to any emails &/or other electronic forms of data which you have for this project.

Please let me know when you expect this packet of information available for pickup.

I am also requesting the same from Don Lewis.

Regards,

Mica Ringel
485 Potrero Ave
San Francisco, CA 94110

(415) 519-7523

From: Reza Khoshnevisan
To: Lewis, Don (CPC)
Cc: Tony Kim; Fu, Ben
Subject: Re: 1/17/13 PC AGENDA
Date: Monday, March 04, 2013 4:33:24 PM

Hi Don
Can we do this late April?

Sent from my iPhone

On Mar 4, 2013, at 2:42 PM, "Lewis, Don (CPC)" <don.lewis@sfgov.org> wrote:

> So we should continue hearing to late April/early May?
>
> Don Lewis
> Environmental Planner
> San Francisco Planning Department
> 1650 Mission Street, Suite 400
> San Francisco CA 94103
> (415) 575 – 9095
> (415) 558 – 6409 fax
>
> ---
>
> **From:** Tony Kim [mailto:tony@townconsulting.com]
> **Sent:** Monday, March 04, 2013 2:31 PM
> **To:** Lewis, Don (CPC)
> **Cc:** Fu, Ben; Reza Khoshnevisan
> **Subject:** Re: 1/17/13 PC AGENDA
>
> Not yet. We are incorporating ground floor commercial and setbacks per staff comments. It's in the works
>
> On Mar 4, 2013, at 11:42 AM, "Lewis, Don (CPC)" <don.lewis@sfgov.org> wrote:
>
> > What's the status of 480 Potrero? Is there now ground floor commercial? Has the design been finalized?
> >
> > Don Lewis
> > Environmental Planner
> > San Francisco Planning Department
> > 1650 Mission Street, Suite 400
> > San Francisco CA 94103
> > (415) 575 – 9095
> > (415) 558 – 6409 fax
> >
> > ---
> >
> > **From:** Fu, Ben
> > **Sent:** Tuesday, February 12, 2013 11:29 AM
> > **To:** Lewis, Don (CPC)
> > **Cc:** tony@townconsulting.com

Subject: RE: 1/17/13 PC AGENDA

Not likely. Revision was received on Jan 7 and UDAT meeting is scheduled for this week. Senior management meeting the last week of Feb. Depends on what comments we have on the project, perhaps April may be more realistic right now.

Ben A. Fu, City Planner
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103
T: 415.558.6613
F: 415.558.6409
ben.fu@sfgov.org

From: Lewis, Don (CPC)
Sent: Monday, February 11, 2013 9:18 AM
To: Fu, Ben
Cc: tony@townconsulting.com
Subject: FW: 1/17/13 PC AGENDA

Hello Ben,

Is March 21st still looking realistic?

Thanks,

Don Lewis
Environmental Planner
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco CA 94103
(415) 575 – 9095
(415) 558 – 6409 fax

From: Lewis, Don (CPC)
Sent: Tuesday, January 08, 2013 9:14 AM
To: tony@townconsulting.com
Subject: FW: 1/17/13 PC AGENDA

Continuing 480 Potrero Avenue to March 21st per my conversation with Ben Fu.

Don Lewis
Environmental Planner
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco CA 94103
(415) 575 – 9095
(415) 558 – 6409 fax

From: Gerber, Patricia
Sent: Tuesday, January 08, 2013 9:06 AM
To: Young, Sharon (CPC); DiSanto, Thomas; DeMartini, Keith; McGee, Kate;

Lewis, Don (CPC); Watty, Elizabeth; Sucre, Richard; Alumbaugh, David; Amdur, Kelley; Banales, Julian; Campos, Jose (CPC); Cooper, Rick; Dennis-Phillips, Sarah; Gibson, Lisa; Lindsay, David; Luellen, Mark; Rahaim, John; Sanchez, Scott; Washington, Delvin; Wycko, Bill
Cc: Ionin, Jonas
Subject: 1/17/13 PC AGENDA

From:	Tony Kim
To:	Fu, Ben
Cc:	Jones, Sarah; Reza Khoshnevisan (reza@sjaconsult.com); Lewis, Don; Banales, Julian
Subject:	Re: 480 Potrero - PMND/CPE Appeal
Date:	Wednesday, October 17, 2012 12:20:36 PM

Hi Ben,

In response to the appeal of the PMND the project sponsor would like to meet with the appellants and other neighbors. We would like to meet with you in advance to prepare for our upcoming meetings with the neighbors.

Outside of the core environmental issues it appears that the neighbors are opposed to the overall building envelope. Since this parcel was recently rezoned as part of Eastern Neighborhoods we would like to meet with you to discuss the overall building envelope and and how the new zoning controls would be applied to this particular parcel.

I would appreciate it if you would let us know if you would be available to meet next week. The "X" has been submitted.

Thanks

Tony Kim
415 246 8855

On Oct 17, 2012, at 10:36 AM, Lewis, Don wrote:

> Hello all,
>
> Attached is the appeal letter for 480 Potrero Avenue.
>
> Ben, when were you thinking of taking the CU to the Commission?
>
> Thanks,
> Don Lewis
> Environmental Planner
> San Francisco Planning Department
> 1650 Mission Street, Suite 400
> San Francisco CA 94103
> (415) 575 – 9095
> (415) 558 – 6409 fax
>
> <480 Potrero Avenue Appeal Letter.pdf>

From: Yvonne Ko
To: Tony Kim
Cc: Ben Fu; Julian Banales; Evamarie Atilera; Scott Sanchez
Subject: Re: 480 Potrero Avenue - PPA & project review meeting
Date: Tuesday, July 17, 2012 9:56:00 AM

Hi Tony,

According to our record, the project sponsor filed their PPA application in 4/27/2011and the assigned planner was Ben Fu. He closed out this application in 2/24/2012 and the project review meeting application (ID#10464) that was paid for with ck#1841 dated 5/31/2012 was filed 3 months after the PPA was completed and closed out?

I will need to discuss with my supervisor if you want to proceed on with the refund. Please let me know.

Yvonne Ko
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103
(415) 558-6386 phone
(415) 558-6409 fax
e-mail: Yvonne.Ko@sfgov.org

Tony Kim <tony@townconsulting.com>

Tony Kim
<tony@townconsulting.com>

07/16/2012 04:22 PM

Toyvonne.ko@sfgov.org
cc
Subject480 Potrero Avenue - PPA & project review meeting

Hi Yvonne,

My client submitted a PPA application for 480 Potrero Avenue. I followed up with a project review meeting to discuss the exact project. I was required to pay a fee for the project review meeting. I understand that the PPA includes on project review meeting? May I ask for a refund for the project review meeting?

Thanks

Tony Kim

Town Consulting
100 Clement Street 3rd floor
San Francisco CA 94118
(415) 246-8855

From:	Yvonne Ko
To:	Tony Kim
Cc:	Ben Fu; Julian Banales
Subject:	Re: 480 Potrero Avenue - PPA & project review meeting
Date:	Tuesday, July 17, 2012 1:16:00 PM

Tony,

I have checked with Ben Fu and he has verified that your project review meeting should be free. We will process your project review refund.

Yvonne Ko
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103
(415) 558-6386 phone
(415) 558-6409 fax
e-mail: Yvonne.Ko@sfgov.org

Tony Kim <tony@townconsulting.com>

Tony Kim
<tony@townconsulting.com>

07/16/2012 04:22 PM

Toyvonne.ko@sfgov.org
cc
Subject480 Potrero Avenue - PPA & project review meeting

Hi Yvonne,

My client submitted a PPA application for 480 Potrero Avenue. I followed up with a project review meeting to discuss the exact project. I was required to pay a fee for the project review meeting. I understand that the PPA includes on project review meeting? May I ask for a refund for the project review meeting?

Thanks

Tony Kim

Town Consulting
100 Clement Street 3rd floor
San Francisco CA 94118
(415) 246-8855

From: Reza Khoshnevisan
To: Lewis, Don (CPC)
Cc: tony@townconsulting.com; Fu, Ben
Subject: Re: 480 Potrero Revised Plans
Date: Monday, April 01, 2013 8:43:00 AM

We are ready, would you like full size sets?

Sent from my iPhone

On Apr 1, 2013, at 8:38 AM, "Lewis, Don (CPC)" <don.lewis@sfgov.org> wrote:

> When will the revised plans be ready?
>
> There's a good amount of work I need to do once I receive these plans. The Neg Dec needs to be amended since there is now ground-floor retail, and I will also need to revise the appeal response. The sooner I get these plans the better.
>
> Thanks,
> Don Lewis
> Environmental Planner
> San Francisco Planning Department
> 1650 Mission Street, Suite 400
> San Francisco CA 94103
> (415) 575 – 9095
> (415) 558 – 6409 fax

From: jean bogiages
To: Fu, Ben
Subject: Re: 480 Potrero
Date: Wednesday, January 30, 2013 1:19:56 PM

When is the soonest you think it might happen?
Thanks,

On 1/30/2013 1:09 PM, Fu, Ben wrote:
> No hearing date has been confirmed for this project.
>
> Thanks,
>
> Ben A. Fu, City Planner
> San Francisco Planning Department
> 1650 Mission Street, Suite 400
> San Francisco, CA 94103
> T: 415.558.6613
> F: 415.558.6409
> ben.fu@sfgov.org
>
>
> -----Original Message-----
> From: jean bogiages [mailto:jean@woodwinds.net]
> Sent: Wednesday, January 30, 2013 1:05 PM
> To: Fu, Ben
> Subject: 480 Potrero
>
> Hi Ben,
> Do you have any idea when the 480 Potrero project will come before the commission?
> I'm trying to decide when to schedule a meeting with the developer.
> Thanks,
> Jean Bogiages
>
>
>
>
>

From:	jean bogiages
To:	Fu, Ben
Cc:	dean@deansgaragedoors.com; Juan Jayo; supermica@gmail.com
Subject:	Re: Meeting with members of the "Save Potrero" committee regarding the planned 480 Potrero Development
Date:	Wednesday, November 14, 2012 9:20:47 AM

Hi Ben,

Please jot us down on your calendar for 10:30-11 on Tuesday, November 20.
We will meet you at 1650 Mission Street Suite 400. Please let me know
if there is a location change.

Thanks,
Jean Bogiages

On 11/13/2012 6:36 PM, Fu, Ben wrote:
> Jean,
>
> I apologize for the misunderstanding, the Tuesday morning slot is for 10:30am as I already have meetings immediately before and after (9:30-10:30 and 11-12). Please pick from the following slots:
>
> 11/19: 10:30-11am or 4-4:30pm.
> 11/20: 10:30-11am or 5-5:30pm (please arrive a few minutes before 5pm).
>
> Alternatively, you are welcome to visit me at the Planning Information Center (PIC) on 11/20 between 2:45 and 5pm. If you do decide to meet me at the PIC, please take a number and wait for me. I will be available to speak to you for 15 minutes there.
>
> Thank you.
>
> Ben A. Fu, City Planner
> San Francisco Planning Department
> 1650 Mission Street, Suite 400
> San Francisco, CA 94103
> T: 415.558.6613
> F: 415.558.6409
> ben.fu@sfgov.org
>
>
> -----Original Message-----
> From: jean bogiages [mailto:jean@woodwinds.net]
> Sent: Tuesday, November 13, 2012 6:19 PM
> To: Fu, Ben
> Cc: dean@deansgaragedoors.com; Juan Jayo; supermica@gmail.com
> Subject: Meeting with members of the "Save Potrero" committee regarding the planned 480 Potrero Development
>
> Hi Ben,
>
> Thank you for giving me multiple time slots for our neighborhood group representatives to talk to you about the 480 Potrero development plans.
> After emailing the three who have been selected to represent the neighborhood group, I find that 11:30 Tuesday, 11/20 is the day and time that everyone can meet.
> I'm guessing that we will find your office at 1650 Mission street, where the planning department is located.
> Are you on the 4th floor?
>
> Thanks again,

> Jean Boglages
> 415-305-8230
>
>
>
>
>

From: Mica
To: Fu, Ben
Subject: Re: Request for all files regarding 480 Potrero Ave
Date: Wednesday, April 10, 2013 2:58:41 PM

Thanks for letting me know.

Per my request a week ago Monday, is it complete with all documents, in addition to any emails &/or other electronic forms of data which you have for this project?

Regards, --Mica Ringel

On Wed, Apr 10, 2013 at 2:46 PM, Fu, Ben <ben.fu@sfgov.org> wrote:

> Mica,
>
> The case file is available for public review. You are welcome to make any copies at the reception lobby.
>
> Regards,
>
> Ben A. Fu, City Planner
>
> San Francisco Planning Department
>
> 1650 Mission Street, Suite 400
>
> San Francisco, CA 94103
>
> T: 415.558.6613
>
> F: 415.558.6409
>
> ben.fu@sfgov.org
>
> **From:** Mica [mailto:supermica@gmail.com]
> **Sent:** Sunday, March 31, 2013 10:22 PM
> **To:** Fu, Ben
> **Cc:** Hwang, Lulu; Wycko, Bill
>
> **Subject:** Request for all files regarding 480 Potrero Ave

Dear Mr. Fu:

In preparation of the hearing scheduled for May 16, 2013 I am requesting a copy of the complete file for the proposed development at 480 Potrero Ave.

Please include all documents, in addition to any emails &/or other electronic forms of data which you have for this project.

Please let me know when you expect this packet of information available for pickup.

I am also requesting the same from Don Lewis.

Regards,

Mica Ringel

485 Potrero Ave

San Francisco, CA 94110

(415) 519-7523

From: Mica
To: Fu, Ben
Subject: Re: Request for all files regarding 480 Potrero Ave
Date: Wednesday, April 10, 2013 2:31:47 PM

Second request.

On Sun, Mar 31, 2013 at 10:22 PM, Mica <supermica@gmail.com> wrote:

> Dear Mr. Fu:
>
> In preparation of the hearing scheduled for May 16, 2013 I am requesting a copy of the complete file for the proposed development at 480 Potrero Ave.
>
> Please include all documents, in addition to any emails &/or other electronic forms of data which you have for this project.
>
> Please let me know when you expect this packet of information available for pickup.
>
> I am also requesting the same from Don Lewis.
>
> Regards,
>
> Mica Ringel
> 485 Potrero Ave
> San Francisco, CA 94110
>
> (415) 519-7523

From: Mica
To: Hwang, Lulu; Fu, Ben; Lewis, Don (CPC)
Subject: Re: Sunshine Ordinance request 480 Potrero Ave
Date: Friday, April 26, 2013 4:31:34 PM
Attachments: SOTF Complaint - Planning Dept.pdf

For your records is the attached PDF complaint requesting assistance from the SOTF to obtain all documents, including digital files, held within custody of the SF Planning Dept. for the proposed project at 480 Potrero Ave.

On Thu, Apr 25, 2013 at 7:40 PM, Hwang, Lulu <lulu.hwang@sfgov.org> wrote:

> Besides all the materials in the case file from Ben and Don, the only thing I found in the Historical files are attached.
>
> Thanks!
> Lulu
>
> Have a Good Day Today and a Better Day Tomorrow...
>
> **From:** Mica [mailto:supermica@gmail.com]
> **Sent:** Thursday, April 25, 2013 12:56 PM
> **To:** Hwang, Lulu
> **Cc:** Juan Jayo; SOTF; Diane Ringel; Fu, Ben
>
> **Subject:** Re: Sunshine Ordinance request 480 Potrero Ave
>
> I couldn't have been any clearer in my requests.
>
> I asked specifically for "all documents, in addition to any emails &/or other electronic forms of data which they have for this project".
>
> I know for a fact that there is more in the custody of the Planning Dept. RE: the proposed project at 480 Potrero Ave. than what was available at the front desk for both Don Lewis & Ben Fu's case files.

I inventoried those documents & reported to you that they were incomplete.

Thus, I made my formal request with you for "access under the Sunshine Ordinance to everything held in custody by the SF Planning Dept, including emails, electronic files, phone records, meeting minutes, etc. related to the proposed development at 480 Potrero Ave".

This matter is coming to hearing with the Planning Commissioners and the custodians of the records at the Planning Dept. are making it more than difficult for me to access public information.

On Thu, Apr 25, 2013 at 12:38 PM, Hwang, Lulu <lulu.hwang@sfgov.org> wrote:

Hello

On April 11, Ben sent you an email to let you know that the case file is available for you to review at the 4th floor reception desk. And our record shown that you had already come and review the case file.

May I assist you on what other files you would like to review?

Thanks!
Lulu Hwang
Planning Department
Operations & IS Administrator
1650 Mission Street #400
San Francisco CA 94103
415-558-6318 (V)
Lulu.Hwang@SFGOV.ORG
Have a Good Day Today and a Better Day Tomorrow...

From: Mica [mailto:supermica@gmail.com]
Sent: Thursday, April 25, 2013 11:59 AM
To: Hwang, Lulu
Cc: Juan Jayo; SOTF; Diane Ringel
Subject: Re: Sunshine Ordinance request 480 Potrero Ave

Dear Ms. Hwang:

Third request. Now you too have not replied for 10 days.

It appears the Planning Dept. is far out of compliance with the Sunshine Ordinance http://sfbos.org/index.aspx?page=4460

How much longer is reasonable for me to wait before filing a formal complaint with the SOTF?

Mica Ringel

485 Potrero Ave

San Francisco, CA 94110

(415) 519-7523

On Mon, Apr 15, 2013 at 3:01 PM, Mica <supermica@gmail.com> wrote:

Dear Ms. Hwang:

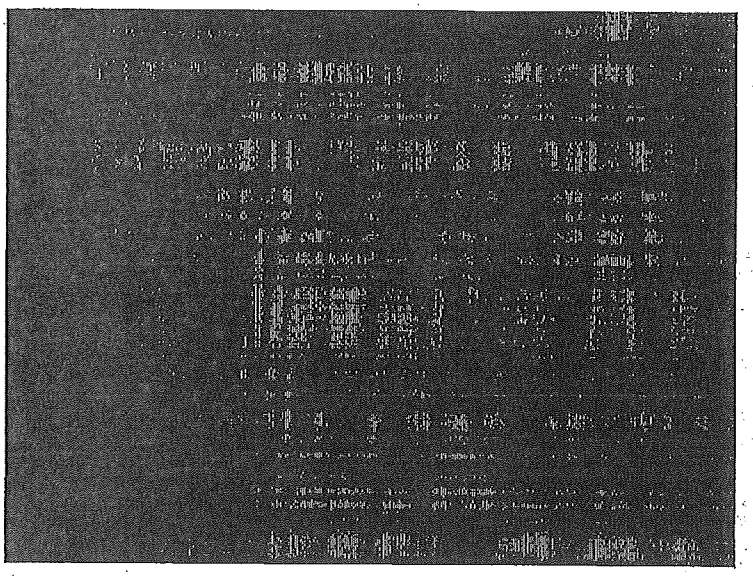
On March 31, 2013 I requested a copy of the complete file for the proposed development at 480 Potrero Ave from both Environmental Planner Don Lewis & City Planner Ben Fu.

I asked specifically for all documents, in addition to any emails &/or other electronic forms of data which they have for this project.

Whereas Mr. Lewis promptly responded on April 1, I was able to go in the next day to begin reviewing his case file.

Mr. Fu however had not acknowledged my request as of April 10, so I made a second. See emails below. He let me know the folder was avail. at the front desk. I again asked if the folder was complete, & again he never responded.

Earlier today I went in to the Planning Dept. to review said files & am perturbed to have found that the Correspondence folder for 480 Potrero is empty. Picture attached.



I've been told by Sue Hestor that you're very good with documentation... & so in preparation of the hearing scheduled for May 16, 2013, I humbly request access under the Sunshine Ordinance to everything held in custody by the SF Planning Dept, including emails, electronic files, phone records, meeting minutes, etc. related to the proposed development at 480 Potrero Ave.

Regards,

Mica Ringel

485 Potrero Ave

San Francisco, CA 94110

(415) 519-7523

---------- Forwarded message ----------
From: **Mica** <supermica@gmail.com>
Date: Mon, Apr 15, 2013 at 11:17 AM
Subject: Re: Request for all files regarding 480 Potrero Ave
To: "Fu, Ben" <ben.fu@sfgov.org>
Cc: "Hwang, Lulu" <lulu.hwang@sfgov.org>

Mr. Fu:

Thanks for getting back to me. I was told to make my request with both you & Don Lewis for all files, in addition to any emails &/or other electronic forms of data which you both have for the proposed project at 480 Potrero.

I came in two weeks ago to review the files which Mr. Lewis had made available, & would like to come in today from around 12:30-3 to begin assessment of yours.

Per your suggestion, if I need further assistance going forward regarding this documentation request I'll make it with Ms. Hwang under the Sunshine Ord.

Regards,

--Mica Ringel

On Thu, Apr 11, 2013 at 9:59 AM, Fu, Ben <ben.fu@sfgov.org> wrote:

Mica,

If you are making a request under the sunshine ordinance, please contact Lulu Hwang. Otherwise, if you wish to review the case file, it is available at the 4th floor reception.

Regards,

Ben A. Fu, City Planner

San Francisco Planning Department

1650 Mission Street, Suite 400

San Francisco, CA 94103

T: 415.558.6613

F: 415.558.6409

ben.fu@sfgov.org

From: Mica [mailto:supermica@gmail.com]
Sent: Wednesday, April 10, 2013 2:58 PM
To: Fu, Ben
Subject: Re: Request for all files regarding 480 Potrero Ave

Thanks for letting me know.

Per my request a week ago Monday, is it complete with all documents, in addition to any emails &/or other electronic forms of data which you have for this project?

Regards, --Mica Ringel

On Wed, Apr 10, 2013 at 2:46 PM, Fu, Ben <ben.fu@sfgov.org> wrote:

Mica,

The case file is available for public review. You are welcome to make any copies at the reception lobby.

Regards,

Ben A. Fu, City Planner

San Francisco Planning Department

1650 Mission Street, Suite 400

San Francisco, CA 94103

T: 415.558.6613

F: 415.558.6409

ben.fu@sfgov.org

---------- Forwarded message ----------
From: **Mica** <supermica@gmail.com>
Date: Wed, Apr 10, 2013 at 2:31 PM
Subject: Re: Request for all files regarding 480 Potrero Ave
To: ben.fu@sfgov.org

Second request.

From: Mica [mailto:supermica@gmail.com]
Sent: Sunday, March 31, 2013 10:22 PM
To: Fu, Ben
Cc: Hwang, Lulu; Wycko, Bill

Subject: Request for all files regarding 480 Potrero Ave

Dear Mr. Fu:

In preparation of the hearing scheduled for May 16, 2013 I am requesting a copy of the complete file for the proposed development at 480 Potrero Ave.

Please include all documents, in addition to any emails &/or other electronic forms of data which you have for this project.

Please let me know when you expect this packet of information available for pickup.

I am also requesting the same from Don Lewis.

Regards,

Mica Ringel

485 Potrero Ave

San Francisco, CA 94110

(415) 519-7523

Mr. Fat

Don Lewis says he has not reviewed the Large Project Application.

Have you?

--Felix Ringel

On Mon, Apr 29, 2013 at 2:45 PM, Lewis, Don (CPC) <don.lewis@sfgov.org> wrote:

I don't know why you did the CEQA analysis on the proposed project when it has not been submitted. Please explain. Please be aware that the PSHD was CPC approved. We are in district 10 for the pending Exemption.

I have not reviewed the Large Project Application.

Thanks,

Don Lewis

Environmental Planner

San Francisco Planning Dept.

1650 Mission Street, Suite 400

San Francisco, CA 94103

Direct: 575-9095

www.sfplanning.org

From: Rich Hillis
Sent: Monday, April 29, 2013 2:38 PM
To: Lewis, Don (CPC)
Cc: Jones, Sarah (CPC)
Subject: FW: Sunshine Ordinance request 450 Potrero Ave

Your environmental review case files are for the Large Project Application.

Is anyone addressing my concerns that the Project Site has been misrepresented starting with the Large Project Application?

The property's current use is described as vacant with 0 parking when it is clearly a parking lot, & it has been for some time.

On Mon, Apr 29, 2013 at 2:18 PM, Lewis, Don (CPC) <don.lewis@sfgov.org> wrote:

Rich,

As we've published in the newspaper twice over for the publication of the PSHD's at the time for the appeal of the PSHD.

I advised the attorney that I did not keep a log of site visits.

We don't keep minutes of meetings or phone calls.

Electronic data provided by the project sponsor is in hard copy in the project file. The attached photos he does not have in his project sponsor and was submitted as part of their application.

The project site is vacant lot – there are no buildings or development on the lot. I will read it into the record at the appeal hearing that the subject property, acknowledged it is currently being used as a parking lot. We will not be recommending the PSHD appeal be filed.

I met with the PSHD and CPE in Supervisor Cohen's office today.

I don't recall with you if you have yet brought forth any substantial evidence that the PSHD and CPE is invalid. We will be open to hearing the appeal hearing for possible fees.

Thanks,

Don Lewis

Environmental Planner

San Francisco Planning Department

1650 Mission Street, Suite 400

San Francisco, CA 94103

Direct: 575-9095

www.sfplanning.org

From: Rich Hillis
Sent: Monday, April 29, 2013 11:29 PM
To: Lewis, Don (CPC)
Cc: Jones, Sarah (CPC)

Subject: Re: Sunshine Ordinance request 450 Potrero Ave

Mr. Lewis:

I believe we recently received additional documents in the file which are relevant to the appeal hearing for possible fees.

Right now I'm looking for lots of things.

Everything between the Planning Dept. & SIA Consulting (planning.org), including Project Sponsor Ava Shahamiran, Town Consulting (townconsulting.com), including Consultant Tony Hsu, Hisham Cabinet Consulting, including Consultant Asha Sirsi (ashasirsi@gmail.com), Mission Housing, including Mariposa Development, inter-office documentation/correspondence, & outside agency documentation/correspondence RE the proposed development at 450 Potrero Ave.

- If anything was published in the newspaper, I would like to review the examples of the articles/adverts.
- If there were site visits, I would like to the know the dates or was said trip logs.
- If there were meetings/phone calls, I would like to review the minutes.
- If there's electronic data, I would like to see the digital photos, powerpoint presentations, word processing documents, spreadsheet files, PDF's, et al.

Everything

Who's there may not be environmental documents in Ben Fu's files, there must definitely are design documents in yours.

One item specifically known to be missing from your files one which I brought to your attention in October 2012, is the following inaccuracy of the PSHD

cc: Sara Vellenweber, Project Sponsor Surveyor David Campos, District 9; Ben Fu, Current Planning
Division, Exemption/Exclusion Fil; Vera Byrd, M.D.F.

It is of concern that you have since revised the PSHD (April 2013) & this error still has not been corrected. This project is in District 10 (Supervisor Malia Cohen).

> I am left to ask why is this not part of the record?

You have previously stated "Our hearings and meetings are not open"

In my opinion the following documents in your case file are invalid:

- Transportation Study Determination Request [6-11-2012]
  Inline image 1
- Community Plan Exemption Eligibility Determination Long Range Planning [6-18-2012]
  Inline image 4
- Air Quality Screening Analysis [2-1-2012]

Inline Image 3

- NEA Preliminary Archeological Review [9-11-2011]

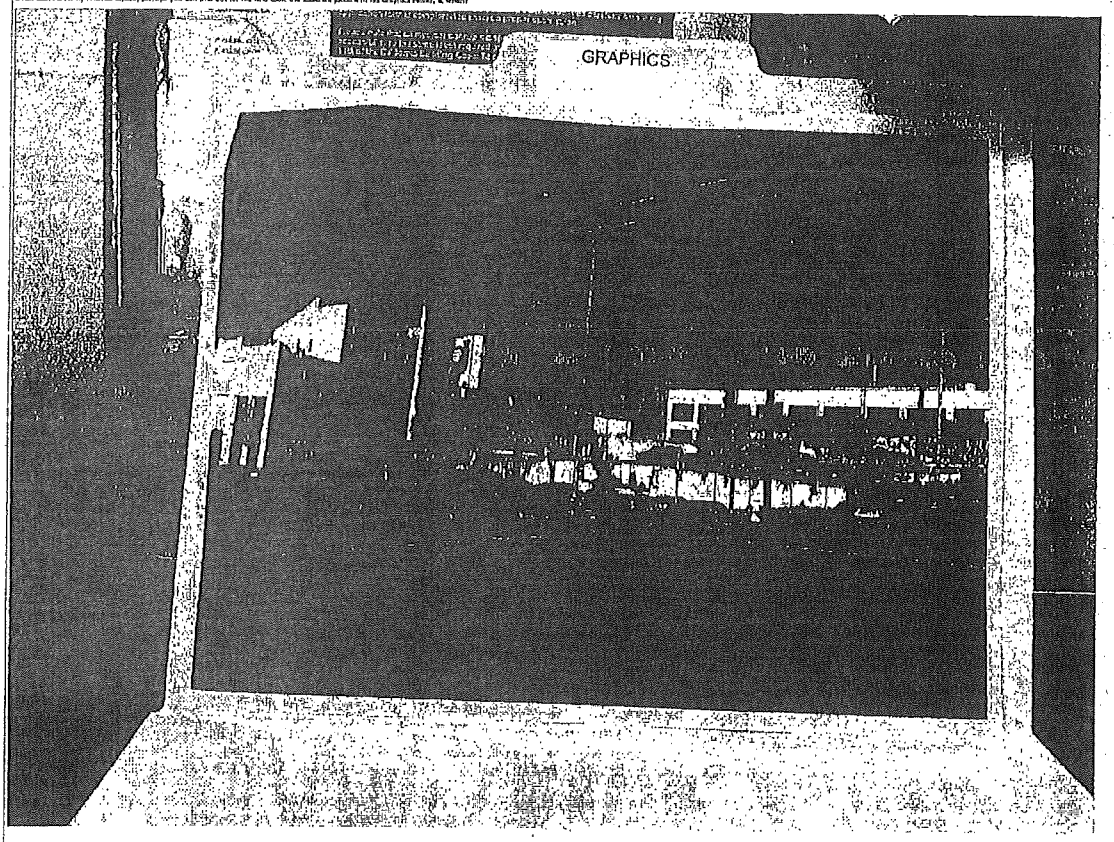
Inline Image 5

- Notice of Rev'l. & Intent to Adopt a Mitigated Neg Dec [9-21-2012]
- Revised Report [9-24-2013]
  - 17 times "vacant lot" is listed

Large Project Application [10-4-2011]

- Twice is the size described as vacant when it is a Parking lot
- + the table below

Since Ben Pu rarely returns emails, perhaps you can find out for me who took the attached picture in his Graphics Folder, & when?



--Nikkegel

On Mon, Apr 29, 2013 at 10:07 AM, Lewis, Ben (CPC) <ben.lewis@sfgov.org> wrote:

"Mr. Lewis promptly responded on April 1 & I was able to go in the next day to begin reviewing his case file. There were no forms of electronic data provided. There was only minimal correspondence on record. Other documentation was either incomplete, missing, or possibly in Ben Pu's Kiss."

"I know for a fact that there is more in the custody of the Planning Dept. RE: the proposed project at 490 Potrero Ave. that was not available at the front desk for both Ben Lewis & Ben Pu's case files"

[illegible]

Sincerely,

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

Subject: Re: Sunshine Ordinance request 490 Potrero Ave

For your records is the attached PDF complaint requesting assistance from the SOTF to obtain all documents, including digital files, held within custody of the SF Planning Dept. for the proposed project at 460 Potrero Ave.

On Thu, Apr 25, 2013 at 2:10 PM, Hoang, Lisa <lisa.hoang@sfgov.org> wrote:
Besides all the materials in the case file here and DBI, the only thing I found in the historical file are attached

Thanks!
Lisa

Have a Good Day Today and a Better Day Tomorrow.

From: Rick Hall [mailto:rickhall@gmail.com]
Sent: Thursday, April 25, 2013 12:24 PM
To: Hoang, Lisa
Cc: Rick Hall; Kelly, Mary Boyd; Ko, Ian
Subject: Re: Sunshine Ordinance request 460 Potrero Ave

I couldn't have been any clearer in my request.

I asked specifically for "all documents, in addition to any emails &/or other electronic forms of data which they have for this project".

I know for a fact that there is more in the records of the Planning Dept. for the proposed project at 460 Potrero Ave. than what was available at the front desk for both Dan Lewis & the file you filed.

I have cc'ed upon documents & requested to you that they were incomplete.

Thus, I made my formal request with you for "access under the Sunshine Ordinance to examining held in custody by the SF Planning Dept, including emails, electronic files, phone records, meeting minutes, etc. related to the proposed development at 460 Potrero Ave".

This matter is starting to heading with the Planning Commissioners and the disclosure of the records at the Planning Dept. are making it more than difficult for me to access public information.

On Thu, Apr 25, 2013 at 12:38 PM, Hoang, Lisa <lisa.hoang@sfgov.org> wrote:
Hello

On April 11, Ian said you an email to let you know that the case file is available for you to review at the 4th floor reception desk. And our record shows that you had already come and review the case file.

May I assist you on what other files you would like to review?

Thanks!
Lisa Hoang
Planning Department
Operations & IT Administrator
1650 Mission Street #400
San Francisco CA 94103
415.558.6344 |
lisa.hoang@sfgov.org
Have a Good Day Today and a Better Day Tomorrow.

From: Rick Hall [mailto:rickhall@gmail.com]
Sent: Thursday, April 25, 2013 11:18 AM
To: Hoang, Lisa
Cc: Kel-Jack, Mary Boyd
Subject: Re: Sunshine Ordinance request 460 Potrero Ave

Dear Ms. Hoang:

Third request. Now you too have not replied for 10 days.

It appears the Planning Dept. is out of compliance with the Sunshine Ordinance http://ethics.sfgov.org/pdf/Sunshine_Ordinance_Amended_2012.pdf

How much longer is reasonable for me to wait before filing a formal complaint with the SOTF?

Rick Hall
460 Potrero Ave
San Francisco, CA 94110

(415) 519-2525

On Mon, Apr 15, 2013 at 3:02 PM, Rick <rickhall@gmail.com> wrote:
Dear Ms. Hoang:

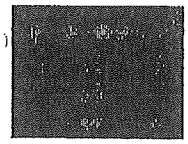
On March 11, 2013 I requested a copy of the complete file for the proposed development at 460 Potrero Ave from both Environmental Planner Dan Lewis & City Planner Ian Fu.

I asked specifically for all documents, in addition to any emails &/or other electronic forms of data which they have for this project,

Whereas Mr. Lewis promptly responded on April 1, I was able to go to the next day to begin reviewing his case file.

Mr. Fu however had not acknowledged my request as of April 10, so I made a record. See emails below. He let me know the folder was avail. at the front desk. I again asked if the folder was complete, & again he never responded.

Earlier today I went in to the Planning Dept. to review said files & am perturbed to have found that the Correspondence folder for 460 Potrero is empty. Picture attached.



I've been told by the Hearing that you're very good with documentation... & so in preparation of the hearing scheduled for May 15, 2013, I humbly request access under the Sunshine Ordinance to examining held in custody by the SF Planning Dept, including emails, electronic files, phone records, meeting minutes, etc. related to the proposed development at 460 Potrero Ave.

Regards,

Rick Hall
460 Potrero Ave
San Francisco, CA 94110

(415) 519-2525

---------- Forwarded message ----------
From: Rick <rickhall@gmail.com>
Date: Mon, Apr 15, 2013 at 11:17 AM
Subject: Re: Request for all files regarding 460 Potrero Ave
To: "Fu, Ian" <ian.fu@sfgov.org>
Cc: "Hoang, Lisa" <lisa.hoang@sfgov.org>

Mr. Fu

Thanks for getting back to me. I was told to make my request with both you & Dan Lewis for all files, in addition to any emails &/or other electronic forms of data which you both have for the proposed project at 460 Potrero.

I came in two weeks ago to review the files which Mr. Lewis had made available, & would like to come in today from around 12:30-3 to begin assessment of yours.

For your suggestion, if I need further assistance going forward regarding this documentation request I'll make it with Mr. Hwang under the Sunshine Ord.

Regards,

--Mica Ringel

On Thu, Apr 11, 2013 at 8:59 AM, Fu, Ben <ben.fu@sfgov.org> wrote:

Mica,

If you are making a request under the sunshine ordinance, please contact Lisa Hwang. Otherwise, if you wish to review the same file, it is available at the 4th floor reception.

Regards,

Ben A. Fu, City Planner
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103
T: 415.558.6313
F: 415.558.6409
ben.fu@sfgov.org

Prince Mica [mica@mica.ringel.com]
Sunday Wednesday, April 10, 2013 2:54 PM
Fu, Ben
Subjects Fee Request for all files requesting 480 Potrero Ave

Thanks for letting me know.

For my request a week ago Monday, is it complete with all documents, in addition to any emails &/or other electronic forms of data which you have for this project?

Regards, --Mica Ringel

On Wed, Apr 10, 2013 at 2:46 PM, Fu, Ben <ben.fu@sfgov.org> wrote:

Mica,

The case file is available for public review. You are welcome to make any copies of the complete file.

Regards,

Ben A. Fu, City Planner
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103
T: 415.558.6313
F: 415.558.6409
ben.fu@sfgov.org

---------- Forwarded message ----------
From: Mica <mica@mica.ringel.com>
Date: Wed, Apr 10, 2013 at 2:31 PM
Subject: Fee Request for all files requesting 480 Potrero Ave
To: ben.fu@sfgov.org

Second request.

Prince Mica [mica@mica.ringel.com]
Sunday Monday, March 31, 2013 12:32 PM
Fu, Ben
Do Hwang, Lisa Wyda, Jill

Subject: Request for all files requesting 480 Potrero Ave

Dear Mr. Fu:

In preparation of the hearing scheduled for May 16, 2013 I am requesting a copy of the complete file for the proposed development at 480 Potrero Ave.

Please include all documents, in addition to any emails &/or other electronic forms of data which you have for this project.

Please let me know when you expect this packet of information available for pickup.

I am also requesting the same from Don Lewis.

Regards,

Mica Ringel
485 Potrero Ave
San Francisco, CA 94110

(415) 558-2923

[illegible]

The reason would be because there are misrepresentations which I have alerted you to

That question was for Ben Fu.

Mr. Fu!

Don Lewis says he has not reviewed the Large Project Application.

Have you?

--Nick Bingel

On Mon, Apr 29, 2013 at 2:37 PM, Lewis, Don (CPC) <don.lewis@sfgov.org> wrote:

Nick,

Why would I review the Large Project Application? My review is based on the Environmental Review Application.

Don Lewis

Environmental Planner

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

From: Nick Bingel [mailto:nick@[illegible].com]
Sent: Monday, April 29, 2013 2:33 PM
To: Lewis, Don (CPC)
Cc: Ben Fu
Subject: Re: Possible Ordinance request 450 Potrero Ave

Mr. Fu!

Don Lewis says he has not reviewed the Large Project Application.

Have you?

--Nick Bingel

On Mon, Apr 29, 2013 at 2:15 PM, Lewis, Don (CPC) <don.lewis@sfgov.org> wrote:

I don't remember why we did the CU/DR as it was a standard building envelope which would have been our review process with the PEIR and EIR in mind. This can be deleted at the Planning Commission.

I have not reviewed the Large Project Application.

Thanks,

Don Lewis

Environmental Review

San Francisco Planning Department

1650 Mission Street, Suite 400

San Francisco, CA 94103

[illegible]

[illegible]

From: Nick Bingel [mailto:nick@[illegible].com]
Sent: Monday, April 29, 2013 2:28 PM

To: Lewis, Don (CPC)
Cc: Ben Fu
Subject: RE: Possible Ordinance request 450 Potrero Ave

Your environmental review case files are for the Large Project Application.

Is anyone addressing my concerns that the Project Site has been misrepresented starting with the Large Project Application?

The property's current use is described as vacant with 0 parking when it is clearly a parking lot, & it has been for some time.

On Mon, Apr 29, 2013 at 2:18 PM, Lewis, Don (CPC) <don.lewis@sfgov.org> wrote:

Nick,

As we were published in the newspaper before even the publication of the PEIR/EIR and then for the appeal of the PEIR.

I visited the site more than 50 times and I kept a log of the day's events.

We don't keep minutes of meetings or phone calls.

The electronic data you listed by the project sponsor is in hard copy in the project file. The emails of photos that were sent to me by the project sponsor and were submitted as part of their application.

The project site is a vacant lot – there is not a building or developed use on the lot. I will recall from the record at the appeal hearing that the environmental understood that it was only being used as a parking lot, with no basis in considering the PEIR/EIR scale for this.

I will send the PEIR/EIR to Supervisor Cohen today.

I don't concur with you and you have not brought forth any information to substantiate that the PEIR/EIR will have to be updated. We will have to work hard to any possible harm for small lots.

Thanks,

Don Lewis

Environmental Review

San Francisco Planning Department

1650 Mission Street, Suite 400

San Francisco, CA 94103

[illegible]

[illegible]

From: Nick Bingel [mailto:nick@[illegible].com]
Sent: Monday, April 29, 2013 12:34 PM
To: Lewis, Don (CPC)
Cc: Ben Fu

Subject: Re: Possible Ordinance request 450 Potrero Ave

Mr. Lewis!

I like what exactly are you looking for? All environmental documents were in the folder when you reviewed it. Here at my we scanned all documents in the file's project folder.

Right now I'm looking for lots of things.

Everything between the Planning Dept. & SIA Consulting ([illegible].com), including Project Sponsor Reza Khoshnevisan, Town Consulting ([illegible].com), including Consultant Tony Kim, Kitchen Cabinet Consulting, including Consultant Asha Sahai ([illegible]@[illegible].com), Mission Housing, including Horizons Gardens, inter-office documentation/correspondence, & outside agency documentation/correspondence RE: the proposed development at 450 Potrero Ave.

- If anything was published in the newspaper, I would like to review the receipts or the articles/adverts.
- If there were site visits, I would like to the know the dates or see said trip logs.
- If there were meetings/phone calls, I would like to review the minutes.
- If there's electronic data, I would like to see the digital photos, powerpoint presentations, word processing documents, spreadsheet files, PDF's, et al.

Everything.

While there may not be environmental documents in Ben Fu's files, there most definitely are design documents in yours.

One item specifically known to be missing from your files, of which I brought to your attention in October 2012, is the founding Inaccuracy of the PEIR/

cc: Tina Tam/Reviewer, Project Sponsor Rep marker David Campos, District 9; Ben Fu Current Planning
[illegible], Interpreter/Booking File, Vista Spot Print,

It is of concern that you have since revised the MMRD (April 2013) & this error still has not been corrected. This project is in District 10 (Supervisor Malia Cohen).

> I am left to ask why is this not part of the record?

You have previously stated "Our [illegible]"

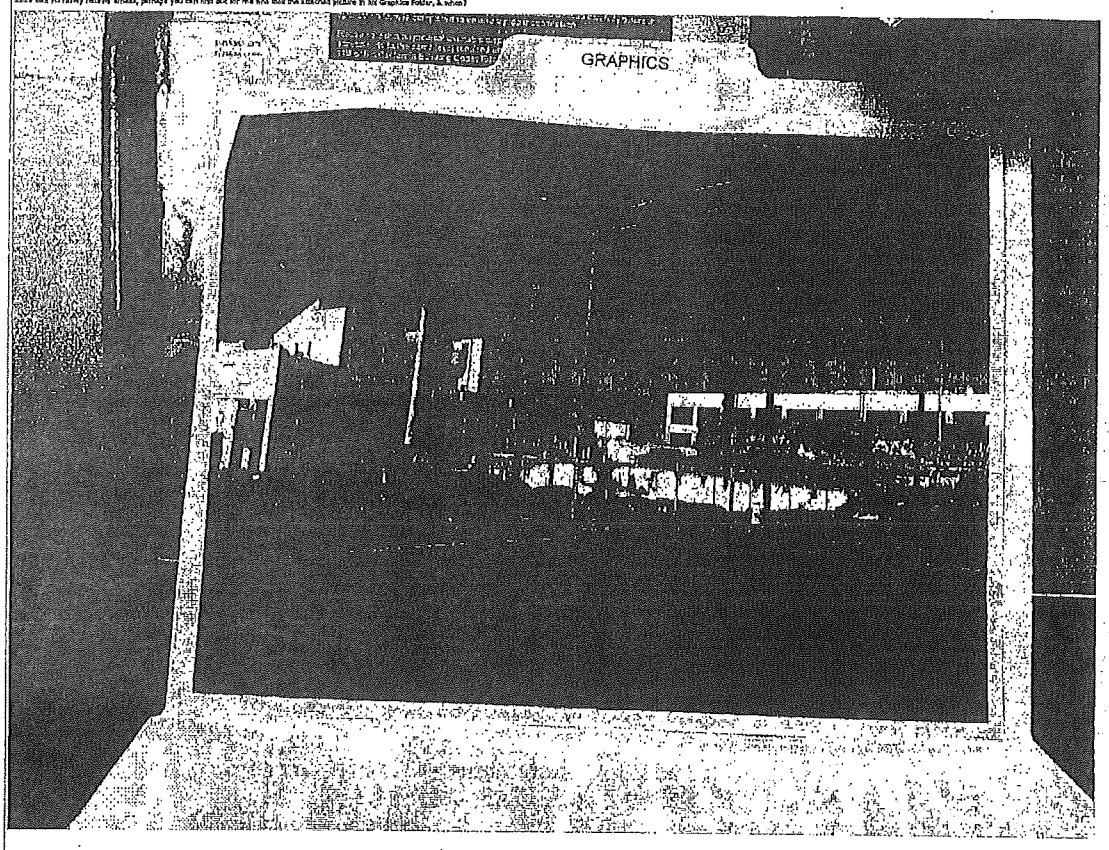
In my opinion the following documents in your case file are invalid:

- Transportation Study Determination Request (8-11-2011)
  Inline Image 1
- Community Plan Exemption Eligibility Determination Long Range Planning (8-14-2011)
  Inline Image 4
- Air Quality Screening Analysis (1-2-2013)
  Inline Image 3
- MEA Preliminary Archaeological Review (8-11-2011)
  Inline Image 5
- Notice of Avail. & Intent to Adopt a Mitigated Neg Dec (9-24-2013)
- Revised PMND (4-16-2013)
  - 37 Unnes "vacant lot" is listed

Large Project Applicants (18-4-16a1)

- Twice is the use described as vacant when it is a Parking Lot
- + the table below

Since Bea Ra rarely returns emails, perhaps you can find out for me who took the attached picture in his Graphics Folder, & when?



--Hilaigel

On Mon, Apr 29, 2013 at 10:07 AM, Lewis, Don (CPC) <don.lewis@sfgov.org> wrote:

"Mr. Lewis promptly responded on April 1 & I was able to go in the next day to begin reviewing his case file. There were no forms of electronic data provided. There was only minimal meeting minutes on record. Other documentation was either incomplete, missing, or possibly in Ben Fu's files."

"I know for a fact that there is more in the custody of the Planning Dept. RE: the proposed project at 480 Potrero Ave, than what was available at the front desk for both Don Lewis & Ben Fu's case files"

Mike what exactly are you looking for? All environmental documents were in the EIR when you reviewed it. None of my environmental documents were in the Project Folder.

Best Lewis
Environmental Forms
Sun Planning Department
1650 Mission Street Suite 400
San Francisco CA 94103
(415) 575-9018
Lewis@sfgov.org

Present Mike [mike.mangrove@sfgov.org]
Sunday, April 28, 2013 9:31 PM
Tim Hwang, Lulu Fu, Jean Lewis, Don (CPC)

Subject: Re: Sunshine Ordinance request 480 Potrero Ave

For your records is the attached PDF complaint requesting assistance from the SOTF to obtain all documents, including digital files, held within custody of the SF Planning Dept. for the proposed project at 480 Potrero Ave.

On Thu, Apr 25, 2013 at 7:40 PM, Hwang, Lulu <lulu.hwang@sfgov.org> wrote:

Besides all the materials in the case file from Ben and Don, the only thing I found in the historical files are attached.

Thanks!
Lulu

Have a Good Day Today and a Better Day Tomorrow...

Present Mike [mike.mangrove@sfgov.org]
Sunday, April 28, 2013 12:58 PM
Tim Hwang, Lulu
Cc: Jean Lewis, SOTF, Dean Nagel, Fu, Ben

Subject: Re: Sunshine Ordinance request 480 Potrero Ave

I wouldn't have been any clearer in my request.

I asked specifically for "all documents, in addition to any emails &/or other electronic forms of data which they have for this project".

I know for a fact that there is more in the custody of the Planning Dept. RE: the proposed project at 480 Potrero Ave, than what was available at the front desk for both Don Lewis & Ben Fu's case files

I reconfirmed these documents & reported to you that they were incomplete.

Thus, I made my formal request with you for "access under the Sunshine Ordinance to everything held in custody by the SF Planning Dept, including emails, electronic files, phone records, meeting minutes, etc. related to the proposed development at 480 Potrero Ave".

This matter is coming to hearing with the Planning Commissioners and the custodians of the records at the Planning Dept. are making it more than difficult for me to access public information.

On Thu, Apr 25, 2013 at 12:38 PM, Hwang, Lulu <lulu.hwang@sfgov.org> wrote:

Hello

On April 11, Ben sent you an email to let you know that the case file is available for you to review at the 4th floor reception desk. And our record shows that you had already come and review the case file.

Hey I assist you on what other files you would like to review?

Thanks!
Lulu Hwang
Planning Department
Operations & Administrator
1650 Mission Street Suite
San Francisco CA 94103
(415) 575-9018
Lulu.hwang@sfgov.org
Have a Good Day Today and a Better Day Tomorrow...

Present Mike [mike.mangrove@sfgov.org]
Sunday, April 28, 2013 12:16 AM
Tim Hwang, Lulu
Cc: Jean Lewis, SOTF, Dean Nagel
Subject: Re: Sunshine Ordinance request 480 Potrero Ave

Dear Ms. Hwang:

Third request. Now you too have not replied for 10 days.

It appears the Planning Dept. is far out of compliance with the Sunshine Ordinance http://sfgov.org/sotf/sunshine_ordinance.html

How much longer is reasonable for me to wait before filing a formal complaint with the SOTF?

Mike Nagel
485 Potrero Ave
San Francisco, CA 94110

(415) 575-9323

On Mon, Apr 15, 2013 at 3:01 PM, Mike <mangrove@sfgov.org> wrote:

Dear Ms. Hwang:

On March 31, 2013 I requested a copy of the complete file for the proposed development at 480 Potrero Ave from both Environmental Planner Don Lewis & City Planner Ben Fu.

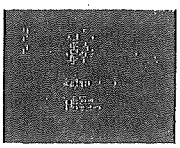
I asked specifically for all documents, in addition to any emails &/or other electronic forms of data which they have for this project.

Whereas Mr. Lewis promptly responded on April 1, I was able to go in the next day to begin reviewing his case file.

Mr. Fu however had not acknowledged my request as of April 10, so I made a second. See emails below. He let me know the folder was avail. at the front desk. I again asked if the folder was complete, & again he never responded.

Earlier today I went in to the Planning Dept. to review said files & am perturbed to have found that the Correspondence folder for 480 Potrero is empty. Picture attached.

[redacted]



I've been told by Sue Hestor that you're very good with documentation ... & so in preparation of the hearing scheduled for May 16, 2013, I humbly request access under the Sunshine Ordinance to everything held in custody by the SF Planning Dept, including emails, electronic files, phone records, meeting minutes, etc. related to the proposed development at 480 Potrero Ave.

Regards,

Mike Ringel
485 Potrero Ave
San Francisco, CA 94110

(415) 516-2523

---------- Forwarded message ----------
From: Mike <[illegible]>
Date: Mon, Apr 15, 2013 at 11:17 AM
Subject: Re: Request for all files regarding 480 Potrero Ave
To: "Fu, Ben" <[illegible]>
Cc: "Hwang, Lulu" <[illegible]>

Mr. Fu:

Thanks for getting back to me. I was told to make my request with both you & Ben Lewis for all files, in addition to any emails &/or other electronic forms of data which you both have for the proposed project at 480 Potrero

I came in two weeks ago to review the files which Mr. Lewis had made available, & would like to come in today from around 12:30-3 to begin assessment of yours.

Per your suggestion, if I need further assistance going forward regarding this documentation request I'll make it with Ms. Hwang under the Sunshine Ord.

Regards,

--Mike Ringel

On Thu, Apr 11, 2013 at 9:53 AM, Fu, Ben <[illegible]> wrote:
Mike,

If you are making a request under the sunshine ordinance, please contact Lulu Hwang. Otherwise, if you wish to review the new file, it is available at the 4th floor reception.

Regards,

Ben A. Fu, City Planner
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103
T: [illegible]
F: [illegible]
[illegible]

---------- Forwarded message ----------
From: Mike [illegible]
Date: Wednesday, April 10, 2013 2:28 PM
To: Fu, Ben
Subject: Re: Request for all files regarding 480 Potrero Ave

Thanks for letting me know.

Per my request a week ago Monday, is it complete with all documents, in addition to any emails &/or other electronic forms of data which you have for this project?

Regards, --Mike Ringel

On Wed, Apr 10, 2013 at 2:46 PM, Fu, Ben <[illegible]> wrote:
Mike,

The case file is available for public review. You are welcome to make any copies at the reception lobby.

Regards,

Ben A. Fu, City Planner
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103
T: [illegible]
F: [illegible]
[illegible]

---------- Forwarded message ----------
From: Mike <[illegible]>
Date: Wed, Apr 10, 2013 at 2:31 PM
Subject: Re: Request for all files regarding 480 Potrero Ave
To: [illegible]

Second request:

---------- Forwarded message ----------
From: Mike [illegible]
Date: Sunday, March 31, 2013 10:22 PM
To: Fu, Ben
Cc: Hwang, Lulu Hyde, [illegible]

Subject: Request for all files regarding 480 Potrero Ave

Dear Mr. Fu:

In preparation of the hearing scheduled for May 16, 2013 I am requesting a copy of the complete file for the proposed development at 480 Potrero Ave.

Please include all documents, in addition to any emails &/or other electronic forms of data which you have for this project.

Please let me know when you expect this packet of information available for pickup.

I am also requesting the same from Ben Lewis.

Regards,

Mike Ringel
485 Potrero Ave
San Francisco, CA 94110

(415) 516-2523

From: Mica
To: Hwang, Lulu
Cc: Juan Jayo; SOTF; Diane Ringel; Fu, Ben
Subject: Re: Sunshine Ordinance request 480 Potrero Ave
Date: Thursday, April 25, 2013 12:56:37 PM

I couldn't have been any clearer in my requests.

I asked specifically for "all documents, in addition to any emails &/or other electronic forms of data which they have for this project".

I know for a fact that there is more in the custody of the Planning Dept. RE: the proposed project at 480 Potrero Ave. than what was available at the front desk for both Don Lewis & Ben Fu's case files.

I inventoried those documents & reported to you that they were incomplete.

Thus, I made my formal request with you for "access under the Sunshine Ordinance to everything held in custody by the SF Planning Dept, including emails, electronic files, phone records, meeting minutes, etc. related to the proposed development at 480 Potrero Ave".

This matter is coming to hearing with the Planning Commissioners and the custodians of the records at the Planning Dept. are making it more than difficult for me to access public information.

On Thu, Apr 25, 2013 at 12:38 PM, Hwang, Lulu <lulu.hwang@sfgov.org> wrote:

> Hello
>
> On April 11, Ben sent you an email to let you know that the case file is available for you to review at the 4th floor reception desk. And our record shown that you had already come and review the case file.
>
> May I assist you on what other files you would like to review?
>
> Thanks!
> Lulu Hwang
> Planning Department
> Operations & IS Administrator
> 1650 Mission Street #400
> San Francisco CA 94103
> 415-558-6318 (V)

Lulu.Hwang@SFGOV.ORG
Have a Good Day Today and a Better Day Tomorrow...

From: Mica [mailto:supermica@gmail.com]
Sent: Thursday, April 25, 2013 11:59 AM
To: Hwang, Lulu
Cc: Juan Jayo; SOTF; Diane Ringel
Subject: Re: Sunshine Ordinance request 480 Potrero Ave

Dear Ms. Hwang:

Third request. Now you too have not replied for 10 days.

It appears the Planning Dept. is far out of compliance with the Sunshine Ordinance http://sfbos.org/index.aspx?page=4460

How much longer is reasonable for me to wait before filing a formal complaint with the SOTF?

Mica Ringel

485 Potrero Ave

San Francisco, CA 94110

(415) 519-7523

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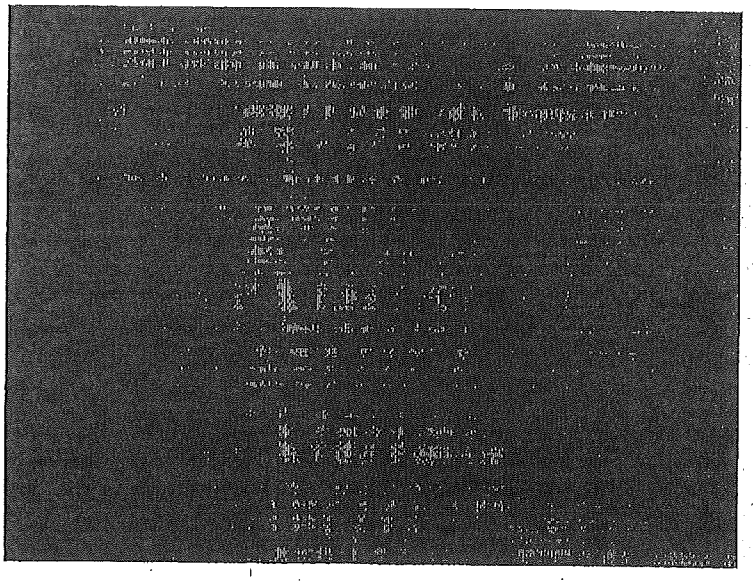
Earlier today I went in to the Planning Dept. to review said files & am perturbed to have found that the Correspondence folder for 480 Potrero is empty. Picture attached.



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Regards,

Mica Ringel

485 Potrero Ave

San Francisco, CA 94110

(415) 519-7523

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To: "Fu, Ben" <ben.fu@sfgov.org>
Cc: "Hwang, Lulu" <lulu.hwang@sfgov.org>

Mr. Fu:

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Regards,

--Mica Ringel

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Regards,

Ben A. Fu, City Planner

San Francisco Planning Department

1650 Mission Street, Suite 400

San Francisco, CA 94103

T: 415.558.6613

F: 415.558.6409

ben.fu@sfgov.org

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Sent: Wednesday, April 10, 2013 2:58 PM
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Ben A. Fu, City Planner

San Francisco Planning Department

1650 Mission Street, Suite 400

San Francisco, CA 94103

T: 415.558.6613

F: 415.558.6409

ben.fu@sfgov.org

---------- Forwarded message ----------
From: **Mica** <supermica@gmail.com>
Date: Wed, Apr 10, 2013 at 2:31 PM
Subject: Re: Request for all files regarding 480 Potrero Ave
To: ben.fu@sfgov.org

Second request.

From: Mica [mailto:supermica@gmail.com]
Sent: Sunday, March 31, 2013 10:22 PM
To: Fu, Ben
Cc: Hwang, Lulu; Wycko, Bill

Subject: Request for all files regarding 480 Potrero Ave

Dear Mr. Fu:

In preparation of the hearing scheduled for May 16, 2013 I am requesting a copy of the complete file for the proposed development at 480 Potrero Ave.

Please include all documents, in addition to any emails &/or other electronic forms of data which you have for this project.

Please let me know when you expect this packet of information available for pickup.

I am also requesting the same from Don Lewis.

Regards,

Mica Ringel

485 Potrero Ave

San Francisco, CA 94110

(415) 519-7523

From:	Mica
To:	Fu, Ben
Cc:	Hwang, Lulu; Wycko, Bill
Subject:	Request for all files regarding 480 Potrero Ave
Date:	Sunday, March 31, 2013 10:22:43 PM

Dear Mr. Fu:

In preparation of the hearing scheduled for May 16, 2013 I am requesting a copy of the complete file for the proposed development at 480 Potrero Ave.

Please include all documents, in addition to any emails &/or other electronic forms of data which you have for this project.

Please let me know when you expect this packet of information available for pickup.

I am also requesting the same from Don Lewis.

Regards,

Mica Ringel
485 Potrero Ave
San Francisco, CA 94110

(415) 519-7523

SUNSHINE ORDINANCE TASK FORCE
Compliance and Amendments Committee
CITY AND COUNTY OF SAN FRANCISCO
MINUTES

Hearing Room 408
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

November 19, 2013 – 4:00 P.M.

Regular Meeting

Members: Allyson Washburn (Chair),
Richard Knee, Kitt Grant

1. **Call to order, roll call, and agenda changes.**

   The meeting was called to order at 4:03 p.m. There was a quorum.

2. **Adoption of September 17, 2013, Meeting Minutes.**

   Member Knee, seconded by Member Grant, moved to ADOPT the September 17, 2013 minutes as corrected.

   Speakers: None.

   The motion PASSED by the following vote:

   Ayes: 3 – Knee, Grant, Washburn

3. **File No. 13024:** Hearing on the status of the Order of Determination of Mica Ringel against the Planning Department for allegedly failing to provide requested records associated with the proposed development of 480 Potrero Avenue.

   Mica Ringel (Complainant) stated that the Planning Department has not provided all of the requested records associated with the proposed development at 480 Potrero Avenue, thus failing to comply with the Order of Determination. The Complainant stated the Planning Department had provided additional documents but that he still considered the documents incomplete. There were no speakers in support of the Complainant. Don Lewis, Nannie Turrell, Lulu Hwang, and Ben Fu, Planning Department (Respondent) stated that all available records have been provided to the Complainant. Non-substantive documents that were not placed into the administrative record and are not available. The Planning Department is working with the Department of Technology department to retrieve deleted emails. There were no speakers in support of the Respondent. A question and answer

period followed. The Respondent provided a rebuttal. The Complainant provided a rebuttal.

Speakers: David Pilpel, SOTF Member, summarized the issue and provided information regarding administrative records and the definition of records.

Member Knee, seconded by Chair Washburn, moved to refer the matter back to the Task Force with a recommendation for consideration of referral to Ethics Commission.

Speakers: David Pilpel, SOTF Member, suggested that additional direction and clarification to the Complainant and Respondent to assist the parties in resolving the issue.

The motion PASSED by the following vote:
Ayes: 3 – Knee, Grant, Washburn

4. **Public Comment**

Speakers: Louise Fischer, SOTF Member, thanked the Compliance and Amendments Committee for its hard work; David Pilpel, SOTF Member, noted the passing of Anita Sanchez, former Civil Service Commission Executive Officer.

5. **Administrator's Report.**

SOTF Administrator Victor Young presented the Administrator's Report.

Speakers: None.

6. **Announcements, Comments, Questions, and Future Agenda Items.**

There were no items.

7. **ADJOURNMENT**

Member Knee, seconded by Member Grant, moved to ADJOURN.

Speakers: None.

The motion PASSED without objection.

There being no further business, the Compliance and Amendments Committee adjourned at 5:21 p.m.

APPROVED: December 17, 2013

Victor Young

Victor Young, Administrator
Sunshine Ordinance Task Force

SUNSHINE ORDINANCE TASK FORCE
CITY AND COUNTY OF SAN FRANCISCO
AGENDA

Hearing Room 408
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

December 4, 2013 – 4:00 PM

Regular Meeting

1. **CALL TO ORDER, ROLL CALL, AND AGENDA CHANGES**

Seat 1	*(Vacant)*	Seat 8	Todd David
Seat 2	Richard Knee *(Hold Over)*	Seat 9	Chris Hyland
Seat 3	Kitt Grant – **Chair**	Seat 10	Louise Fischer – **Vice Chair**
Seat 4	*(Vacant)*	Seat 11	Bruce Oka *(Hold Over)*
Seat 5	Allyson Washburn *(Hold Over)*		
Seat 6	David Pilpel	Ex-officio	Angela Calvillo
Seat 7	David Sims	Ex-officio	*(Vacant)*

2. **Proposed Sunshine Ordinance Task Force Records Retention Schedule:** The Task Force shall prepare, maintain and adopt a records retention and destruction policy as provided in §8.3 of the San Francisco Administrative Code. *(approximately 30 minutes) (Discussion and Possible action)*

3. **File No. 12059:** The Compliance and Amendments Committee has referred File No. 12059, Supreet Pabla, SEIU Local 1021 against Human Services Agency for allegedly failing to provide records requested relevant to the representation of the bargaining unit's employees. *(approximately 30 minutes) (Discussion and Possible action) (attachment)*

4. **File No. 13024:** The Compliance and Amendments Committee has referred File No. 13024, Mica Ringel against the Planning Department for allegedly failing to provide requested records associated with the proposed development of 480 Potrero Avenue. (Discussion and Action) *(attachment) (approximately 30 minutes)*

5. **Public Comment:** Members of the public may address the Sunshine Ordinance Task Force (SOTF) on matters that are within SOTF's jurisdiction, but not on today's agenda. *(No Action)* ***Public comment shall be taken at 5:00 pm or as soon thereafter as possible.***

6. **File No. 13030:** Complaint filed by Charles Pitts, against the Community Housing Partnership for allegedly failing to comply with an Immediate Disclosure Request for tenant's budget of 650 Eddy St. *(attachment)*

(a) Determination of jurisdiction on complaint filed by Charles Pitts, against the Community Housing Partnership for allegedly failing to comply with an Immediate Disclosure Request for tenant's budget of 650 Eddy St. *(approximately 5 minutes) (Discussion and Action)*

(b) Hearing on complaint filed by Charles Pitts, against the Community Housing Partnership for allegedly failing to comply with an Immediate Disclosure Request for tenant's budget of 650 Eddy St. *(approximately 45 minutes) (Discussion and Action)*

7. **File No. 13031:** Complaint filed by Amber Straus, against Thelma Schott-Skillman, Interim Chancellor, City College of San Francisco for allegedly failure to comply with a public records request. *(attachment)*

(a) Determination of jurisdiction on complaint filed by Amber Straus, against Thelma Schott-Skillman, Interim Chancellor, City College of San Francisco for allegedly failure to comply with a public records request. *(approximately 5 minutes) (Discussion and Action)*

(b) Hearing on complaint filed by Amber Straus, against Thelma Schott-Skillman, Interim Chancellor, City College of San Francisco for allegedly failure to comply with a public records request. *(approximately 45 minutes) (Discussion and Action)*

8. **File No. 13033:** Complaint filed by Barry Taranto, against the Municipal Transportation Agency for allegedly violating Sunshine Ordinance §67.15(a) Public Testimony thereby censoring and abridging public testimony. *(attachment)*

(a) Determination of jurisdiction on complaint filed by Barry Taranto, against the Municipal Transportation Agency for allegedly violating Sunshine Ordinance §67.15(a) Public Testimony thereby censoring and abridging public testimony. *(approximately 5 minutes) (Discussion and Action)*

(b) Hearing on complaint filed by Barry Taranto, against the Municipal Transportation Agency for allegedly violating Sunshine Ordinance §67.15(a) Public Testimony thereby censoring and abridging public testimony. *(approximately 45 minutes) (Discussion and Action)*

9. **File No. 13035:** Complaint filed by James Chaffee v the Board of Supervisors, Budget and Finance Committee for allegedly violating Government Code §54954.3(a) and Sunshine Ordinance §67.15(a) Public Testimony by failing to provide an opportunity for public comment before taking action. *(attachment)*

(a) Determination of jurisdiction on complaint filed by James Chaffee v the Board of Supervisors, Budget and Finance Committee for allegedly violating Government Code §54954.3(a) and Sunshine Ordinance §67.15(a) Public Testimony by failing to provide an opportunity for public comment before taking action. *(approximately 5 minutes) (Discussion and Action)*

(b) Hearing on complaint filed by James Chaffee v the Board of Supervisors, Budget and Finance Committee for allegedly violating Government Code §54954.3(a) and Sunshine Ordinance §67.15(a) Public Testimony by failing to provide an opportunity for public comment before taking action. *(approximately 45 minutes) (Discussion and Action)*

10. **Approval of Minutes from the March 6, 2013 Regular Meeting.** *(approximately 5 minutes) (Action) (attachment)*

11. **Approval of Minutes from the April 3, 2013 Regular Meeting.** *(approximately 5 minutes) (Action) (attachment)*

12. **Approval of Minutes from the May 1, 2013 Regular Meeting.** *(approximately 5 minutes) (Action) (attachment)*

13. **Approval of Minutes from the June 5, 2013 Regular Meeting.** *(approximately 5 minutes) (Action) (attachment)*

14. **Approval of Minutes from the July 9, 2013 Special Meeting.** *(approximately 5 minutes) (Action) (attachment)*

15. **Approval of Minutes from the August 7, 2013 Regular Meeting.** *(approximately 5 minutes) (Action) (attachment)*

16. **Approval of Minutes from the September 4, 2013 Regular Meeting.** *(approximately 5 minutes) (Action) (attachment)*

17. **Approval of Minutes from the October 2, 2013 Regular Meeting.** *(approximately 5 minutes) (Action) (attachment)*

18. **Approval of Minutes from the November 6, 2013 Regular Meeting.** *(approximately 5 minutes) (Action) (attachment)*

19. **Administrator's Report.** *(approximately 5 minutes) (Discussion)*

20. **Announcements, Comments, Questions, and Future Agenda Items.** (*approximately 10 minutes) (Discussion and Action)*

21. **ADJOURNMENT**

Agenda Item Information

Each item on the agenda may include: 1) Department or Agency cover letter and/or report; 2) Public correspondence; 3) Other explanatory documents. For more information concerning agendas, minutes, and meeting information, such as these documents, please contact the SOTF Clerk, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.

Audio recordings of the meeting of the Sunshine Ordinance Task Force are available at: http://www.sfbos.org/index.aspx?page=9811

For information concerning Sunshine Ordinance Task Force please contact by e-mail sotf@sfgov.org or by calling (415) 554-7724.

Public Comment

Public Comment will be taken before or during the Committee's consideration of each agenda item. Speakers may address the Task Force for up to three minutes on that item. During General Public Comment, members of the public may address the Task Force on matters that are within the Task Force's jurisdiction and are not on the agenda. Any person speaking during a public comment period may supply a brief written summary of their comments, which shall, if no more than 150 words, be included in the official file.

Each member of the public will be allotted the same maximum number of minutes to speak as set by the Chair at the beginning of each item, excluding persons requested by the Task Force to make presentations.

Each member of the public who is unable to attend the public meeting or hearing may submit to the City, by the time the hearing begins, written comments regarding the subject of the meeting or hearing;. These comments will be made a part of the official public record.

Hearing Procedures

1.	Complainant presents his/her facts and evidence	5 minutes
	Other parties of Complainant present facts and evidence	Up to 3 minutes each
2.	City responds	5 minutes
	Other parties of City respond	Up to 3 minutes each
	Above total speaking times for Complainant and City to be the same.	
3.	Matter is with the Task Force for discussion and questions.	
4.	Respondent and Complainant presents clarification/rebuttal	3 minutes
5.	Matter is with the Task Force for motion and deliberation.	
6.	Public comment (Excluding Complainant & City response, witnesses)	Up to 3 minutes each
7.	Vote by Task Force (Public comment at discretion of chair on new motion and/or on new motion if vote fails.)	

Note: Time must be adhered to. If a speaker is interrupted by questions, the interruption does not count against his/her time.

Disability Access

The hearing rooms in City Hall are wheelchair accessible. Assistive listening devices for the hearing rooms are available upon request with the SOTF Clerk. The nearest accessible BART station is Civic Center (Market/Grove/Hyde Streets). Accessible MUNI Metro lines are the F, J, K, L, M, N, T (exit at Civic Center or Van Ness Stations). MUNI bus lines also serving the area are the 5, 6, 9, 19, 21, 47, 49, 71, and 71L. For more information about MUNI accessible services, call (415) 701-4485. There is accessible parking in the vicinity of City Hall at Civic Center Plaza and adjacent to Davies Hall and the War Memorial Complex. Accessible curbside parking is available on Dr. Carlton B. Goodlett Place and Grove Street.

The following services are available on request 48 hours prior to the meeting; except for Monday meetings, for which the deadline shall be 4:00 p.m. of the last business day of the preceding week: For American sign language interpreters or the use of a reader during a meeting, a sound enhancement system, and/or alternative formats of the agenda and minutes, please contact the SOTF Clerk at (415) 554-7724 to make arrangements for the accommodation. Late requests will be honored, if possible.

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City accommodate these individuals.

Know Your Rights Under the Sunshine Ordinance

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact: Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102; phone (415) 554-7724; fax (415) 554-7854; or email sotf@sfgov.org.

Citizens may obtain a free copy of the Sunshine Ordinance by printing Chapter 67 of the San Francisco Administrative Code on the Internet, at http://www.sfbos.org/sunshine.

Cell Phones, Pagers and Similar Sound-Producing Electronic Devices

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices (Chapter 67A of the San Francisco Administrative Code).

Lobbyist Registration and Reporting Requirements

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code §2.100, et. seq] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at: 25 Van Ness Avenue, Suite 220, San Francisco, CA 94102; telephone (415) 581-3100; fax (415) 252-3112; web site www.sfgov.org/ethics

File No. 13024

SOTF Item No. 4
CAC Item No. _____

SUNSHINE ORDINANCE TASK FORCE
AGENDA PACKET CONTENTS LIST

Sunshine Ordinance Task Force (SOTF) **Date:** December 4, 2013

Compliance and Amendments Committee (CAC) **Date:** _____

CAC/SOTF

☐	☒	**Memorandum**
☐	☒	**Order of Determination**
☐	☒	**Complaint and Supporting documents**
☐	☒	**Respondent's Response**
☐	☐	**Minutes**
☐	☐	
☐	☐	
☐	☐	
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OTHER

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Completed by: V. Young **Date** 11/26/13
Completed by: _____ **Date** _____

*An asterisked item represents the cover sheet to a document that exceeds 75 pages. The complete document is in the file.

CITY AND COUNTY OF SAN FRANCISCO

SUNSHINE ORDINANCE TASK FORCE

ORDER OF DETERMINATION
October 23, 2013

DATE THE DECISION ISSUED
October 2, 2013

CASE TITLE – MICA RINGEL V. PLANNING DEPARTMENT (13024)

FACTS OF THE CASE

Mica Ringel ("Complainant") complains that the Planning Department via individuals Ben Fu, Don Lewis, and Lulu Hwang ("Respondents") violated the Sunshine Ordinance by failing to provide the appropriate access to various public records.

COMPLAINT FILED

On April 26, 2013, "Complainant" filed a Complaint against "Respondents", seeking assistance from the Task Force regarding his public records request to the Planning Department on March 31, 2013. "Respondents" had provided some records to "Complainant", but "Complainant" noted the lack of certain correspondence or electronic data. The Planning Department, upon notification of the Complaint, engaged in further email correspondence with "Complainant". This correspondence culminated in a notification to the Task Force from "Complainant" on May 14, 2013, that the matter was not resolved, and included a summary of records "Complainant" continues to seek from Respondent.

HEARING ON THE COMPLAINT

On October 2, 2013, "Complainant", appeared before the Task Force claiming the Planning Department did not release the complete case file of a proposed development at 480 Potrero Avenue. Lulu Hwang, Operations and IS Administrator, Planning Department ("Respondent") presented the Planning Department's defense presenting the complete case file to the Task Force for the "Complainant" on a compact disk.

The issue in the case is whether the Planning Department violated Sections, 67.21, 67.24, 67.25, 67.26, and 67.27 of the Ordinance.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Based on the testimony and evidence presented the Task Force finds the testimony of "Complainant" to be persuasive and finds Sections 67.21(a) and 67.29-7 to be applicable in this case. The Task Force does not find the testimony provided by the Planning Department persuasive to this case.

DECISION AND ORDER OF DETERMINATION

The Task Force finds that the Planning Department violated Sections 67.21(a) and 67.29-7 of the Sunshine Ordinance for failing to make the case file accessible and not maintaining its records associated with the case file. The Planning Department shall release the records requested, if not provided on the compact disk released to "Complainant" the day of October 2, 2013, within 5 business days of the issuance of this Order and appear before the Compliance and Amendments Committee on November 19, 2013.

This Order of Determination was adopted by the Sunshine Ordinance Task Force on October 2, 2013 by the following vote: (Knee/Washburn)

Ayes: Knee, Washburn, David, Hyland, Oka, Fischer
Absent: Pilpel, Sims, Grant

Kitt Grant

Kitt Grant, Chair
Sunshine Ordinance Task Force

c: Celia Lee, Deputy City Attorney
Jerry Threet, Deputy City Attorney
Mica Ringel, Complainant
Lulu Hwang, Operations and IS Administrator, Planning Department, Respondent
Fu, Don Lewis, City Planner, Planning Department
John Rahaim, Planning Director, Planning Department
AnMarie Rodgers, Manager Legislative Affairs, Planning Department

CITY AND COUNTY OF SAN FRANCISCO

DENNIS J. HERRERA
City Attorney

OFFICE OF THE CITY ATTORNEY

CELIA W. LEE
Deputy City Attorney

DIRECT DIAL: (415) 554-3858
E-MAIL: celia.lee@sfgov.org

MEMORANDUM
PRIVILEGED & CONFIDENTIAL

TO: Sunshine Ordinance Task Force

FROM: Celia W. Lee
Deputy City Attorney

DATE: September 26, 2013

RE: Complaint No. 13024 – Ringel v. Planning Department

COMPLAINT

Mica Ringel ("Complainant") complains that the Planning Department ("Respondent," via individuals Ben Fu, Don Lewis, and Lulu Hwang) violated the Sunshine Ordinance by failing to provide the appropriate access to various public records.

COMPLAINANT FILES COMPLAINT:

On April 26, 2013, Complainant filed a Complaint against Respondent, seeking assistance from the Task Force regarding his public records request to the Planning Department on March 31, 2013. Respondent had provided some records to Complainant, but Complainant noted the lack of certain correspondence or electronic data.

The Planning Department, upon notification of the Complaint, engaged in further email correspondence with Complainant. This correspondence culminated in a notification to the Task Force from Complainant on May 14, 2013 that the matter was not resolved, and that included a summary of records Complainant continues to seek from Respondent.

JURISDICTION

Respondent Planning Department is a department under the Ordinance. The Task Force therefore generally has jurisdiction to hear a complaint of a violation of the Ordinance against Respondent. Respondent has not contested jurisdiction.

APPLICABLE STATUTORY SECTION(S)

Section 67 of the San Francisco Administrative Code (Sunshine Ordinance):

- Section 67.20 governs definitions regarding public information and public records.
- Section 67.21 governs the process for gaining access to public records
- Section 67.21.1 pertains to City policy regarding use and purchase of computer systems, particularly where applicable to public records management and disclosure.
- Section 67.24 governs public information that must be disclosed.
- Section 67.25 governs the immediacy of response and timing of production.
- Section 67.26 governs withholding of records.
- Section 67.27 governs justification of withholding of records.

Memorandum
Privileged & Confidential

TO: Sunshine Ordinance Task Force
DATE: September 27, 2013
PAGE: 2
RE: Complaint No. 13024 – Ringel v. Planning Department

APPLICABLE CASE LAW:

None.

BACKGROUND:

Complaint: Complainant submitted his complaint on April 26, 2013 regarding the Planning Department's inadequate response to his public records request on March 31, 2013.

Chronology: on March 31, 2013, Ringel had emailed a request for the complete file for the proposed development at 480 Potrero Avenue. He specifically requested "all documents, in addition to any emails and/or other electronic forms of data which they have for this project" to Environmental Planner Don Lewis and City Planner Ben Fu. He cc'd office manager Lulu Hwang on both requests.

Don Lewis's response: Mr. Lewis responded on April 1, and on April 2 Complainant reviewed his file. However, there was no electronic data and only minimal correspondence.

Ben Fu's response: Mr. Fu did not respond or acknowledge Complainant's March 31 request. On April 10, Complainant made a second request. Mr. Fu informed Complainant via email that the file was available at the front desk of the Planning Department. Complainant inquired if the file was complete, but received no response. On April 15, Complainant reviewed Mr. Fu's file and found nothing in the correspondence section of the file. Complainant himself had corresponded with Mr. Lewis and Mr. Fu regarding the proposed development at 480 Potrero, so he had expected to see that correspondence (and presumably other items of correspondence) in the file.

On April 15, Complainant emailed Lulu Hwang, the office manager for the Planning Department, stating "I humbly request access under the Sunshine Ordinance to everything held in custody by the SF Planning Dept, including emails, electronic files, phone records, meeting minute, etc related to the proposed development at 480 Potrero Ave." He did not hear back from Ms. Hwang in 10 days.

On April 25, he emailed Ms. Hwang again, copying the Task Force. According to Complainant, Ms. Hwang did not seem to understand that his latest request was made after Mr. Lewis and Mr. Fu had not been forthcoming with what he asked for. He reiterated his request for documents, including emails and electronic data. He also described how Mr. Lewis and Mr. Fu's files had been incomplete, and that he knew for a fact that there is more in the custody of the Planning Dept for the proposed project at 480 Potrero other than what was available at the front desk for Mr. Lewis and Mr. Fu's files. He also explained that the matter was coming to a hearing before the Planning Commissioners, and the custodians of records were making it difficult for him to access information. By the end of the day on April 25, Ms. Hwang provided five additional historical documents, which Complainant alleges were not pertinent to the proposed development at 480 Potrero Ave.

Memorandum
Privileged & Confidential

TO: Sunshine Ordinance Task Force
DATE: September 27, 2013
PAGE: 3
RE: Complaint No. 13024 – Ringel v. Planning Department

On April 26, Complainant emailed a complaint to the Task Force, setting out the above chronology. He stated that "I feel the Planning Dept has given me the runaround & that I am without other options but to request assistance from the SOTF." The email complaint to SOTF was the most recent email in a chain of emails that show correspondence between Complainant, Ms. Hwang, and Mr. Fu. Complainant forwarded a PDF copy of his complaint to Ms. Hwang, Mr. Fu, and Mr. Lewis.

Response: Complainant's complaint to the Task Force generated an additional chain of correspondence between Complainant and Ms. Hwang regarding Complainant's public records request. In direct response to the April 26 complaint, Ms. Hwang emailed Complainant on April 29 and recounted her actions in response to his request. She informed Complainant that she inquired with Mr. Fu as to whether there was anything else, and that Mr. Fu informed her that everything was in the file that Complainant had reviewed. She acknowledged sending Complainant some additional historical information that she had researched, and stated that they did not have any emails and/or electronic forms of data that they were not disclosing to him.

Complainant responded on April 29, and set forth specific questions related to correspondence, to wit: he inquired as to why his own correspondence was missing from Don Lewis's case files, as well as other correspondence; he inquired as to why Ben Fu's correspondence folder was completely empty; and he queried whether Ms. Hwang was unable to obtain digital correspondence/electronic files from the servers of the Planning Dept. He also reiterated his request for various documents and correspondence relating to several consulting firms regarding the proposed development at 480 Potrero (including SIA Consulting, Town Consulting, Kitchen Cabinet Consulting, and Mission Housing), interoffice correspondence, and outside agency correspondence. Finally, he reiterated four categories of documents that he continued to seek: receipts for any newspaper ads/articles published; dates or trip logs for site visits; minutes of meetings/phone calls; and electronic data, including digital photos, powerpoint presentations, word processing documents, spreadsheet files, PDF's, et al. On April 29, Ms. Hwang related Mr. Fu's response via email only to the latter four categories, and stated that she would check with Mr. Lewis again.

On May 14, 2013, Complainant emailed the Task Force to state that the matter was not resolved. He noted that Mr. Lewis and Mr. Fu had not supplied him with any other documents, that Ms. Hwang only provided with a few historical documents from the archives, and that he was still looking for "all documents, in addition to any emails &/or other electronic forms of data" held in custody by the Planning Department re 480 Potrero Ave, and not just what the planners had selected for the "public case files." Complainant set forth again the list of documents he required, which is the same list he provided to Ms. Hwang in his email to her of April 29 (set forth in the paragraph immediately above).

The Task Force file includes a PDF document entitled "Ben Fu recovered.pdf" which apparently shows emails recovered from Mr. Fu's email account, including emails to and from Complainant. It is unclear as to whether Respondent conveyed this document to Complainant, and any date of such conveyance.

Memorandum
Privileged & Confidential

TO: Sunshine Ordinance Task Force
DATE: September 27, 2013
PAGE: 4
RE: Complaint No. 13024 – Ringel v. Planning Department

QUESTIONS THAT MIGHT ASSIST IN DETERMINING FACTS:

- How did the Planning Department (Ben Fu, Don Lewis, Lulu Hwang) search for records responsive to Complainant's request for the "complete file for the proposed development at 480 Potrero Avenue"?
- When was the "Ben Fu recovered.pdf" file retrieved by Respondent?
- Was the "Ben Fu recovered.pdf" file provided to Complainant? If so, when?
- Did the Planning Department search for responsive documents as enumerated in the categories set forth by Complainant in his communications with Ms. Hwang, Mr. Fu, and Mr. Lewis?
- Why did Mr. Fu's correspondence folder for the proposed development at 480 Potrero Avenue not contain correspondence between Complainant and Mr. Fu, or other correspondence pertaining to the proposed development at 480 Potrero Ave.?

LEGAL ISSUES/LEGAL DETERMINATIONS:

- Was Respondent's search for public records in response to Complainant's request in compliance with the Sunshine Ordinance?
- Was Respondent's response and providing of documents in response to Complainant's request in compliance with the Sunshine Ordinance?

CONCLUSION

THE TASK FORCE FINDS THE FOLLOWING FACTS TO BE TRUE:

THE TASK FORCE FINDS THE ALLEGED VIOLATIONS TO BE **TRUE OR NOT TRUE.**

Memorandum
Privileged & Confidential

TO: Sunshine Ordinance Task Force
DATE: September 27, 2013
PAGE: 5
RE: Complaint No. 13024 – Ringel v. Planning Department

* * *

ATTACHED STATUTORY SECTIONS FROM CHAPTER 67 OF THE SAN FRANCISCO ADMINISTRATIVE CODE UNLESS OTHERWISE SPECIFIED (in pertinent part)

SEC. 67.20. DEFINITIONS.

Whenever in this article the following words or phrases are used, they shall mean:

(a) "Department" shall mean a department of the City and County of San Francisco.

(b) "Public Information" shall mean the content of "public records" as defined in the California Public Records Act (Government Code Section 6252), whether provided in documentary form or in an oral communication. "Public Information" shall not include "computer software" developed by the City and County of San Francisco as defined in the California Public Records Act (Government Code Section 6254.9).

(c) "Supervisor of Records" shall mean the City Attorney.

SEC. 67.21. PROCESS FOR GAINING ACCESS TO PUBLIC RECORDS; ADMINISTRATIVE APPEALS.

(a) Every person having custody of any public record or public information, as defined herein, (hereinafter referred to as a custodian of a public record) shall, at normal times and during normal and reasonable hours of operation, without unreasonable delay, and without requiring an appointment, permit the public record, or any segregable portion of a record, to be inspected and examined by any person and shall furnish one copy thereof upon payment of a reasonable copying charge, not to exceed the lesser of the actual cost or ten cents per page.

(b) A custodian of a public record shall, as soon as possible and within ten days following receipt of a request for inspection or copy of a public record, comply with such request. Such request may be delivered to the office of the custodian by the requester orally or in writing by fax, postal delivery, or e-mail. If the custodian believes the record or information requested is not a public record or is exempt, the custodian shall justify withholding any record by demonstrating, in writing as soon as possible and within ten days following receipt of a request, that the record in question is exempt under express provisions of this ordinance.

(c) A custodian of a public record shall assist a requester in identifying the existence, form, and nature of any records or information maintained by, available to, or in the custody of the custodian, whether or not the contents of those records are exempt from disclosure and shall, when requested to do so, provide in writing within seven days following receipt of a request, a statement as to the existence, quantity, form and nature of records relating to a particular subject or questions with enough specificity to enable a requester to identify records in order to make a request under (b). A custodian of any public record, when not in possession of the record requested, shall assist a requester in directing a request to the proper office or staff person.

(d) If the custodian refuses, fails to comply, or incompletely complies with a request described in (b), the person making the request may petition the supervisor of records for a determination whether the record requested is public. The supervisor of records shall inform the petitioner, as soon as possible and within 10 days, of its determination whether the record requested, or any part of the record requested, is public. Where requested by the petition, and where otherwise desirable, this determination shall be in writing. Upon the determination by the supervisor of records that the record is public, the supervisor of records shall immediately order the custodian of the public record to comply with the person's request. If the custodian refuses or fails to comply with any such order within 5 days, the supervisor of records shall notify the district attorney or the attorney general who shall take whatever measures she or he deems necessary and appropriate to insure compliance with the provisions of this ordinance.

(e) If the custodian refuses, fails to comply, or incompletely complies with a request described in (b) above or if a petition is denied or not acted on by the supervisor of public records, the person making the request may petition the Sunshine Task Force for a determination whether the record requested is public. The Sunshine Task Force shall inform the petitioner, as soon as possible and within 2 days after its next meeting but in no case later than 45 days from when a petition in writing is received, of its determination whether the record requested, or any part of the record requested, is public. Where requested by the petition, and where otherwise desirable, this determination shall be in writing. Upon the determination that the record is public, the Sunshine Task Force shall immediately order the custodian of the public record to comply with the person's request. If the custodian refuses or fails to comply with any such order within 5 days, the Sunshine Task Force shall notify the district attorney or the attorney general who may take whatever measures she or he deems necessary to insure compliance with the provisions of this ordinance. The Board of Supervisors and the City Attorney's office shall provide sufficient staff and resources to allow the Sunshine Task Force to fulfill its duties under this provision. Where requested by the petition, the Sunshine Task Force may conduct a public hearing concerning the records request denial. An authorized representative of the custodian of the public records requested shall attend any hearing and explain the basis for its decision to withhold the records requested.

(f) The administrative remedy provided under this article shall in no way limit the availability of other administrative remedies provided to any person with respect to any officer or employee of any agency, executive office, department or board; nor shall the administrative remedy provided by this section in any way limit the availability of judicial remedies otherwise available to any person requesting a public record. If a custodian of a public record refuses or fails to comply with the request of any person for inspection or copy of a public record or with an administrative order under this section, the superior court shall have jurisdiction to order compliance.

(g) In any court proceeding pursuant to this article there shall be a presumption that the record sought is public, and the burden shall be upon the custodian to prove with specificity the exemption which applies.

(h) On at least an annual basis, and as otherwise requested by the Sunshine Ordinance Task Force, the supervisor of public records shall prepare a tally and report of every petition brought before it for access to records since the time of its last tally and report. The report shall at least identify for each petition the record or records sought, the custodian of those records, the ruling of the supervisor of public records, whether any ruling was overturned by a

court and whether orders given to custodians of public records were followed. The report shall also summarize any court actions during that period regarding petitions the Supervisor has decided. At the request of the Sunshine Ordinance Task Force, the report shall also include copies of all rulings made by the supervisor of public records and all opinions issued.

(i) The San Francisco City Attorney's office shall act to protect and secure the rights of the people of San Francisco to access public information and public meetings and shall not act as legal counsel for any city employee or any person having custody of any public record for purposes of denying access to the public. The City Attorney may publish legal opinions in response to a request from any person as to whether a record or information is public. All communications with the City Attorney's Office with regard to this ordinance, including petitions, requests for opinion, and opinions shall be public records.

(j) Notwithstanding the provisions of this section, the City Attorney may defend the City or a City Employee in litigation under this ordinance that is actually filed in court to any extent required by the City Charter or California Law.

(k) Release of documentary public information, whether for inspection of the original or by providing a copy, shall be governed by the California Public Records Act (Government Code Section 6250 et seq.) in particulars not addressed by this ordinance and in accordance with the enhanced disclosure requirements provided in this ordinance.

(l) Inspection and copying of documentary public information stored in electronic form shall be made available to the person requesting the information in any form requested which is available to or easily generated by the department, its officers or employees, including disk, tape, printout or monitor at a charge no greater than the cost of the media on which it is duplicated. Inspection of documentary public information on a computer monitor need not be allowed where the information sought is necessarily and unseparably intertwined with information not subject to disclosure under this ordinance. Nothing in this section shall require a department to program or reprogram a computer to respond to a request for information or to release information where the release of that information would violate a licensing agreement or copyright law.

SEC. 67.21-1. POLICY REGARDING USE AND PURCHASE OF COMPUTER SYSTEMS.

(a) It is the policy of the City and County of San Francisco to utilize computer technology in order to reduce the cost of public records management, including the costs of collecting, maintaining, and disclosing records subject to disclosure to members of the public under this section. To the extent that it is technologically and economically feasible, departments that use computer systems to collect and store public records shall program and design these systems to ensure convenient, efficient, and economical public access to records and shall make public records easily accessible over public networks such as the Internet.

(b) Departments purchasing new computer systems shall attempt to reach the following goals as a means to achieve lower costs to the public in connection with the public disclosure of records:

(1) Implementing a computer system in which exempt information is segregated or filed separately from otherwise disclosable information.

(2) Implementing a system that permits reproduction of electronic copies of records in a format that is generally recognized as an industry standard format.

(3) Implementing a system that permits making records available through the largest non-profit, non-proprietary public computer network, consistent with the requirement for security of information.

SEC. 67.24. PUBLIC INFORMATION THAT MUST BE DISCLOSED.

Notwithstanding a department's legal discretion to withhold certain information under the California Public Records Act, the following policies shall govern specific types of documents and information and shall provide enhanced rights of public access to information and records:

(a) Drafts and Memoranda.

(1) Except as provided in subparagraph (2), no preliminary draft or department memorandum, whether in printed or electronic form, shall be exempt from disclosure under Government Code Section 6254, Subdivision (a) or any other provision. If such a document is not normally kept on file and would otherwise be disposed of, its factual content is not exempt under Subdivision (a). Only the recommendation of the author may, in such circumstances, be withheld as exempt.

(2) Draft versions of an agreement being negotiated by representatives of the City with some other party need not be disclosed immediately upon creation but must be preserved and made available for public review for 10 days prior to the presentation of the agreement for approval by a policy body, unless the body finds that and articulates how the public interest would be unavoidably and substantially harmed by compliance with this 10 day rule, provided that policy body as used in this subdivision does not include committees. In the case of negotiations for a contract, lease or other business agreement in which an agency of the City is offering to provide facilities or services in direct competition with other public or private entities that are not required by law to make their competing proposals public or do not in fact make their proposals public, the policy body may postpone public access to the final draft agreement until it is presented to it for approval.

(b) Litigation Material.

(1) Notwithstanding any exemptions otherwise provided by law, the following are public records subject to disclosure under this Ordinance:

(i) A pre-litigation claim against the City;

(ii) A record previously received or created by a department in the ordinary course of business that was not attorney/client privileged when it was previously received or created;

(iii) Advice on compliance with, analysis of, an opinion concerning liability under, or any communication otherwise concerning the California Public

Records Act, the Ralph M. Brown Act, the Political Reform Act, any San Francisco Governmental Ethics Code, or this Ordinance.

(2) Unless otherwise privileged under California law, when litigation is finally adjudicated or otherwise settled, records of all communications between the department and the adverse party shall be subject to disclosure, including the text and terms of any settlement.

(c) Personnel Information. None of the following shall be exempt from disclosure under Government Code Section 6254, subdivision (c), or any other provision of California Law where disclosure is not forbidden:

(1) The job pool characteristics and employment and education histories of all successful job applicants, including at a minimum the following information as to each successful job applicant:

(i) Sex, age and ethnic group;

(ii) Years of graduate and undergraduate study, degree(s) and major or discipline;

(iii) Years of employment in the private and/or public sector;

(iv) Whether currently employed in the same position for another public agency.

(v) Other non-identifying particulars as to experience, credentials, aptitudes, training or education entered in or attached to a standard employment application form used for the position in question.

(2) The professional biography or curriculum vitae of any employee, provided that the home address, home telephone number, social security number, age, and marital status of the employee shall be redacted.

(3) The job description of every employment classification.

(4) The exact gross salary and City-paid benefits available to every employee.

(5) Any memorandum of understanding between the City or department and a recognized employee organization.

(6) The amount, basis, and recipient of any performance-based increase in compensation, benefits, or both, or any other bonus, awarded to any employee, which shall be announced during the open session of a policy body at which the award is approved.

(7) The record of any confirmed misconduct of a public employee involving personal dishonesty, misappropriation of public funds, resources or benefits, unlawful discrimination against another on the basis of status, abuse of authority, or violence, and of any discipline imposed for such misconduct.

(d) Law Enforcement Information.

The District Attorney, Chief of Police, and Sheriff are encouraged to cooperate with the press and other members of the public in allowing access to local records pertaining to

investigations, arrests, and other law enforcement activity. However, no provision of this ordinance is intended to abrogate or interfere with the constitutional and statutory power and duties of the District Attorney and Sheriff as interpreted under Government Code section 25303, or other applicable State law or judicial decision. Records pertaining to any investigation, arrest or other law enforcement activity shall be disclosed to the public once the District Attorney or court determines that a prosecution will not be sought against the subject involved, or once the statute of limitations for filing charges has expired, whichever occurs first. Notwithstanding the occurrence of any such event, individual items of information in the following categories may be segregated and withheld if, on the particular facts, the public interest in nondisclosure clearly and substantially outweighs the public interest in disclosure:

(1) The names of juvenile witnesses (whose identities may nevertheless be indicated by substituting a number or alphabetical letter for each individual interviewed);

(2) Personal or otherwise private information related to or unrelated to the investigation if disclosure would constitute an unwarranted invasion of privacy;

(3) The identity of a confidential source;

(4) Secret investigative techniques or procedures;

(5) Information whose disclosure would endanger law enforcement personnel; or

(6) Information whose disclosure would endanger the successful completion of an investigation where the prospect of enforcement proceedings is concrete and definite.

This Subdivision shall not exempt from disclosure any portion of any record of a concluded inspection or enforcement action by an officer or department responsible for regulatory protection of the public health, safety, or welfare.

(e) Contracts, Bids and Proposals.

(1) Contracts, contractors' bids, responses to requests for proposals and all other records of communications between the department and persons or firms seeking contracts shall be open to inspection immediately after a contract has been awarded. Nothing in this provision requires the disclosure of a private person's or organization's net worth or other proprietary financial data submitted for qualification for a contract or other benefit until and unless that person or organization is awarded the contract or benefit. All bidders and contractors shall be advised that information provided which is covered by this subdivision will be made available to the public upon request. Immediately after any review or evaluation or rating of responses to a Request for Proposal ("RFP") has been completed, evaluation forms and score sheets and any other documents used by persons in the RFP evaluation or contractor selection process shall be available for public inspection. The names of scorers, graders or evaluators, along with their individual ratings, comments, and score sheets or comments on related documents, shall be made immediately available after the review or evaluation of a RFP has been completed.

(2) Notwithstanding the provisions of this Subdivision or any other provision of this ordinance, the Director of Public Health may withhold from disclosure

proposed and final rates of payment for managed health care contracts if the Director determines that public disclosure would adversely affect the ability of the City to engage in effective negotiations for managed health care contracts. The authority to withhold this information applies only to contracts pursuant to which the City (through the Department of Public Health) either pays for health care services or receives compensation for providing such services, including mental health and substance abuse services, to covered beneficiaries through a pre-arranged rate of payment. This provision also applies to rates for managed health care contracts for the University of California, San Francisco, if the contract involves beneficiaries who receive services provided jointly by the City and University. This provision shall not authorize the Director to withhold rate information from disclosure for more than three years.

(3) During the course of negotiations for:

(i) personal, professional, or other contractual services not subject to a competitive process or where such a process has arrived at a stage where there is only one qualified or responsive bidder;

(ii) leases or permits having total anticipated revenue or expense to the City and County of five hundred thousand dollars ($500,000) or more or having a term of ten years or more; or

(iii) any franchise agreements,

all documents exchanged and related to the position of the parties, including draft contracts, shall be made available for public inspection and copying upon request. In the event that no records are prepared or exchanged during negotiations in the above-mentioned categories, or the records exchanged do not provide a meaningful representation of the respective positions, the City Attorney or City representative familiar with the negotiations shall, upon a written request by a member of the public, prepare written summaries of the respective positions within five working days following the final day of negotiation of any given week. The summaries will be available for public inspection and copying. Upon completion of negotiations, the executed contract, including the dollar amount of said contract, shall be made available for inspection and copying. At the end of each fiscal year, each City department shall provide to the Board of Supervisors a list of all sole source contracts entered into during the past fiscal year. This list shall be made available for inspection and copying as provided for elsewhere in this Article.

(f) Budgets and Other Financial Information. Budgets, whether tentative, proposed or adopted, for the City or any of its departments, programs, projects or other categories, and all bills, claims, invoices, vouchers or other records of payment obligations as well as records of actual disbursements showing the amount paid, the payee and the purpose for which payment is made, other than payments for social or other services whose records are confidential by law, shall not be exempt from disclosure under any circumstances.

(g) Neither the City nor any office, employee, or agent thereof may assert California Public Records Act Section 6255 or any similar provision as the basis for withholding any documents or information requested under this ordinance.

(h) Neither the City nor any office, employee, or agent thereof may assert an exemption for withholding for any document or information based on a "deliberative process"

exemption, either as provided by California Public Records Act Section 6255 or any other provision of law that does not prohibit disclosure.

(i) Neither the City, nor any office, employee, or agent thereof, may assert an exemption for withholding for any document or information based on a finding or showing that the public interest in withholding the information outweighs the public interest in disclosure. All withholdings of documents or information must be based on an express provision of this ordinance providing for withholding of the specific type of information in question or on an express and specific exemption provided by California Public Records Act that is not forbidden by this ordinance.

SEC. 67.25. IMMEDIACY OF RESPONSE.

(a) Notwithstanding the 10-day period for response to a request permitted in Government Code Section 6256 and in this Article, a written request for information described in any category of non-exempt public information shall be satisfied no later than the close of business on the day following the day of the request. This deadline shall apply only if the words "Immediate Disclosure Request" are placed across the top of the request and on the envelope, subject line, or cover sheet in which the request is transmitted. Maximum deadlines provided in this article are appropriate for more extensive or demanding requests, but shall not be used to delay fulfilling a simple, routine or otherwise readily answerable request.

(b) If the voluminous nature of the information requested, its location in a remote storage facility or the need to consult with another interested department warrants an extension of 10 days as provided in Government Code Section 6456.1, the requester shall be notified as required by the close of business on the business day following the request.

(c) The person seeking the information need not state his or her reason for making the request or the use to which the information will be put, and requesters shall not be routinely asked to make such a disclosure. Where a record being requested contains information most of which is exempt from disclosure under the California Public Records Act and this article, however, the City Attorney or custodian of the record may inform the requester of the nature and extent of the non-exempt information and inquire as to the requester's purpose for seeking it, in order to suggest alternative sources for the information which may involve less redaction or to otherwise prepare a response to the request.

(d) Notwithstanding any provisions of California Law or this ordinance, in response to a request for information describing any category of non-exempt public information, when so requested, the City and County shall produce any and all responsive public records as soon as reasonably possible on an incremental or "rolling" basis such that responsive records are produced as soon as possible by the end of the same business day that they are reviewed and collected. This section is intended to prohibit the withholding of public records that are responsive to a records request until all potentially responsive documents have been reviewed and collected. Failure to comply with this provision is a violation of this Article.

Memorandum
Privileged & Confidential

TO: Sunshine Ordinance Task Force
DATE: September 27, 2013
PAGE: 13
RE: Complaint No. 13024 – Ringel v. Planning Department

SEC. 67.26. WITHHOLDING KEPT TO A MINIMUM.

No record shall be withheld from disclosure in its entirety unless all information contained in it is exempt from disclosure under express provisions of the California Public Records Act or of some other statute. Information that is exempt from disclosure shall be masked, deleted or otherwise segregated in order that the nonexempt portion of a requested record may be released, and keyed by footnote or other clear reference to the appropriate justification for withholding required by Section 67.27 of this Article. This work shall be done personally by the attorney or other staff member conducting the exemption review. The work of responding to a public-records request and preparing documents for disclosure shall be considered part of the regular work duties of any City employee, and no fee shall be charged to the requester to cover the personnel costs of responding to a records request.

SEC. 67.27. JUSTIFICATION OF WITHHOLDING.

Any withholding of information shall be justified, in writing, as follows:

(a) A withholding under a specific permissive exemption in the California Public Records Act, or elsewhere, which permissive exemption is not forbidden to be asserted by this ordinance, shall cite that authority.

(b) A withholding on the basis that disclosure is prohibited by law shall cite the specific statutory authority in the Public Records Act or elsewhere.

(c) A withholding on the basis that disclosure would incur civil or criminal liability shall cite any specific statutory or case law, or any other public agency's litigation experience, supporting that position.

(d) When a record being requested contains information, most of which is exempt from disclosure under the California Public Records Act and this Article, the custodian shall inform the requester of the nature and extent of the nonexempt information and suggest alternative sources for the information requested, if available.

Young, Victor

From: Mica [supermica@gmail.com]
Sent: Tuesday, November 26, 2013 5:50 PM
To: SOTF
Subject: Re: SOTF - NOTICE OF HEARING: December 4, 2013

Hello Victor:

Looking the distribution list, respondent of my complaint Don Lewis don.lewis@sfgov.org has been omitted.

FYI

On Thu, Nov 21, 2013 at 9:39 AM, SOTF <sotf@sfgov.org> wrote:

Good Morning,

You are receiving this notice, because you are named as a Complainant or Respondent in one of the following complaints scheduled with the Sunshine Ordinance Task Force, 1)to hear the merits of the complaint 2) issue a determination and/or 3)complaint has been referred from a Task Force Committee.

1. COMPLAINT No. 12059 Supreet Pabla, SEIU Local 1021 v Human Services Agency

2. COMPLAINT No. 13024 Mica Ringel v Planning Department

3. COMPLAINT No. 13030 Charles Pitts v Community Housing Partnership

4. COMPLAINT No. 13031 Amber Straus v Thelma Schott-Skillman, Interim Chancellor, City College of San Francisco

5. COMPLAINT No. 13033 Barry Taranto v Municipal Transportation Agency

6. COMPLAINT No. 13034 Ray Hartz Jr. v Thomas Mazzucco, Police Commission

7. COMPLAINT No. 13035 James Chaffee v Board of Supervisors, Budget and Finance Committee

Date: December 4, 2013

Location: City Hall, Room 408

Time: 4:00 p.m.

Complainants: Your attendance is required for this meeting/hearing.

Respondents/Departments: Pursuant to Section 67.21 (e) of the Ordinance, the custodian of records or a representative of your department, who can speak to the matter, is required at the meeting/hearing.

Documentation (evidence supporting/disputing complaint)

For a document to be considered, it must be received at least five (5) working days before the hearing (see attached Public Complaint Procedure).

For inclusion of the agenda packet, supplemental/supporting documents must be received by **12:00 pm, November 26, 2013.**

Victor Young
Committee Clerk
Board of Supervisors
1 Dr. Carlton B. Goodlett Pl., Room 244
San Francisco CA 94102
phone 415-554-7724
fax 415-554-5163

Complete a Board of Supervisors Customer Satisfaction form by clicking the link below.
http://www.sfbos.org/index.aspx?page=104

Young, Victor

From: Mica [supermica@gmail.com]
Sent: Friday, November 15, 2013 10:36 AM
To: SOTF
Subject: Fwd: FW: SOTF Hearing Documentation - Complaint No. 13024 - 480 Potrero

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Andrea:

I just reviewed the Case File Packet for the upcoming Compliance Hearing.

The email below has been omitted... the response form LuLu in Courier Font.

The single page PDF I submitted yesterday was in response to this email below.

--M.Ringel

415-519-7523

---------- Forwarded message ----------
From: **Hwang, Lulu** <lulu.hwang@sfgov.org>
Date: Thu, Nov 7, 2013 at 2:13 PM
Subject: RE: FW: SOTF Hearing Documentation - Complaint No. 13024 - 480 Potrero
To: Mica <supermica@gmail.com>
Cc: SOTF <sotf@sfgov.org>, "Ausberry, Andrea" <andrea.ausberry@sfgov.org>

Mr. Ringel,

We have searched our files and not identified any additional that we have on file that were not already provided to you. You have received all the documents we have on file for 480 Potrero.

Additionally, I would like to address two statements in your email. You indicate that we do not comply or want to comply with requests. This statement is not accurate. The Planning Department always responds to public records requests. You also state in your email that Don Lewis replied to you that he doesn't have to provide emails or electronic files to you. This is also inaccurate. Such statements were never made to you.

Thanks

Lulu
415-558-6318

From: Mica [supermica@gmail.com]
Sent: Wednesday, November 06, 2013 9:00 AM
To: Hwang, Lulu
Cc: SOTF; Ausberry, Andrea
Subject: Re: FW: SOTF Hearing Documentation - Complaint No. 13024 - 480 Potrero

Ms. Hwang:

Can you have an IT Admin search the Planning Department servers for 480 Potrero, including the Exchange Server?

From the Complaint Report:

> Complainant responded on April 29, and set forth specific questions related to correspondence, to wit: he inquired as to why his own correspondence was missing from Don Lewis's case files, as well as other correspondence; he inquired as to why Ben Fu's correspondence folder was completely empty; and he queried whether Ms. Hwang was unable to obtain digital correspondence/electronic files from the servers of the Planning Dept. He also reiterated his request for various documents and correspondence relating to several consulting firms regarding the proposed development at 480 Potrero (including SIA Consulting, Town Consulting, Kitchen Cabinet Consulting, and Mission Housing), interoffice correspondence, and outside agency correspondence. Finally, he reiterated four categories of documents that he continued to seek: receipts for any newspaper ads/articles published; dates or trip logs for site visits; minutes of meetings/phone calls; and electronic data, including digital photos, powerpoint presentations, word processing documents, spreadsheet files, PDF's, et al. On April 29, Ms. Hwang related Mr. Fu's response via email only to the latter four categories, and stated that she would check with Mr. Lewis again.

In Don Lewis case files there are now emails of you asking him to comply with the request and his reply that he doesn't have to provide emails or electronic files and all the additional emails from Ben Fu are recent.

I am looking for the original communications between the Planners **prior** to the Sunshine Complaint, not **since** the Sunshine Complaint.

It is clear that as much as you ask them, they will not comply, or cannot comply, and you are powerless.

So, my question is can you have an IT Admin search for emails and digital files related to 480 Potrero?

Otherwise, the Order of Determination has produced nothing new.

--M.Ringel
(415) 519-7523

On Wed, Oct 30, 2013 at 6:25 PM, Mica <supermica@gmail.com> wrote:
Sure will. Thanks. I'll come in tomorrow afternoon.

On Wed, Oct 30, 2013 at 10:05 AM, Hwang, Lulu <lulu.hwang@sfgov.org> wrote:

I have a CD of email from Ben and hard copies from Don, will Mica come to the department to review these materials?

Please advise

Thanks

Lulu

From:	Kline, Heidi
To:	Miller, Jr., J. Gregg; Teague, Corey
Subject:	RE: 200 Paul (2013.0153CE) - Public Notice AND Newspaper Language
Date:	Thursday, July 18, 2013 11:39:49 AM
Attachments:	200 Paul Ad.doc

Wouldn't it be handy if we did one notice for the neg dec and the CU hearing... attached is our NOA ad (kept succinct due to cost).

Also, a reminder to please clean up your email regarding 200 Paul with City personnel by the publication date next Wednesday as emails are subject to the Sunshine Ordinance.

Young, Victor

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Please advise

Thanks

Lulu

13-24

Ausberry, Andrea

From: complaints@sfgov.org
Sent: Friday, April 26, 2013 3:19 AM
To: SOTF
Subject: Sunshine Complaint

To:sotf@sfgov.org
Email:complaints@sfgov.org
DEPARTMENT:Planning Dept.
CONTACTED:Ben Fu, Don Lewis, Lulu Hwang
PUBLIC_RECORDS_VIOLATION:Yes
PUBLIC_MEETING_VIOLATION:No
MEETING_DATE:
SECTIONS_VIOLATED:Sec. 67.21. Process For Gaining Access To Public Records
DESCRIPTION:On March 31, 2013 I requested a copy of the complete file for the proposed development at 480 Potrero Ave via separate emails to both Environmental Planner Don Lewis & City Planner Ben Fu. Lulu Hwang was CC'd to both requests. I asked specifically for "all documents, in addition to any emails &/or other electronic forms of data which they have for this project". Mr. Lewis promptly responded on April 1 & I was able to go in the next day to begin reviewing his case file. There were no forms of electronic data provided. There was only minimal correspondence on record. Other documentation was either incomplete, missing, or possibly in Ben Fu's files. Mr. Fu however had not acknowledged my request for 10 day, so on April 10 I made a second. Only then did he email to let me know that the folder was avail. at the front desk of the Planning Dept. I again inquired if the folder was complete, & again he never responded. On April 15 I went in to review said files & found his Correspondence section for 480 Potrero empty = nothing. Considering I personally had previous correspondance with both Planners, I expected to see those in the record. Sensing there was a larger problem at hand... later in the day on April 15th, I wrote to Lulu Hwang "I humbly request access under the Sunshine Ordinance to everything held in custody by the SF Planning Dept, including emails, electronic files, phone records, meeting minutes, etc. related to the proposed development at 480 Potrero Ave." & 10 days later I had not heard back from Ms. Hwang. Yesterday, April 25 I emailed again, this time copying SOTF. Ms. Hwang didn't seem to understand that my Sunshine Ordinance request was only made after I had no other choice because Mr. Lewis & Mr. Fu were not forthcoming with what I had asked for. I explained to her that "I couldn't have been any clearer in my requests. I asked specifically for "all documents, in addition to any emails &/or other electronic forms of data which they have for this project". I know for a fact that there is more in the custody of the Planning Dept. RE: the proposed project at 480 Potrero Ave. than what was available at the front desk for both Don Lewis & Ben Fu's case files. I inventoried those documents & reported to you that they were incomplete. Thus, I made my formal request with you for "access under the Sunshine Ordinance to everything held in custody by the SF Planning Dept, including emails, electronic files, phone records, meeting minutes, etc. related to the proposed development at 480 Potrero Ave". This matter is coming to hearing with the Planning Commissioners and the custodians of the records at the Planning Dept. are making it more than difficult for me to access public information." By end of day yesterday all she could provide me with was 5 historical documents which were of no pertinence to the proposed project at 480 Potrero Ave. I feel the Planning Dept. has given me the runaround & that I am without other options but to request assistance from the SOTF.
HEARING:Yes
PRE-HEARING:Yes
DATE:April 26, 2013
NAME:Mica Ringel
ADDRESS:485 Potrero Ave, Unit C
CITY:San Francisco
ZIP:94110

PHONE:4155197523
CONTACT_EMAIL:supermica@gmail.com
ANONYMOUS:
CONFIDENTIALITY_REQUESTED:No

Ausberry, Andrea

From:	Mica [supermica@gmail.com]
Sent:	Tuesday, May 14, 2013 11:15 AM
To:	SOTF
Cc:	Fu, Ben; Lewis, Don (CPC); Hwang, Lulu; Ionin, Jonas; DiSanto, Thomas; Threet, Jerry; Grant, Kitt (sunshinechairgrant@gmail.com); Juan Jayo
Subject:	Re: SOTF - Mediation of Complaint Filed with SOTF - Complaint No. 13024

Hello, SOTF:

This matter is not resolved.

> Mr. Lewis & Mr. Fu have not supplied with any other documents.

> Ms. Hwang has only has provided me with a few Historical Documents pulled from the Archives.

I am still looking for "*all documents, in addition to any emails &/or other electronic forms of data*" held in custody by the Plannning Department RE: 480 Potrero Ave / 2011.0430 (U, X, E, !, etc.) & not just what the Planner's have selected for the "Public Case Files".

These items include:

- All Correspondence to & from anyone at the Planning Dept. (Include those CC & BCC)
    - SIA Consulting siaconsult.com
    - Town Consulting townconsulting.com
    - Kitchen Cabinet Public Affairs or SF Housing Authority
    - Mission Housing or Mariposa Gardens
        - Project Sponsor Reza Khoshnevisan reza@siaconsult.com
        - Consultant Tony Kim tony@townconsulting.org
        - including Consultant Ahsha Safai ahshasafai@gmail.com
    - Inter-office emails, memos, notices, authorizations, revisions, questions, answers, clarifications
    - Outside agency emails, memos, letters
    - Public with questions or concerns

- If there were site visits I would like to the know the dates or see said trip logs.
- If there were any meetings or phone calls I would like to review the minutes.

- If there's electronic data, I would like to see the
    - photos
    - powerpoint presentations
    - word processing documents
    - spreadsheet files
    - database printouts
    - PDF's

- maps
- renderings/models

- Anything related to any studies or research. Please include drafts & authorizations (scope of work) for everything

- Any data CD's

Everything

I would still like to know:

- Where Don Lewis's Graphics folder is & why was it not in the case file on April 1?
- Why was Ben Fu's Correspondence folder empty on April 15?

If it's an option I would prefer Digital copies over Paper.

Thank you.

--Mica Ringel
(415) 519-7523

On Tue, May 14, 2013 at 9:20 AM, SOTF <sotf@sfgov.org> wrote:

Good Morning,

Please disregard the following email. Mr. Ringel filed this complaint twice in two different formats.

The Planning department responded to the mediation of this complaint on April 29, 2013 (see attached).

The Complainant has not responded to whether the documents/response provided by the Respondent completes the request.

Mr. Ringel - The SOTF Office will consider your case to be resolved. Unless, you provide a detailed response to whether the documents the Respondent has provided completes your request.

Thank you,

Andrea S. Ausberry
Administrator
Sunshine Ordinance Task Force
Office 415.554.7724 | Fax 415.554.5163
sotf@sfgov.org | www.sfbos.org
City Hall, 1 Dr. Carlton B. Goodlett Place, Rm. 244
San Francisco, CA 94102
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From: SOTF
Sent: Monday, May 13, 2013 2:36 PM
To: Fu, Ben; Lewis, Don (CPC); Hwang, Lulu; Ionin, Jonas; Avery, Linda
Cc: Jerry.Threet@sfgov.org; Grant, Kitt (sunshinechairgrant@gmail.com); Mica
Subject: SOTF - Mediation of Complaint Filed with SOTF - Complaint No. 13024

Good Afternoon,

You have been named as a Respondent in the following complaint submitted by Mica Ringel against Planning Department. In an attempt to mediate and stave off a hearing before the Sunshine Ordinance Task Force, please respond to the following request within five business days.

The Complainant alleges: *Complaint Attached.*

Pursuant to Section 67.21(b), If the custodian of public records believes the record or information requested is not a public record or is exempt, the custodian shall justify withholding any record by demonstrating, in writing as soon as possible and within ten days following receipt of a request, that the record in question is exempt under express provisions of the Sunshine Ordinance.

Thank you,

Andrea S. Ausberry
Administrator
Sunshine Ordinance Task Force
Office 415.554.7724 | Fax 415.554.5163
sotf@sfgov.org | www.sfbos.org
City Hall, 1 Dr. Carlton B. Goodlett Place, Rm. 244
San Francisco, CA 94102
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Ausberry, Andrea

From: Hwang, Lulu
Sent: Monday, April 29, 2013 5:47 PM
To: supermica@gmail.com
Cc: Lewis, Don (CPC); Fu, Ben; Juan Jayo (jmj8@pge.com); SOTF
Subject: RE: Sunshine Ordinance request 480 Potrero Ave
Attachments: Ben Fu recovered.pdf

This is the response from Ben and I will check with Don again tomorrow

- If anything was published in the newspaper, I would like to review the receipts or the articles/adverts.

  Nothing has been published for the large project authorization.

- If there were site visits, I would like to the know the dates or see said trip logs.

  I have also visited the site but I generally do not keep a log of the day's events.

- If there were meetings/phone calls, I would like to review the minutes.

  I generally do not keep minutes of meetings or phone calls.

- If there's electronic data, I would like to see the digital photos, powerpoint presentations, word processing documents, spreadsheet files, PDF's, et al.

  All data and materials provided by the project sponsor are in the project case file.

Thanks!
Lulu
Have a Good Day Today and a Better Day Tomorrow...

From: Mica [mailto:supermica@gmail.com]
Sent: Monday, April 29, 2013 3:11 PM
To: Hwang, Lulu
Cc: Juan Jayo
Subject: Re: Sunshine Ordinance request 480 Potrero Ave

Ms. Hwang:

I have been copied on correspondence to & from the Planning Dept RE: 480 which has not made it into the record.

- Why is my own correspondence missing fron Don Lewis's case files, as well as the correspondence from others which I personally know?

Ben told me all materials are in the case file which you already reviewed.

- Why despite several requests was Ben Fu's Correspondence folder completely empty on April 15th?

I requested from you Ms. Hwang everything held in custody.

- Are you unable to obtain digital correspondence/electronic files from the servers of the Planning Dept?

Right now I'm looking for lots of things.

Everything between the Planning Dept. & SIA Consulting (siaconsult.com), including Project Sponsor Reza Khoshnevisan, Town Consulting (townconsulting.com), including Consultant Tony Kim, Kitchen Cabinet Consulting, including Consultant Asha Safai (ahshasafai@gmail.com), Mission Housing, including Mariposa Gardens, inter-office documentation/correspondence, & outside agency documentation/correspondence RE: the proposed development at 480 Potrero Ave.

- If anything was published in the newspaper, I would like to review the receipts or the articles/adverts.
- If there were site visits, I would like to the know the dates or see said trip logs.
- If there were meetings/phone calls, I would like to review the minutes.
- If there's electronic data, I would like to see the digital photos, powerpoint presentations, word processing documents, spreadsheet files, PDF's, et al.

--Mic Ringel

On Mon, Apr 29, 2013 at 2:49 PM, Hwang, Lulu <lulu.hwang@sfgov.org> wrote:

Hello

To clarify regarding the complaint you have for Planning Department is giving you a run around..

On April 11, Ben Fu already sent you an email letting you know that the case file is ready for review. I checked with the reception desk and they told me that the file already reviewed and ready to go back to Ben.

I went to Ben and I asked if there is anything else we left that we can put out for you to review? Ben told me all materials are in the case file which you already reviewed.

I just want to do more research and went to the historical file room and see if there anything else and I found a few more pieces of paper, scanned and email to you.

We do not have any "*addition to any emails &/or other electronic forms of data* " materials that we are not disclosing to to you.

Thanks!
Lulu
Have a Good Day Today and a Better Day Tomorrow...

From: Mica [mailto:supermica@gmail.com]

Sent: Friday, April 26, 2013 4:31 PM
To: Hwang, Lulu; Fu, Ben; Lewis, Don (CPC)
Subject: Re: Sunshine Ordinance request 480 Potrero Ave

For your records is the attached PDF complaint requesting assistance from the SOTF to obtain all documents, including digital files, held within custody of the SF Planning Dept. for the proposed project at 480 Potrero Ave.

On Thu, Apr 25, 2013 at 7:40 PM, Hwang, Lulu <lulu.hwang@sfgov.org> wrote:

Besides all the materials in the case file from Ben and Don, the only thing I found in the Historical files are attached.

Thanks!
Lulu

Have a Good Day Today and a Better Day Tomorrow...

From: Mica [mailto:supermica@gmail.com]
Sent: Thursday, April 25, 2013 12:56 PM
To: Hwang, Lulu
Cc: Juan Jayo; SOTF; Diane Ringel; Fu, Ben

Subject: Re: Sunshine Ordinance request 480 Potrero Ave

I couldn't have been any clearer in my requests.

I asked specifically for "all documents, in addition to any emails &/or other electronic forms of data which they have for this project".

I know for a fact that there is more in the custody of the Planning Dept. RE: the proposed project at 480 Potrero Ave. than what was available at the front desk for both Don Lewis & Ben Fu's case files.

I inventoried those documents & reported to you that they were incomplete.

Thus, I made my formal request with you for "access under the Sunshine Ordinance to everything held in custody by the SF Planning Dept, including emails, electronic files, phone records, meeting minutes, etc. related to the proposed development at 480 Potrero Ave".

This matter is coming to hearing with the Planning Commissioners and the custodians of the records at the Planning Dept. are making it more than difficult for me to access public information.

On Thu, Apr 25, 2013 at 12:38 PM, Hwang, Lulu <lulu.hwang@sfgov.org> wrote:

Hello

On April 11, Ben sent you an email to let you know that the case file is available for you to review at the 4th floor reception desk. And our record shown that you had already come and review the case file.

May I assist you on what other files you would like to review?

Thanks!
Lulu Hwang
Planning Department
Operations & IS Administrator
1650 Mission Street #400
San Francisco CA 94103
415-558-6318 (V)
Lulu.Hwang@SFGOV.ORG
Have a Good Day Today and a Better Day Tomorrow...

From: Mica [mailto:supermica@gmail.com]
Sent: Thursday, April 25, 2013 11:59 AM
To: Hwang, Lulu
Cc: Juan Jayo; SOTF; Diane Ringel
Subject: Re: Sunshine Ordinance request 480 Potrero Ave

Dear Ms. Hwang:

Third request. Now you too have not replied for 10 days.

It appears the Planning Dept. is far out of compliance with the Sunshine Ordinance http://sfbos.org/index.aspx?page=4460

How much longer is reasonable for me to wait before filing a formal complaint with the SOTF?

Mica Ringel

485 Potrero Ave

San Francisco, CA 94110

(415) 519-7523

On Mon, Apr 15, 2013 at 3:01 PM, Mica <supermica@gmail.com> wrote:

Dear Ms. Hwang:

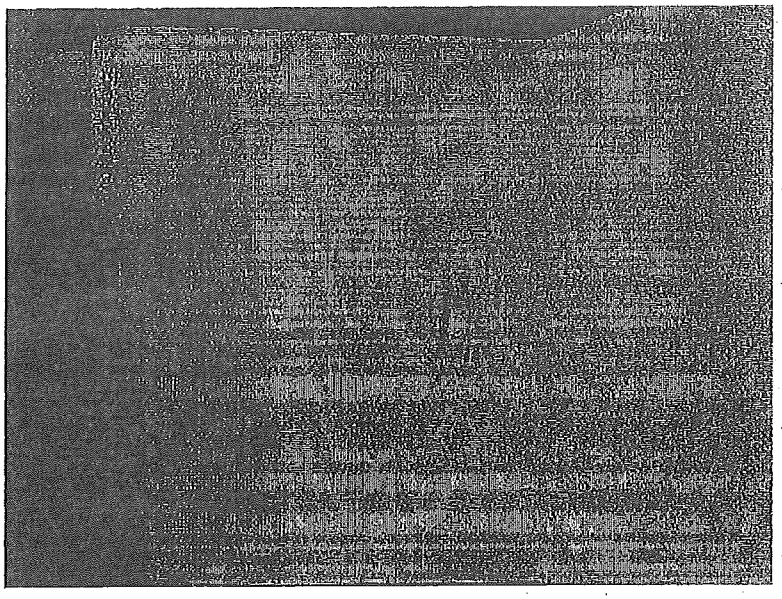
On March 31, 2013 I requested a copy of the complete file for the proposed development at 480 Potrero Ave from both Environmental Planner Don Lewis & City Planner Ben Fu.

I asked specifically for all documents, in addition to any emails &/or other electronic forms of data which they have for this project.

Whereas Mr. Lewis promptly responded on April 1, I was able to go in the next day to begin reviewing his case file.

Mr. Fu however had not acknowledged my request as of April 10, so I made a second. See emails below. He let me know the folder was avail. at the front desk. I again asked if the folder was complete, & again he never responded.

Earlier today I went in to the Planning Dept. to review said files & am perturbed to have found that the Correspondence folder for 480 Potrero is empty. Picture attached.



I've been told by Sue Hestor that you're very good with documentation... & so in preparation of the hearing scheduled for May 16, 2013, I humbly request access under the Sunshine Ordinance to everything held in custody by the SF Planning Dept, including emails, electronic files, phone records, meeting minutes, etc. related to the proposed development at 480 Potrero Ave.

Regards,

Mica Ringel

485 Potrero Ave

San Francisco, CA 94110

(415) 519-7523

---------- Forwarded message ----------
From: **Mica** <supermica@gmail.com>
Date: Mon, Apr 15, 2013 at 11:17 AM
Subject: Re: Request for all files regarding 480 Potrero Ave
To: "Fu, Ben" <ben.fu@sfgov.org>
Cc: "Hwang, Lulu" <lulu.hwang@sfgov.org>

Mr. Fu:

Thanks for getting back to me. I was told to make my request with both you & Don Lewis for all files, in addition to any emails &/or other electronic forms of data which you both have for the proposed project at 480 Potrero.

I came in two weeks ago to review the files which Mr. Lewis had made available, & would like to come in today from around 12:30-3 to begin assessment of yours.

Per your suggestion, if I need further assistance going forward regarding this documentation request I'll make it with Ms. Hwang under the Sunshine Ord.

Regards,

--Mica Ringel

On Thu, Apr 11, 2013 at 9:59 AM, Fu, Ben <ben.fu@sfgov.org> wrote:

Mica,

If you are making a request under the sunshine ordinance, please contact Lulu Hwang. Otherwise, if you wish to review the case file, it is available at the 4th floor reception.

Regards,

Ben A. Fu, City Planner

San Francisco Planning Department

1650 Mission Street, Suite 400

San Francisco, CA 94103

T: 415.558.6613

F: 415.558.6409

ben.fu@sfgov.org

From: Mica [mailto:supermica@gmail.com]
Sent: Wednesday, April 10, 2013 2:58 PM
To: Fu, Ben
Subject: Re: Request for all files regarding 480 Potrero Ave

Thanks for letting me know.

Per my request a week ago Monday, is it complete with all documents, in addition to any emails &/or other electronic forms of data which you have for this project?

Regards, --Mica Ringel

On Wed, Apr 10, 2013 at 2:46 PM, Fu, Ben <ben.fu@sfgov.org> wrote:

Mica,

The case file is available for public review. You are welcome to make any copies at the reception lobby.

Regards,

Ben A. Fu, City Planner

San Francisco Planning Department

1650 Mission Street, Suite 400

San Francisco, CA 94103

T: 415.558.6613

F: 415.558.6409

ben.fu@sfgov.org

---------- Forwarded message ----------
From: **Mica** <supermica@gmail.com>
Date: Wed, Apr 10, 2013 at 2:31 PM
Subject: Re: Request for all files regarding 480 Potrero Ave
To: ben.fu@sfgov.org

Second request.

From: Mica [mailto:supermica@gmail.com]
Sent: Sunday, March 31, 2013 10:22 PM
To: Fu, Ben
Cc: Hwang, Lulu; Wycko, Bill

Subject: Request for all files regarding 480 Potrero Ave

Dear Mr. Fu:

In preparation of the hearing scheduled for May 16, 2013 I am requesting a copy of the complete file for the proposed development at 480 Potrero Ave.

Please include all documents, in addition to any emails &/or other electronic forms of data which you have for this project.

Please let me know when you expect this packet of information available for pickup.

I am also requesting the same from Don Lewis.

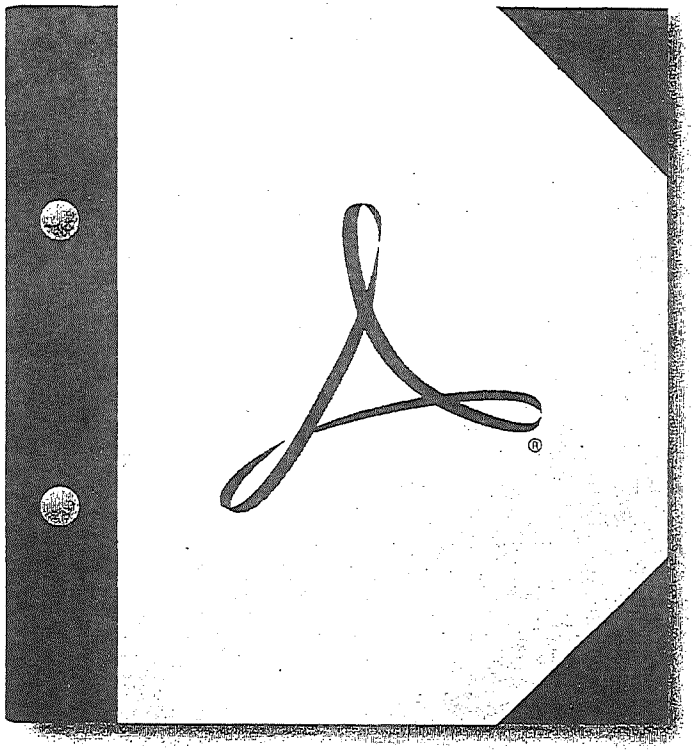
Regards,

Mica Ringel

485 Potrero Ave

San Francisco, CA 94110

(415) 519-7523



For the best experience, open this PDF portfolio in Acrobat X or Adobe Reader X, or later.

Get Adobe Reader Now!

From: Lewis, Don
To: Jones, Sarah; tony@townconsulting.com; Reza Khoshnevisan (reza@siaconsult.com)
Cc: Fu, Ben
Subject: 480 Potrero - PMND/CPE Appeal
Date: Wednesday, October 17, 2012 10:36:12 AM
Attachments: 480 Potrero Avenue Appeal Letter.pdf

Hello all,

Attached is the appeal letter for 480 Potrero Avenue.

Ben, when were you thinking of taking the CU to the Commission?

Thanks,

Don Lewis
Environmental Planner
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco CA 94103
(415) 575 – 9095
(415) 558 – 6409 fax

From: jean@woodwinds.net
To: don.lewis@sfgov.org; ben.fu@sfgov.org
Subject: 480 Potrero Avenue - Case 2011.0430E
Date: Thursday, May 31, 2012 2:12:00 PM

Hello,
I have a few questions about Case 2011.0430E which I hope one of you will be kind enough to answer.

1) Why are only 33 parking spaces planned for 78 apartments?
2) How many square feet are contained in each of the apartment layouts?
3) How many commercial sites and what type do you expect?
4) Is the housing low or medium income?
5) Is the housing to be purchased or rented?
6) Will rent control be in place if rented?
7) Who will be running the apartments if rented.. what management company?
8) Who is the construction company planning on building the apartments?
9) Will there be a benefit fee given to the Eastern Neighborhoods Benefit fund? If so, how much?
10) Is this apartments in an area considered in a Redevelopment Plan?

Thank you,
Jean Bogiages, MUNA chair
http://sfmuna.org

From:	Ron Albert
To:	reza@siaconsult.com
Cc:	don.lewis@sfgov.org; ben.fu@sfgov.org
Subject:	480 Potrero Project
Date:	Tuesday, July 31, 2012 5:12:00 PM
Attachments:	480PotreroLetter0001.pdf

Mr. Khoshnevisan:
Please confirm receipt of this email and the attached letter.

Ronald P. Albert
Albert Law Corporation
66 George Lane, Suite 101
Sausalito, CA 94965-1890
Telephone: 415-332-5600
E-mail: rpa@albertlawcorp.com

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From: Lewis, Don (CPC)
To: Reza Khoshnevisan (reza@sjaconsult.com); tony@townconsulting.com
Cc: Fu, Ben
Subject: 480 Potrero Revised Plans
Date: Monday, April 01, 2013 8:38:15 AM

When will the revised plans be ready?

There's a good amount of work I need to do once I receive these plans. The Neg Dec needs to be amended since there is now ground-floor retail, and I will also need to revise the appeal response. The sooner I get these plans the better.

Thanks,

Don Lewis
Environmental Planner
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco CA 94103
(415) 575 – 9095
(415) 558 – 6409 fax

From:	Mica
To:	Lewis, Don (CPC); Wycko, Bill
Cc:	Fu, Ben; CohenStaff; Cohen, Malia
Subject:	480 Potrero / Planning Dept. Case No. 2011.0430U
Date:	Tuesday, April 23, 2013 10:12:54 AM

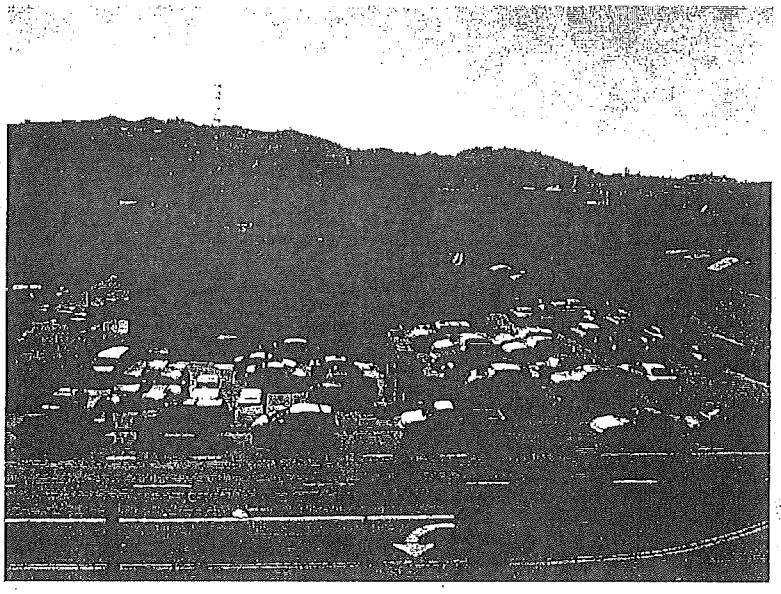
Dear Mr. Lewis:

I believe that the Preliminary Mitigated Negative Declaration is flawed on the face of it (*Prima Facie*).

480 is described in error as being "currently a vacant lot" while for more than a year it has been leased to Sunny's Auto Body for use as a "parking lot".

It speaks for itself (*Res Ipsa Loquitor*) that it is not "currently a vacant lot" when during business hours 6 days a week there are consistently 30-50 vehicles parked there.

I count 31 vehicles on site as I type this email now. Below is a picture from yesterday with again 50 cars parked there.



The inaccurate "vacant lot" site description is repeated three times throughout the PMND, it was duly advertised in newspapers, it was posted on site, & letters were sent to neighbors in a 300 ft. radius... all with this misrepresentation.

Has the Planning Dept. copy & pasted SIA Consulting's site description without fact checking first?

Following are sections of the Planning code which may be relevant:

SEC. 102.28. USE.

The purpose for which land or a structure, or both, are designed, constructed, arranged or intended, or for which they are occupied or maintained, let or leased.

SEC. 150. OFF-STREET PARKING AND LOADING REQUIREMENTS.

(d) **Spaces to be Retained.** Once any off-street parking or loading space has been provided which wholly or partially meets the requirements of this Code, such off-street parking or loading space shall not thereafter be reduced, eliminated or made unusable in any manner.

SEC. 156. PARKING LOTS.

(a) A "parking lot" is hereby defined as an off-street open area or portion thereof solely for the parking of passenger automobiles. Such an area or portion shall be considered a parking lot whether or not on the same lot as another use, whether or not required by this Code for any structure or use, and whether classified as an accessory, principal or conditional use.

I would appreciate a response to my concerns at your earliest convenience.

Regards,

Mica Ringel
485 Potrero Ave
San Francisco, CA 94110

(415) 519-7523

From:	Mica
To:	Fu, Ben
Cc:	Lewis, Don (CPC); Wycko, Bill; CohenStaff; Cohen, Malia
Subject:	480 Potrero / Planning Dept. Case No. 2011.0430X
Date:	Thursday, April 25, 2013 10:35:11 AM
Attachments:	Application - 2011.0430X - 480 Potrero Avenue.pdf

Dear Mr. Fu:

I believe the Large Project Application for 480 Potrero has been misrepresented to the Planning Dept. & that it contains errors on the face of it (*Prima Facie*).

Present or Previous Use: previously a warehouse, present use = vacant

For more than a year the owner of 480 has been leasing the property to Sunny's Auto Body for use as a parking lot.

It speaks for itself (*Res Ipsa Loquitor*) that it's "present use" is not "vacant" when during business hours 6 days a week there are consistently 30-50 vehicles parked there.

I count 34 vehicles on site as I type this email now. Below is a picture from yesterday with 45 cars parked there.

Inline image 1

The inaccuracies continue...

				PROJECT TOTALS
PROJECT FEATURES				
Dwelling Units	0	0	84	84
Hotel Rooms	0	0	0	0
Parking Spaces	0	0	38	38
Loading Spaces	0	0	0	0
Number of Buildings	vacant	n/a	1	1
Height of Building(s)	n/a	n/a	58'	58'
Number of Stories	n/a	n/a	6	6
Bicycle Spaces	n/a	n/a	12	12 tbd
GROSS SQUARE FOOTAGE (GSF)				
Residential	n/a		85,490 sq. ft.	85,490 sq ft
Retail	n/a		0	0
Office	n/a		0	0
Industrial/PDR	n/a		0	0
Parking	n/a		0	0
Other (Specify Use)			0	0
TOTAL GSF	0		85,490 sq. ft.	85,490 sq. ft.

Following are sections of the Planning code which may otherwise be relevant, if not for the above misrepresentations:

SEC. 102.28. USE.

The purpose for which land or a structure, or both, are designed, constructed, arranged or intended, or for which they are occupied or maintained, let or leased.

SEC. 150. OFF-STREET PARKING AND LOADING REQUIREMENTS.

(d) **Spaces to be Retained.** Once any off-street parking or loading space has been provided which wholly or partially meets the requirements of this Code, such off-street parking or loading space shall not thereafter be reduced, eliminated or made unusable in any manner

SEC. 156. PARKING LOTS.

(a) A "parking lot" is hereby defined as an off-street open area or portion thereof solely for the parking of passenger automobiles. Such an area or portion shall be considered a parking lot whether or not on the same lot as another use, whether or not required by this Code for any structure or use, and whether classified as an accessory, principal or conditional use.

The previous warehouse structure was demolished and the subject parcel is currently vacant.

Actually, the subject parcel is currently a parking lot.

It is of great concern that the Applicant's Affidavit has been signed under penalty of perjury on 10/4/12 by the Property Owner's Agent, Tony Kim of Town Consulting, who was formally employed by the SF Planning Dept.

Applicant's Affidavit

Under penalty of perjury the following declarations are made:
a: The undersigned is the owner or authorized agent of the owner of this property.
b: The information presented is true and correct to the best of my knowledge.
c: The other information or applications may be required.

Signature: see LOA Date: 10/4/12

Print name, and indicate whether owner, or authorized agent:

Owner / Authorized Agent (circle one)

LETTER OF AUTHORIZATION

I, Sia Tahbazof, as property owner(s) of the below-described property, does hereby appoint Town Consulting as authorized agent for the purpose of researching all permit history and filing any applications and obtaining any and all governmental permits/entitlements/appeals and approvals on the below-described property. The undersigned understands that the application may be denied, modified, or approved with conditions and that such conditions or modification must be complied with prior to issuance of permits or approvals.

Address: 480 Potrero Avenue

Property Owner(s)

I believe SIA Consulting, through Project Sponsor Reza Khoshnevisan, Consultant Tony Kim, & Consultant Asa Safai have misrepresented other parts of this project as well.

I would appreciate your response to my concerns at your earliest convenience as this is not the only document in your case file for 480 Potrero which appears to have not been fact checked.

Regards,

Mica Ringel
485 Potrero Ave
San Francisco, CA 94110

(415) 519-7523

From: Jean Bogiages
To: Fu, Ben
Subject: 480 Potrero
Date: Wednesday, January 30, 2013 1:05:45 PM

Hi Ben,
Do you have any idea when the 480 Potrero project will come before the commission?
I'm trying to decide when to schedule a meeting with the developer.
Thanks,
Jean Bogiages

From: Reza Khoshnevisan
To: Fu, Ben
Subject: FW: 480 POTRERO
Date: Monday, April 01, 2013 5:26:30 PM

Hi Ben;
Here is some renderings for your review.

Thanks;
Reza Khoshnevisan
SIA Consulting Corp.
1256 Howard Street
San Francisco, Ca. 94103
Tel: 415.922.0200, ext.108
Fax: 415.922.0203

From: brad terrell [mailto:terrell.brad@gmail.com]
Sent: Monday, April 01, 2013 4:51 PM
To: Reza Khoshnevisan; Renee Lu
Subject: 480 POTRERO

Hi Reza,
Please see the attached illustrations. These additional views are rendered free of the proposed landscaping to clearly illustrate the design.
-Brad

From: jean bogiages
To: Fu, Ben
Subject: Large Project Authorization Application
Date: Saturday, April 27, 2013 8:11:43 AM

Hi Ben,

I have a copy of the Application for Large Project Authorization for 480 Potrero (11.0430 X) which is dated 10/4/12.
If there is a newer version, please email me a copy.
Thanks,
Jean Bogiages

From: jean bogiages
To: Fu, Ben
Cc: dean@deansgaragedoors.com; Juan Jayo; supermica@gmail.com
Subject: Meeting with members of the "Save Potrero" committee regarding the planned 480 Potrero Development
Date: Tuesday, November 13, 2012 6:19:13 PM

Hi Ben,

Thank you for giving me multiple time slots for our neighborhood group representatives to talk to you about the 480 Potrero development plans.
After emailing the three who have been selected to represent the neighborhood group, I find that 11:30 Tuesday, 11/20 is the day and time that everyone can meet.
I'm guessing that we will find your office at 1650 Mission street, where the planning department is located.
Are you on the 4th floor?

Thanks again,
Jean Bogiages
415-305-8230

From: jean bogiages
To: Fu, Ben; Lewis, Don (CPC)
Subject: Planning Commission Meeting Schedule
Date: Tuesday, March 26, 2013 8:46:40 AM

Hi,
Has there been any date scheduled yet for the480 Potrero project?
Thanks,
Jean Bogiages

From:	Aidin Massoudi
To:	Fu, Ben
Cc:	Reza Khoshnevisan; Siavash Tahbazof; Lewis, Don
Subject:	RE: 480 Potrero Avenue (3973/002C) Shadow Analysis
Date:	Thursday, August 30, 2012 9:32:31 AM

Hi Ben,

I dropped off a new Shadow Analysis pack w/fee this morning. If the old one is found, please disregard it.

Thank you

Aidin Massoudi
SIA Consulting Corp.
1256 Howard Street
San Francisco, Ca. 94103
Tel: 415.922.0200 Ext.105
Fax: 415.922.0203
www.siaconsult.com

From: Fu, Ben [mailto:ben.fu@sfgov.org]
Sent: Wednesday, August 29, 2012 10:01 AM
To: Aidin Massoudi
Cc: Reza Khoshnevisan; Siavash Tahbazof; Lewis, Don
Subject: RE: 480 Potrero Avenue (3973/002C) Shadow Analysis

If you have already submitted a shadow study, then there's no need to submit another. However, the Planning Department has no record of a previous submittal. Please submit the shadow study to the attention of Julian Banales.

Regards,

Ben A. Fu, City Planner
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103
T: 415.558.6613
F: 415.558.6409
ben.fu@sfgov.org

From: Aidin Massoudi [mailto:Aidin@siaconsult.com]
Sent: Tuesday, August 28, 2012 5:35 PM
To: Fu, Ben
Cc: Reza Khoshnevisan; Siavash Tahbazof
Subject: 480 Potrero Avenue (3973/002C) Shadow Analysis

Hi Ben,

I was told that you are requesting a new Shadow Analysis app. I submitted an application with the fee in March and the 1"=200' scale site plan (please see attached).

Please let me know if these items have been received. I will check and see if the fee check was deposited.

Thank you,

Aidin Massoudi
SIA Consulting Corp.
1256 Howard Street
San Francisco, Ca. 94103
Tel: 415.922.0200 Ext.105
Fax: 415.922.0203
www.siaconsult.com



From: Reza Khoshnevisan
To: Ron Albert
Cc: don.lewis@sfgov.org; ben.fu@sfgov.org; Tony Kim
Subject: RE: 480 Potrero Project
Date: Wednesday, August 01, 2012 4:35:00 PM

Hello Mr. Albert;
I did receive your email yesterday. I am the project designer / consultant and as you know we are working on plans to develop the subject lot. Just for clarification, I was unaware of the any attempts to reach me or any of my staff. Moreover, I contacted Mr. Phil Palileo (the property manager) this morning and he stated that he was un aware of your client trying to reach him. Since my client purchased the lot they have made sure that land is secure and have continued efforts to clean up and to paint over the gratifies at the site. In addition, I was told that the property manager did not know about any water intrusion issues effecting the adjacent properties. For any maintenance issues you can contact Phil at 415.672.8080 he is extremely easy to reach and willing to correct any issues at the site.

As for the development, we are in process of completing our traffic study and various other aspects of the environmental requirements. We were planning to hold extensive neighborhood meetings after we get the necessary environmental reports such as traffic study so that we better understand the impact of the project towards the neighborhood ourselves before presenting this to the neighborhood. As we are still fine tuning our plans, we value your input and we are very interested in knowing what your concerns may be towards our development. Please feel free to contact me if you have any questions in regards to the plan or the permit process. I am always available and willing to meet you or your client.

Kindest regards;

Reza Khoshnevisan
SIA Consulting Corp.
1256 Howard Street
San Francisco, Ca. 94103
Tel: 415.922.0200, ext.108
Fax: 415.922.0203

From: Ron Albert [mailto:rpa@albertlawcorp.com]
Sent: Tuesday, July 31, 2012 5:14 PM
To: Reza Khoshnevisan
Cc: don.lewis@sfgov.org; ben.fu@sfgov.org
Subject: 480 Potrero Project

Mr. Khoshnevisan:
Please confirm receipt of this email and the attached letter.

Ronald P. Albert
Albert Law Corporation
66 George Lane, Suite 101

Sausalito, CA 94965-1890
Telephone: 415-332-5600
E-mail: rpa@albertlawcorp.com

This e-mail transmission may contain confidential information, and is intended solely for the addressee(s) named above. This email may also contain attorney-client privileged communications or work product. If you are not the intended recipient of this message, you are not authorized to print, copy, forward, disclose or otherwise distribute this message to any other person. If you have received this transmission in error, please advise by replying to the sender, and then delete this message. Thank you for your courtesy and cooperation.

To ensure compliance with requirements imposed by the Internal Revenue Service, we inform you that, unless we expressly state otherwise in this communication (including any attachments), any tax advice contained in this communication is not intended or written to be used, and cannot be used, for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or other matter addressed herein.

From: Lewis, Don (CPC)
To: Reza Khoshnevisan
Cc: tony@townconsulting.com; Fu, Ben
Subject: RE: 480 Potrero Revised Plans
Date: Monday, April 01, 2013 8:45:13 AM

Only need 11 by 17, and you can email them to me. Thanks.

Thanks,
Don Lewis
Environmental Planner
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco CA 94103
(415) 575 – 9095
(415) 558 – 6409 fax

From: Reza Khoshnevisan [mailto:reza@siaconsult.com]
Sent: Monday, April 01, 2013 8:42 AM
To: Lewis, Don (CPC)
Cc: tony@townconsulting.com; Fu, Ben
Subject: Re: 480 Potrero Revised Plans

We are ready, would you like full size sets?

Sent from my iPhone

On Apr 1, 2013, at 8:38 AM, "Lewis, Don (CPC)" <don.lewis@sfgov.org> wrote:

> When will the revised plans be ready?
>
> There's a good amount of work I need to do once I receive these plans. The Neg Dec needs to be amended since there is now ground-floor retail, and I will also need to revise the appeal response. The sooner I get these plans the better.
>
> Thanks,
> Don Lewis
> Environmental Planner
> San Francisco Planning Department
> 1650 Mission Street, Suite 400
> San Francisco CA 94103
> (415) 575 – 9095
> (415) 558 – 6409 fax

From: Ron Miguel
To: "Reza Khoshnevisan"; Cohen, Malia
Cc: jean@woodwinds.net; dean@deansgaragedoors.com; Fu, Ben
Subject: RE: 480 Potrero
Date: Wednesday, January 30, 2013 10:56:30 AM

Reza – Thank you for your offer of revised plans – I would appreciate seeing them. I do not know if my suggestions/comments will satisfy the neighborhood. I have advised them to meet with you, and I suggest that you do so following any revisions. If either you or they would like me to attend such a meeting, I will try to make it.

Ron Miguel
600 De Haro St.
San Francisco, CA 94107
415-601-0708

From: Reza Khoshnevisan [mailto:reza@siaconsult.com]
Sent: Wednesday, January 30, 2013 10:00 AM
To: Ron Miguel; Malia Cohen
Cc: jean@woodwinds.net; dean@deansgaragedoors.com; Ben.Fu@sfgov.org
Subject: 480 Potrero

Hi Mr. Miguel;
Thank you so much for your help with this project. Your efforts are greatly appreciated. We are in process of revising our plans to satisfy your recommendations. I will email you the revised plans as soon as they become available. Do you have any indication whether the neighborhood will be satisfied if we meet the outlined recommendations?

Kindest regards;
Reza Khoshnevisan
SIA Consulting Corp.
1256 Howard Street
San Francisco, Ca. 94103
Tel: 415.922.0200, ext.108
Fax: 415.922.0203

From: Ron Miguel [mailto:rm@well.com]
Sent: Sunday, January 27, 2013 10:13 AM
To: Malia Cohen
Cc: jean@woodwinds.net; dean@deansgaragedoors.com; Ben.Fu@sfgov.org; Reza Khoshnevisan
Subject: 480 Potrero

Supervisor Cohen – I have attached a letter outlining my efforts regarding the proposed SIA development at 480 Potrero Ave.

Please let me know if I can be of further assistance.

Sincerely,

Ron Miguel

600 De Haro St.
San Francisco, CA 94107
415-601-0708

From: Reza Khoshnevisan
To: Ron Miguel; Cohen, Malia
Cc: jean@woodwinds.net; dean@deansgaragedoors.com; Fu, Ben
Subject: RE: 480 Potrero
Date: Friday, February 01, 2013 2:42:51 PM

Thank you, I'll keep you updated. Your input is greatly appreciated.

Thanks;
Reza

From: Ron Miguel [mailto:rm@well.com]
Sent: Wednesday, January 30, 2013 10:53 AM
To: Reza Khoshnevisan; 'Malia Cohen'
Cc: jean@woodwinds.net; dean@deansgaragedoors.com; Ben.Fu@sfgov.org
Subject: RE: 480 Potrero

Reza – Thank you for your offer of revised plans – I would appreciate seeing them. I do not know if my suggestions/comments will satisfy the neighborhood. I have advised them to meet with you, and I suggest that you do so following any revisions. If either you or they would like me to attend such a meeting, I will try to make it.

Ron Miguel
600 De Haro St.
San Francisco, CA 94107
415-601-0708

From: Reza Khoshnevisan [mailto:reza@siaconsult.com]
Sent: Wednesday, January 30, 2013 10:00 AM
To: Ron Miguel; Malia Cohen
Cc: jean@woodwinds.net; dean@deansgaragedoors.com; Ben.Fu@sfgov.org
Subject: 480 Potrero

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Kindest regards;
Reza Khoshnevisan
SIA Consulting Corp.
1256 Howard Street
San Francisco, Ca. 94103
Tel: 415.922.0200, ext.108
Fax: 415.922.0203

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Sent: Sunday, January 27, 2013 10:13 AM
To: Malia Cohen

Cc: jean@woodwinds.net; dean@deansgaragedoors.com; Ben.Fu@sfgov.org; Reza Khoshnevisan
Subject: 480 Potrero

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Please let me know if I can be of further assistance.

Sincerely,

Ron Miguel
600 De Haro St.
San Francisco, CA 94107
415-601-0708

From: George Nelson
To: Fu, Ben
Subject: RE: 480 Potrero
Date: Monday, December 10, 2012 4:27:29 PM

Many thanks.

Nelson

From: ben.fu@sfgov.org
To: nelson.george@hotmail.co.uk
Subject: RE: 480 Potrero
Date: Tue, 11 Dec 2012 00:12:54 +0000

George,

Please see below for project contact info.

Project Sponsor/Developer/Architect:
Reza Khoshnevisan
SIA Consulting Corp.
1256 Howard Street
San Francisco, Ca. 94103
Tel: 415.922.0200, ext.108
Fax: 415.922.0203

Ben A. Fu, City Planner
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103
T: 415.558.6613
F: 415.558.6409
ben.fu@sfgov.org

From: George Nelson [mailto:nelson.george@hotmail.co.uk]
Sent: Monday, December 10, 2012 4:09 AM
To: Banales, Julian
Subject: 480 Potrero

Dear Mr Banales,

I am a reporter from the Potrero View newspaper currently writing a story describing the proposed development at 480 Potrero. A letter you sent Reza Khoshnevisan came to my attention - might you be able to tell me who the architect and development company will be if the plans to develop the site are given the green light? Many thanks.

Sincerely,

Nelson George

From: Lewis, Don (CPC)
To: jean@woodwinds.net; Fu, Ben
Subject: RE: Planning Commission Meeting Schedule
Date: Tuesday, March 26, 2013 9:22:17 AM

Hello Jean,

Pushed to May 16th. Still haven't rec'd the revised plans from sponsor.

Thanks,
Don Lewis
Environmental Planner
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco CA 94103
(415) 575 – 9095
(415) 558 – 6409 fax

-----Original Message-----
From: jean bogiages [mailto:jean@woodwinds.net]
Sent: Tuesday, March 26, 2013 8:46 AM
To: Fu, Ben; Lewis, Don (CPC)
Subject: Planning Commission Meeting Schedule

Hi,
Has there been any date scheduled yet for the480 Potrero project?
Thanks,
Jean Bogiages

From: Hwang, Lulu
To: Mica
Cc: Juan Jayo; SOTF; Diane Ringel; Fu, Ben; Lewis, Don (CPC)
Subject: RE: Sunshine Ordinance request 480 Potrero Ave
Date: Thursday, April 25, 2013 7:40:23 PM
Attachments: 480 Potrero Ave.pdf

Besides all the materials in the case file from Ben and Don, the only thing I found in the Historical files are attached.

Thanks!
Lulu
Have a Good Day Today and a Better Day Tomorrow...

From: Mica [mailto:supermica@gmail.com]
Sent: Thursday, April 25, 2013 12:56 PM
To: Hwang, Lulu
Cc: Juan Jayo; SOTF; Diane Ringel; Fu, Ben
Subject: Re: Sunshine Ordinance request 480 Potrero Ave

I couldn't have been any clearer in my requests.

I asked specifically for "all documents, in addition to any emails &/or other electronic forms of data which they have for this project".

I know for a fact that there is more in the custody of the Planning Dept. RE: the proposed project at 480 Potrero Ave. than what was available at the front desk for both Don Lewis & Ben Fu's case files.

I inventoried those documents & reported to you that they were incomplete.

Thus, I made my formal request with you for "access under the Sunshine Ordinance to everything held in custody by the SF Planning Dept, including emails, electronic files, phone records, meeting minutes, etc. related to the proposed development at 480 Potrero Ave".

This matter is coming to hearing with the Planning Commissioners and the custodians of the records at the Planning Dept. are making it more than difficult for me to access public information.

On Thu, Apr 25, 2013 at 12:38 PM, Hwang, Lulu <lulu.hwang@sfgov.org> wrote:
Hello

On April 11, Ben sent you an email to let you know that the case file is available for you to review at the 4th floor reception desk. And our record shown that you had already come and

review the case file.

May I assist you on what other files you would like to review?

Thanks!
Lulu Hwang
Planning Department
Operations & IS Administrator
1650 Mission Street #400
San Francisco CA 94103
415-558-6318 (V)
Lulu.Hwang@SFGOV.ORG
Have a Good Day Today and a Better Day Tomorrow...

From: Mica [mailto:supermica@gmail.com]
Sent: Thursday, April 25, 2013 11:59 AM
To: Hwang, Lulu
Cc: Juan Jayo; SOTF; Diane Ringel
Subject: Re: Sunshine Ordinance request 480 Potrero Ave

Dear Ms. Hwang:

Third request. Now you too have not replied for 10 days.

It appears the Planning Dept. is far out of compliance with the Sunshine Ordinance http://sfbos.org/index.aspx?page=4460

How much longer is reasonable for me to wait before filing a formal complaint with the SOTF?

Mica Ringel
485 Potrero Ave
San Francisco, CA 94110

(415) 519-7523

On Mon, Apr 15, 2013 at 3:01 PM, Mica <supermica@gmail.com> wrote:
Dear Ms. Hwang:

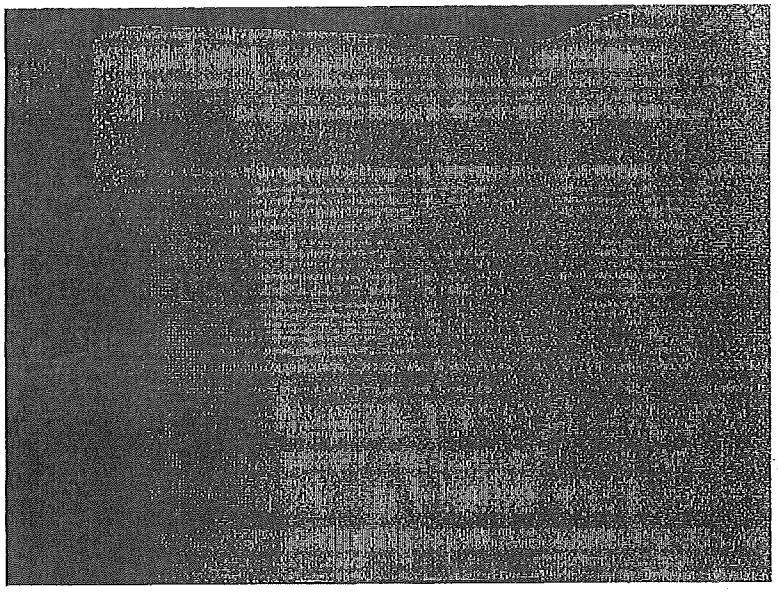
On March 31, 2013 I requested a copy of the complete file for the proposed development at 480 Potrero Ave from both Environmental Planner Don Lewis & City Planner Ben Fu.

I asked specifically for all documents, in addition to any emails &/or other electronic forms of data which they have for this project.

Whereas Mr. Lewis promptly responded on April 1, I was able to go in the next day to begin reviewing his case file.

Mr. Fu however had not acknowledged my request as of April 10, so I made a second. See emails below. He let me know the folder was avail. at the front desk. I again asked if the folder was complete, & again he never responded.

Earlier today I went in to the Planning Dept. to review said files & am perturbed to have found that the Correspondence folder for 480 Potrero is empty. Picture attached.



I've been told by Sue Hestor that you're very good with documentation... & so in preparation of the hearing scheduled for May 16, 2013, I humbly request access under the Sunshine Ordinance to <u>everything</u> held in custody by the SF Planning Dept, including emails, electronic files, phone records, meeting minutes, etc. related to the proposed development at 480 Potrero Ave.

Regards,

Mica Ringel
485 Potrero Ave
San Francisco, CA 94110

<u>(415) 519-7523</u>

---------- Forwarded message ----------
From: **Mica** <supermica@gmail.com>
Date: Mon, Apr 15, 2013 at 11:17 AM
Subject: Re: Request for all files regarding 480 Potrero Ave
To: "Fu, Ben" <ben.fu@sfgov.org>
Cc: "Hwang, Lulu" <lulu.hwang@sfgov.org>

Mr. Fu:

Thanks for getting back to me. I was told to make my request with both you & Don Lewis for all files, in addition to any emails &/or other electronic forms of data which you both have for the proposed project at 480 Potrero.

I came in two weeks ago to review the files which Mr. Lewis had made available, & would like to come in today from around 12:30-3 to begin assessment of yours.

Per your suggestion, if I need further assistance going forward regarding this documentation request I'll make it with Ms. Hwang under the Sunshine Ord.

Regards,

--Mica Ringel

On Thu, Apr 11, 2013 at 9:59 AM, Fu, Ben <ben.fu@sfgov.org> wrote:
Mica,

If you are making a request under the sunshine ordinance, please contact Lulu Hwang. Otherwise, if you wish to review the case file, it is available at the 4th floor reception.

Regards,

Ben A. Fu, City Planner
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103
T: 415.558.6613
F: 415.558.6409
ben.fu@sfgov.org

From: Mica [mailto:supermica@gmail.com]
Sent: Wednesday, April 10, 2013 2:58 PM
To: Fu, Ben

Subject: Re: Request for all files regarding 480 Potrero Ave

Thanks for letting me know.

Per my request a week ago Monday, is it complete with all documents, in addition to any emails &/or other electronic forms of data which you have for this project?

Regards, --Mica Ringel

On Wed, Apr 10, 2013 at 2:46 PM, Fu, Ben <ben.fu@sfgov.org> wrote:
Mica,

The case file is available for public review. You are welcome to make any copies at the reception lobby.

Regards,

Ben A. Fu, City Planner
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103
T: 415.558.6613
F: 415.558.6409
ben.fu@sfgov.org

---------- Forwarded message ----------
From: **Mica** <supermica@gmail.com>
Date: Wed, Apr 10, 2013 at 2:31 PM
Subject: Re: Request for all files regarding 480 Potrero Ave
To: ben.fu@sfgov.org

Second request.

From: Mica [mailto:supermica@gmail.com]
Sent: Sunday, March 31, 2013 10:22 PM
To: Fu, Ben
Cc: Hwang, Lulu; Wycko, Bill

Subject: Request for all files regarding 480 Potrero Ave

Dear Mr. Fu:

In preparation of the hearing scheduled for May 16, 2013 I am requesting a copy of the complete file for the proposed development at 480 Potrero Ave.

Please include all documents, in addition to any emails &/or other

electronic forms of data which you have for this project.

Please let me know when you expect this packet of information available for pickup.

I am also requesting the same from Don Lewis.

Regards,

Mica Ringel
485 Potrero Ave
San Francisco, CA 94110

(415) 519-7523

From: Hwang, Lulu
To: Mica
Cc: Fu, Ben; Lewis, Don (CPC); SOTF; DCP, Reception
Subject: RE: Sunshine Ordinance request 480 Potrero Ave
Date: Monday, April 29, 2013 2:49:04 PM

Hello

To clarify regarding the complaint you have for Planning Department is giving you a run around..

On April 11, Ben Fu already sent you an email letting you know that the case file is ready for review. I checked with the reception desk and they told me that the file already reviewed and ready to go back to Ben.

I went to Ben and I asked if there is anything else we left that we can put out for you to review? Ben told me all materials are in the case file which you already reviewed.

I just want to do more research and went to the historical file room and see if there anything else and I found a few more pieces of paper, scanned and email to you.

We do not have any "*addition to any emails &/or other electronic forms of data* " materials that we are not disclosing to to you.

Thanks!
Lulu
Have a Good Day Today and a Better Day Tomorrow...

From: Mica [mailto:supermica@gmail.com]
Sent: Friday, April 26, 2013 4:31 PM
To: Hwang, Lulu; Fu, Ben; Lewis, Don (CPC)
Subject: Re: Sunshine Ordinance request 480 Potrero Ave

For your records is the attached PDF complaint requesting assistance from the SOTF to obtain all documents, including digital files, held within custody of the SF Planning Dept. for the proposed project at 480 Potrero Ave.

On Thu, Apr 25, 2013 at 7:40 PM, Hwang, Lulu <lulu.hwang@sfgov.org> wrote:
Besides all the materials in the case file from Ben and Don, the only thing I found in the Historical files are attached.

Thanks!
Lulu
Have a Good Day Today and a Better Day Tomorrow...

From: Mica [mailto:supermica@gmail.com]
Sent: Thursday, April 25, 2013 12:56 PM
To: Hwang, Lulu
Cc: Juan Jayo; SOTF; Diane Ringel; Fu, Ben

Subject: Re: Sunshine Ordinance request 480 Potrero Ave

I couldn't have been any clearer in my requests.

I asked specifically for "all documents, in addition to any emails &/or other electronic forms of data which they have for this project".

I know for a fact that there is more in the custody of the Planning Dept. RE: the proposed project at 480 Potrero Ave. than what was available at the front desk for both Don Lewis & Ben Fu's case files.

I inventoried those documents & reported to you that they were incomplete.

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May I assist you on what other files you would like to review?

Thanks!
Lulu Hwang
Planning Department
Operations & IS Administrator
1650 Mission Street #400
San Francisco CA 94103
415-558-6318 (V)
Lulu.Hwang@SFGOV.ORG
Have a Good Day Today and a Better Day Tomorrow...

From: Mica [mailto:supermica@gmail.com]
Sent: Thursday, April 25, 2013 11:59 AM
To: Hwang, Lulu
Cc: Juan Jayo; SOTF; Diane Ringel
Subject: Re: Sunshine Ordinance request 480 Potrero Ave

Dear Ms. Hwang:

Third request. Now you too have not replied for 10 days.

It appears the Planning Dept. is far out of compliance with the Sunshine Ordinance http://sfbos.org/index.aspx?page=4460

How much longer is reasonable for me to wait before filing a formal complaint with the SOTF?

Mica Ringel
485 Potrero Ave
San Francisco, CA 94110

(415) 519-7523

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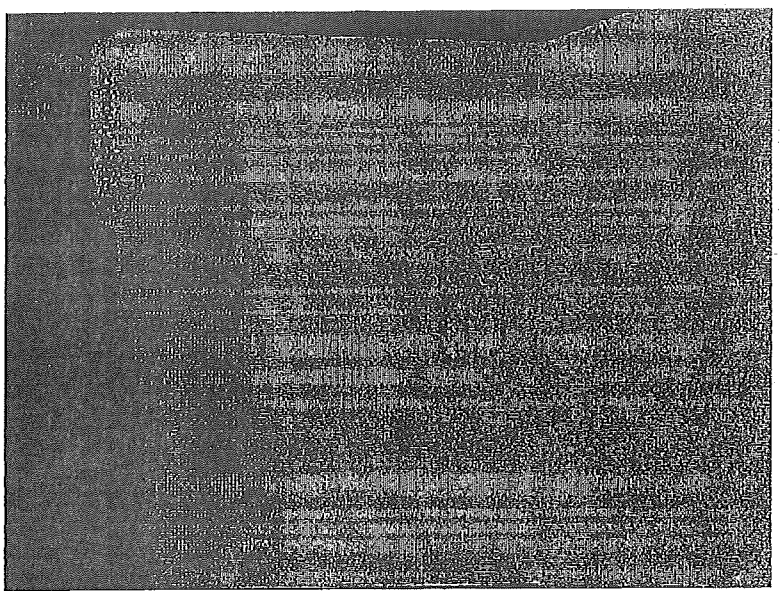
Mr. Fu however had not acknowledged my request as of April 10, so I made a second. See emails below. He let me know the folder was avail. at the front desk. I again asked if the folder was complete, & again he never responded.

Earlier today I went in to the Planning Dept. to review said files & am perturbed to have found that the Correspondence folder for 480 Potrero is empty. Picture attached.



I've been told by Sue Hestor that you're very good with documentation... & so in preparation of the hearing scheduled for May 16, 2013, I humbly request access under the Sunshine Ordinance to everything held in custody by the SF Planning Dept, including emails, electronic files, phone records, meeting minutes, etc. related to the proposed development at 480 Potrero Ave.

Regards,

Mica Ringel
485 Potrero Ave
San Francisco, CA 94110

(415) 519-7523

---------- Forwarded message ----------
From: **Mica** <supermica@gmail.com>
Date: Mon, Apr 15, 2013 at 11:17 AM
Subject: Re: Request for all files regarding 480 Potrero Ave
To: "Fu, Ben" <ben.fu@sfgov.org>
Cc: "Hwang, Lulu" <lulu.hwang@sfgov.org>

Mr. Fu:

Thanks for getting back to me. I was told to make my request with both you & Don Lewis for all files, in addition to any emails &/or other

electronic forms of data which you both have for the proposed project at 480 Potrero.

I came in two weeks ago to review the files which Mr. Lewis had made available, & would like to come in today from around 12:30-3 to begin assessment of yours.

Per your suggestion, if I need further assistance going forward regarding this documentation request I'll make it with Ms. Hwang under the Sunshine Ord.

Regards,

--Mica Ringel

On Thu, Apr 11, 2013 at 9:59 AM, Fu, Ben <ben.fu@sfgov.org> wrote:
Mica,

If you are making a request under the sunshine ordinance, please contact Lulu Hwang. Otherwise, if you wish to review the case file, it is available at the 4th floor reception.

Regards,

Ben A. Fu, City Planner
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103
T: 415.558.6613
F: 415.558.6409
ben.fu@sfgov.org

From: Mica [mailto:supermica@gmail.com]
Sent: Wednesday, April 10, 2013 2:58 PM
To: Fu, Ben
Subject: Re: Request for all files regarding 480 Potrero Ave

Thanks for letting me know.

Per my request a week ago Monday, is it complete with all documents, in addition to any emails &/or other electronic forms of data which you have for this project?

Regards, --Mica Ringel

On Wed, Apr 10, 2013 at 2:46 PM, Fu, Ben <ben.fu@sfgov.org> wrote:
Mica,

The case file is available for public review. You are welcome to make any copies at the reception lobby.

Regards,

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T: 415.558.6613
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From: **Mica** <supermica@gmail.com>
Date: Wed, Apr 10, 2013 at 2:31 PM
Subject: Re: Request for all files regarding 480 Potrero Ave
To: ben.fu@sfgov.org

Second request.

From: Mica [mailto:supermica@gmail.com]
Sent: Sunday, March 31, 2013 10:22 PM
To: Fu, Ben
Cc: Hwang, Lulu; Wycko, Bill

Subject: Request for all files regarding 480 Potrero Ave

Dear Mr. Fu:

In preparation of the hearing scheduled for May 16, 2013 I am requesting a copy of the complete file for the proposed development at 480 Potrero Ave.

Please include all documents, in addition to any emails &/or other electronic forms of data which you have for this project.

Please let me know when you expect this packet of information available for pickup.

I am also requesting the same from Don Lewis.

Regards,

Mica Ringel
485 Potrero Ave
San Francisco, CA 94110

(415) 519-7523

From: Hwang, Lulu
To: Mica
Cc: Juan Jayo; SOTF; Diane Ringel; Fu, Ben
Subject: RE: Sunshine Ordinance request 480 Potrero Ave
Date: Thursday, April 25, 2013 12:39:01 PM

Hello

On April 11, Ben sent you an email to let you know that the case file is available for you to review at the 4th floor reception desk. And our record shown that you had already come and review the case file.

May I assist you on what other files you would like to review?

Thanks!
Lulu Hwang
Planning Department
Operations & IS Administrator
1650 Mission Street #400
San Francisco CA 94103
415-558-6318 (V)
Lulu.Hwang@SFGOV.ORG
Have a Good Day Today and a Better Day Tomorrow...

From: Mica [mailto:supermica@gmail.com]
Sent: Thursday, April 25, 2013 11:59 AM
To: Hwang, Lulu
Cc: Juan Jayo; SOTF; Diane Ringel
Subject: Re: Sunshine Ordinance request 480 Potrero Ave

Dear Ms. Hwang:

Third request. Now you too have not replied for 10 days.

It appears the Planning Dept. is far out of compliance with the Sunshine Ordinance http://sfbos.org/index.aspx?page=4460

How much longer is reasonable for me to wait before filing a formal complaint with the SOTF?

Mica Ringel
485 Potrero Ave
San Francisco, CA 94110

(415) 519-7523

On Mon, Apr 15, 2013 at 3:01 PM, Mica <supermica@gmail.com> wrote:
Dear Ms. Hwang:

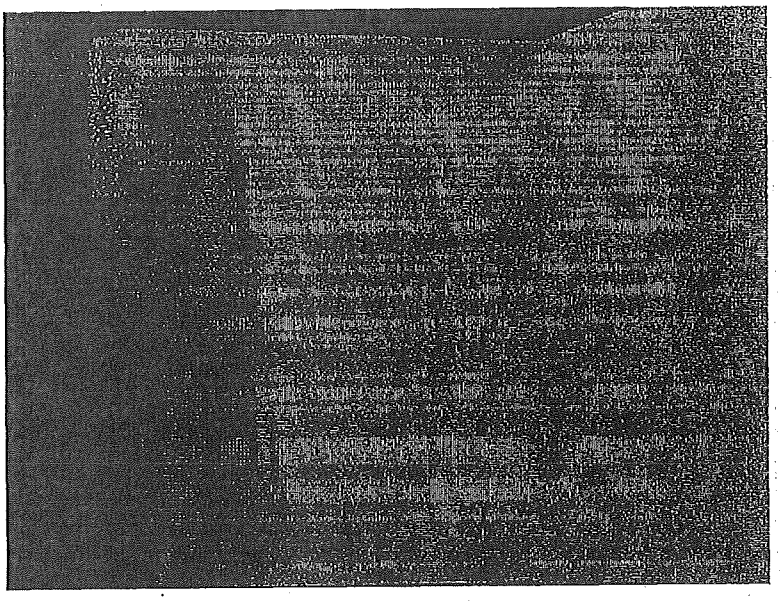
On March 31, 2013 I requested a copy of the complete file for the proposed development at 480 Potrero Ave from both Environmental Planner Don Lewis & City Planner Ben Fu.

I asked specifically for all documents, in addition to any emails &/or other electronic forms of data which they have for this project.

Whereas Mr. Lewis promptly responded on April 1, I was able to go in the next day to begin reviewing his case file.

Mr. Fu however had not acknowledged my request as of April 10, so I made a second. See emails below. He let me know the folder was avail. at the front desk. I again asked if the folder was complete, & again he never responded.

Earlier today I went in to the Planning Dept. to review said files & am perturbed to have found that the Correspondence folder for 480 Potrero is empty. Picture attached.



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San Francisco Planning Department

1650 Mission Street, Suite 400
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ben.fu@sfgov.org

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Sent: Sunday, March 31, 2013 10:22 PM
To: Fu, Ben
Cc: Hwang, Lulu; Wycko, Bill

Subject: Request for all files regarding 480 Potrero Ave

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I am also requesting the same from Don Lewis.

Regards,

Mica Ringel
485 Potrero Ave
San Francisco, CA 94110

(415) 519-7523

From: Reza Khoshnevisan
To: Lewis, Don (CPC)
Cc: Tony Kim; Fu, Ben
Subject: Re: 1/17/13 PC AGENDA
Date: Monday, March 04, 2013 4:33:24 PM

Hi Don
Can we do this late April?

Sent from my iPhone

On Mar 4, 2013, at 2:42 PM, "Lewis, Don (CPC)" <don.lewis@sfgov.org> wrote:

> So we should continue hearing to late April/early May?
>
> Don Lewis
> Environmental Planner
> San Francisco Planning Department
> 1650 Mission Street, Suite 400
> San Francisco CA 94103
> (415) 575 – 9095
> (415) 558 – 6409 fax
>
> ---
>
> **From:** Tony Kim [mailto:tony@townconsulting.com]
> **Sent:** Monday, March 04, 2013 2:31 PM
> **To:** Lewis, Don (CPC)
> **Cc:** Fu, Ben; Reza Khoshnevisan
> **Subject:** Re: 1/17/13 PC AGENDA
>
> Not yet. We are incorporating ground floor commercial and setbacks per staff comments. It's in the works
>
> On Mar 4, 2013, at 11:42 AM, "Lewis, Don (CPC)" <don.lewis@sfgov.org> wrote:
>
> > What's the status of 480 Potrero? Is there now ground floor commercial? Has the design been finalized?
> >
> > Don Lewis
> > Environmental Planner
> > San Francisco Planning Department
> > 1650 Mission Street, Suite 400
> > San Francisco CA 94103
> > (415) 575 – 9095
> > (415) 558 – 6409 fax
> >
> > ---
> >
> > **From:** Fu, Ben
> > **Sent:** Tuesday, February 12, 2013 11:29 AM
> > **To:** Lewis, Don (CPC)
> > **Cc:** tony@townconsulting.com

Subject: RE: 1/17/13 PC AGENDA

Not likely. Revision was received on Jan 7 and UDAT meeting is scheduled for this week. Senior management meeting the last week of Feb. Depends on what comments we have on the project, perhaps April may be more realistic right now.

Ben A. Fu, City Planner
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103
T: 415.558.6613
F: 415.558.6409
ben.fu@sfgov.org

From: Lewis, Don (CPC)
Sent: Monday, February 11, 2013 9:18 AM
To: Fu, Ben
Cc: tony@townconsulting.com
Subject: FW: 1/17/13 PC AGENDA

Hello Ben,

Is March 21st still looking realistic?

Thanks,

Don Lewis
Environmental Planner
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco CA 94103
(415) 575 – 9095
(415) 558 – 6409 fax

From: Lewis, Don (CPC)
Sent: Tuesday, January 08, 2013 9:14 AM
To: tony@townconsulting.com
Subject: FW: 1/17/13 PC AGENDA

Continuing 480 Potrero Avenue to March 21st per my conversation with Ben Fu.

Don Lewis
Environmental Planner
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco CA 94103
(415) 575 – 9095
(415) 558 – 6409 fax

From: Gerber, Patricia
Sent: Tuesday, January 08, 2013 9:06 AM
To: Young, Sharon (CPC); DiSanto, Thomas; DeMartini, Keith; McGee, Kate;

Lewis, Don (CPC); Watty, Elizabeth; Sucre, Richard; Alumbaugh, David; Amdur, Kelley; Banales, Julian; Campos, Jose (CPC); Cooper, Rick; Dennis-Phillips, Sarah; Gibson, Lisa; Lindsay, David; Luellen, Mark; Rahaim, John; Sanchez, Scott; Washington, Delvin; Wycko, Bill
Cc: Ionin, Jonas
Subject: 1/17/13 PC AGENDA

From:	Tony Kim
To:	Fu, Ben
Cc:	Jones, Sarah; Reza Khoshnevisan (reza@slaconsult.com); Lewis, Don; Banales, Julian
Subject:	Re: 480 Potrero - PMND/CPE Appeal
Date:	Wednesday, October 17, 2012 12:20:36 PM

Hi Ben,

In response to the appeal of the PMND the project sponsor would like to meet with the appellants and other neighbors. We would like to meet with you in advance to prepare for our upcoming meetings with the neighbors.

Outside of the core environmental issues it appears that the neighbors are opposed to the overall building envelope. Since this parcel was recently rezoned as part of Eastern Neighborhoods we would like to meet with you to discuss the overall building envelope and and how the new zoning controls would be applied to this particular parcel.

I would appreciate it if you would let us know if you would be available to meet next week. The "X" has been submitted.

Thanks

Tony Kim
415 246 8855

On Oct 17, 2012, at 10:36 AM, Lewis, Don wrote:

> Hello all,
>
> Attached is the appeal letter for 480 Potrero Avenue.
>
> Ben, when were you thinking of taking the CU to the Commission?
>
> Thanks,
> Don Lewis
> Environmental Planner
> San Francisco Planning Department
> 1650 Mission Street, Suite 400
> San Francisco CA 94103
> (415) 575 – 9095
> (415) 558 – 6409 fax
>
> <480 Potrero Avenue Appeal Letter.pdf>

From:	Yvonne Ko
To:	Tony Kim
Cc:	Ben Fu; Julian Banales; Evamarie Atijera; Scott Sanchez
Subject:	Re: 480 Potrero Avenue - PPA & project review meeting
Date:	Tuesday, July 17, 2012 9:56:00 AM

Hi Tony,

According to our record, the project sponsor filed their PPA application in 4/27/2011and the assigned planner was Ben Fu. He closed out this application in 2/24/2012 and the project review meeting application (ID#10464) that was paid for with ck#1841 dated 5/31/2012 was filed 3 months after the PPA was completed and closed out?

I will need to discuss with my supervisor if you want to proceed on with the refund. Please let me know.

Yvonne Ko
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103
(415) 558-6386 phone
(415) 558-6409 fax
e-mail: Yvonne.Ko@sfgov.org

Tony Kim <tony@townconsulting.com>

Tony Kim
<tony@townconsulting.com>

07/16/2012 04:22 PM

Toyvonne.ko@sfgov.org
cc
Subject480 Potrero Avenue - PPA & project review meeting

Hi Yvonne,

My client submitted a PPA application for 480 Potrero Avenue. I followed up with a project review meeting to discuss the exact project. I was required to pay a fee for the project review meeting. I understand that the PPA includes on project review meeting? May I ask for a refund for the project review meeting?

Thanks

Tony Kim

Town Consulting
100 Clement Street 3rd floor
San Francisco CA 94118
(415) 246-8855

From: Yvonne Ko
To: Tony Kim
Cc: Ben Fu; Julian Banales
Subject: Re: 480 Potrero Avenue - PPA & project review meeting
Date: Tuesday, July 17, 2012 1:16:00 PM

Tony,

I have checked with Ben Fu and he has verified that your project review meeting should be free. We will process your project review refund.

Yvonne Ko
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103
(415) 558-6386 phone
(415) 558-6409 fax
e-mail: Yvonne.Ko@sfgov.org

Tony Kim <tony@townconsulting.com>

Tony Kim <tony@townconsulting.com>
07/16/2012 04:22 PM

Toyvonne.ko@sfgov.org
cc
Subject480 Potrero Avenue - PPA & project review meeting

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Thanks

Tony Kim

Town Consulting
100 Clement Street 3rd floor
San Francisco CA 94118
(415) 246-8855

From: Reza Khoshnevisan
To: Lewis, Don (CPC)
Cc: tony@townconsulting.com; Fu, Ben
Subject: Re: 480 Potrero Revised Plans
Date: Monday, April 01, 2013 8:43:00 AM

We are ready, would you like full size sets?

Sent from my iPhone

On Apr 1, 2013, at 8:38 AM, "Lewis, Don (CPC)" <don.lewis@sfgov.org> wrote:

> When will the revised plans be ready?
>
> There's a good amount of work I need to do once I receive these plans. The Neg Dec needs to be amended since there is now ground-floor retail, and I will also need to revise the appeal response. The sooner I get these plans the better.
>
> Thanks,
> Don Lewis
> Environmental Planner
> San Francisco Planning Department
> 1650 Mission Street, Suite 400
> San Francisco CA 94103
> (415) 575 – 9095
> (415) 558 – 6409 fax

From: jean bogiages
To: Fu, Ben
Subject: Re: 480 Potrero
Date: Wednesday, January 30, 2013 1:19:56 PM

When is the soonest you think it might happen?
Thanks,

On 1/30/2013 1:09 PM, Fu, Ben wrote:
> No hearing date has been confirmed for this project.
>
> Thanks,
>
> Ben A. Fu, City Planner
> San Francisco Planning Department
> 1650 Mission Street, Suite 400
> San Francisco, CA 94103
> T: 415.558.6613
> F: 415.558.6409
> ben.fu@sfgov.org
>
>
> -----Original Message-----
> From: jean bogiages [mailto:jean@woodwinds.net]
> Sent: Wednesday, January 30, 2013 1:05 PM
> To: Fu, Ben
> Subject: 480 Potrero
>
> Hi Ben,
> Do you have any idea when the 480 Potrero project will come before the commission?
> I'm trying to decide when to schedule a meeting with the developer.
> Thanks,
> Jean Bogiages
>
>
>
>
>

From:	jean bogiages
To:	Fu, Ben
Cc:	dean@deansgaragedoors.com; Juan Jayo; supermica@gmail.com
Subject:	Re: Meeting with members of the "Save Potrero" committee regarding the planned 480 Potrero Development
Date:	Wednesday, November 14, 2012 9:20:47 AM

Hi Ben,

Please jot us down on your calendar for 10:30-11 on Tuesday, November 20.
We will meet you at 1650 Mission Street Suite 400. Please let me know
if there is a location change.

Thanks,
Jean Bogiages

On 11/13/2012 6:36 PM, Fu, Ben wrote:
> Jean,
>
> I apologize for the misunderstanding, the Tuesday morning slot is for 10:30am as I already have meetings immediately before and after (9:30-10:30 and 11-12). Please pick from the following slots:
>
> 11/19: 10:30-11am or 4-4:30pm.
> 11/20: 10:30-11am or 5-5:30pm (please arrive a few minutes before 5pm).
>
> Alternatively, you are welcome to visit me at the Planning Information Center (PIC) on 11/20 between 2:45 and 5pm. If you do decide to meet me at the PIC, please take a number and wait for me. I will be available to speak to you for 15 minutes there.
>
> Thank you.
>
> Ben A. Fu, City Planner
> San Francisco Planning Department
> 1650 Mission Street, Suite 400
> San Francisco, CA 94103
> T: 415.558.6613
> F: 415.558.6409
> ben.fu@sfgov.org
>
>
> -----Original Message-----
> From: jean bogiages [mailto:jean@woodwinds.net]
> Sent: Tuesday, November 13, 2012 6:19 PM
> To: Fu, Ben
> Cc: dean@deansgaragedoors.com; Juan Jayo; supermica@gmail.com
> Subject: Meeting with members of the "Save Potrero" committee regarding the planned 480 Potrero Development
>
> Hi Ben,
>
> Thank you for giving me multiple time slots for our neighborhood group representatives to talk to you about the 480 Potrero development plans.
> After emailing the three who have been selected to represent the neighborhood group, I find that 11:30 Tuesday, 11/20 is the day and time that everyone can meet.
> I'm guessing that we will find your office at 1650 Mission street, where the planning department is located.
> Are you on the 4th floor?
>
> Thanks again,

> Jean Boglages
> 415-305-8230
>
>
>
>
>

From: Mica
To: Fu, Ben
Subject: Re: Request for all files regarding 480 Potrero Ave
Date: Wednesday, April 10, 2013 2:58:41 PM

Thanks for letting me know.

Per my request a week ago Monday, is it complete with all documents, in addition to any emails &/or other electronic forms of data which you have for this project?

Regards, --Mica Ringel

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> **Subject:** Request for all files regarding 480 Potrero Ave

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485 Potrero Ave

San Francisco, CA 94110

(415) 519-7523

From: Mica
To: Fu, Ben
Subject: Re: Request for all files regarding 480 Potrero Ave
Date: Wednesday, April 10, 2013 2:31:47 PM

Second request.

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> Regards,
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>
> (415) 519-7523

From: Mica
To: Hwang, Lulu; Fu, Ben; Lewis, Don (CPC)
Subject: Re: Sunshine Ordinance request 480 Potrero Ave
Date: Friday, April 26, 2013 4:31:34 PM
Attachments: SOTF Complaint - Planning Dept.pdf

For your records is the attached PDF complaint requesting assistance from the SOTF to obtain all documents, including digital files, held within custody of the SF Planning Dept. for the proposed project at 480 Potrero Ave.

On Thu, Apr 25, 2013 at 7:40 PM, Hwang, Lulu <lulu.hwang@sfgov.org> wrote:

> Besides all the materials in the case file from Ben and Don, the only thing I found in the Historical files are attached.
>
> Thanks!
> Lulu
>
> Have a Good Day Today and a Better Day Tomorrow...
>
> **From:** Mica [mailto:supermica@gmail.com]
> **Sent:** Thursday, April 25, 2013 12:56 PM
> **To:** Hwang, Lulu
> **Cc:** Juan Jayo; SOTF; Diane Ringel; Fu, Ben
>
> **Subject:** Re: Sunshine Ordinance request 480 Potrero Ave
>
> I couldn't have been any clearer in my requests.
>
> I asked specifically for "all documents, in addition to any emails &/or other electronic forms of data which they have for this project".
>
> I know for a fact that there is more in the custody of the Planning Dept. RE: the proposed project at 480 Potrero Ave. than what was available at the front desk for both Don Lewis & Ben Fu's case files.

I inventoried those documents & reported to you that they were incomplete.

Thus, I made my formal request with you for "access under the Sunshine Ordinance to everything held in custody by the SF Planning Dept, including emails, electronic files, phone records, meeting minutes, etc. related to the proposed development at 480 Potrero Ave".

This matter is coming to hearing with the Planning Commissioners and the custodians of the records at the Planning Dept. are making it more than difficult for me to access public information.

On Thu, Apr 25, 2013 at 12:38 PM, Hwang, Lulu <lulu.hwang@sfgov.org> wrote:

Hello

On April 11, Ben sent you an email to let you know that the case file is available for you to review at the 4th floor reception desk. And our record shown that you had already come and review the case file.

May I assist you on what other files you would like to review?

Thanks!
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Planning Department
Operations & IS Administrator
1650 Mission Street #400
San Francisco CA 94103
415-558-6318 (V)
Lulu.Hwang@SFGOV.ORG
Have a Good Day Today and a Better Day Tomorrow...

From: Mica [mailto:supermica@gmail.com]
Sent: Thursday, April 25, 2013 11:59 AM
To: Hwang, Lulu
Cc: Juan Jayo; SOTF; Diane Ringel
Subject: Re: Sunshine Ordinance request 480 Potrero Ave

Dear Ms. Hwang:

Third request. Now you too have not replied for 10 days.

It appears the Planning Dept. is far out of compliance with the Sunshine Ordinance http://sfbos.org/index.aspx?page=4460

How much longer is reasonable for me to wait before filing a formal complaint with the SOTF?

Mica Ringel

485 Potrero Ave

San Francisco, CA 94110

(415) 519-7523

On Mon, Apr 15, 2013 at 3:01 PM, Mica <supermica@gmail.com> wrote:

Dear Ms. Hwang:

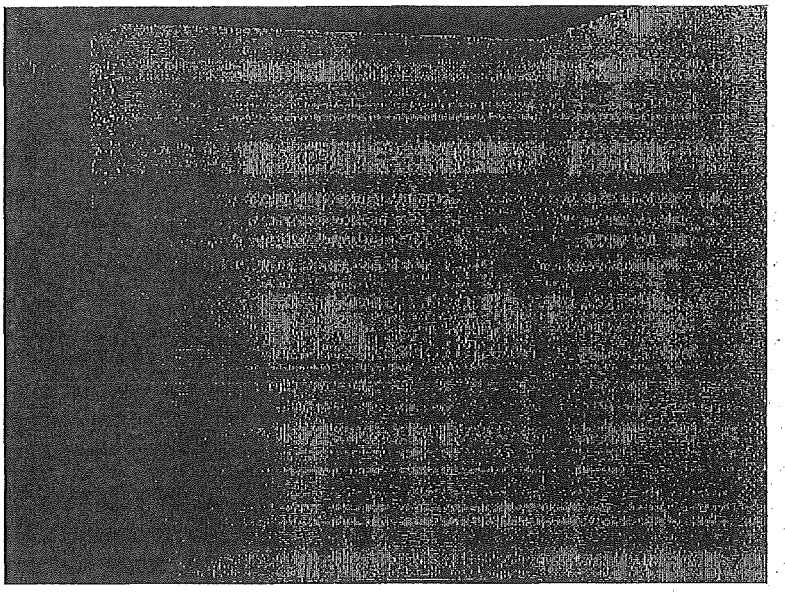
On March 31, 2013 I requested a copy of the complete file for the proposed development at 480 Potrero Ave from both Environmental Planner Don Lewis & City Planner Ben Fu.

I asked specifically for all documents, in addition to any emails &/or other electronic forms of data which they have for this project.

Whereas Mr. Lewis promptly responded on April 1, I was able to go in the next day to begin reviewing his case file.

Mr. Fu however had not acknowledged my request as of April 10, so I made a second. See emails below. He let me know the folder was avail. at the front desk. I again asked if the folder was complete, & again he never responded.

Earlier today I went in to the Planning Dept. to review said files & am perturbed to have found that the Correspondence folder for 480 Potrero is empty. Picture attached.



I've been told by Sue Hestor that you're very good with documentation... & so in preparation of the hearing scheduled for May 16, 2013, I humbly request access under the Sunshine Ordinance to everything held in custody by the SF Planning Dept, including emails, electronic files, phone records, meeting minutes, etc. related to the proposed development at 480 Potrero Ave.

Regards,

Mica Ringel

485 Potrero Ave

San Francisco, CA 94110

(415) 519-7523

---------- Forwarded message ----------
From: **Mica** <supermica@gmail.com>
Date: Mon, Apr 15, 2013 at 11:17 AM
Subject: Re: Request for all files regarding 480 Potrero Ave
To: "Fu, Ben" <ben.fu@sfgov.org>
Cc: "Hwang, Lulu" <lulu.hwang@sfgov.org>

Mr. Fu:

Thanks for getting back to me. I was told to make my request with both you & Don Lewis for all files, in addition to any emails &/or other electronic forms of data which you both have for the proposed project at 480 Potrero.

I came in two weeks ago to review the files which Mr. Lewis had made available, & would like to come in today from around 12:30-3 to begin assessment of yours.

Per your suggestion, if I need further assistance going forward regarding this documentation request I'll make it with Ms. Hwang under the Sunshine Ord.

Regards,

--Mica Ringel

On Thu, Apr 11, 2013 at 9:59 AM, Fu, Ben <ben.fu@sfgov.org> wrote:

Mica,

If you are making a request under the sunshine ordinance, please contact Lulu Hwang. Otherwise, if you wish to review the case file, it is available at the 4th floor reception.

Regards,

Ben A. Fu, City Planner

San Francisco Planning Department

1650 Mission Street, Suite 400

San Francisco, CA 94103

T: 415.558.6613

F: 415.558.6409

ben.fu@sfgov.org

From: Mica [mailto:supermica@gmail.com]
Sent: Wednesday, April 10, 2013 2:58 PM
To: Fu, Ben
Subject: Re: Request for all files regarding 480 Potrero Ave

Thanks for letting me know.

Per my request a week ago Monday, is it complete with all documents, in addition to any emails &/or other electronic forms of data which you have for this project?

Regards, --Mica Ringel

On Wed, Apr 10, 2013 at 2:46 PM, Fu, Ben <ben.fu@sfgov.org> wrote:

Mica,

The case file is available for public review. You are welcome to make any copies at the reception lobby.

Regards,

Ben A. Fu, City Planner

San Francisco Planning Department

1650 Mission Street, Suite 400

San Francisco, CA 94103

T: 415.558.6613

F: 415.558.6409

ben.fu@sfgov.org

---------- Forwarded message ----------
From: **Mica** <supermica@gmail.com>
Date: Wed, Apr 10, 2013 at 2:31 PM
Subject: Re: Request for all files regarding 480 Potrero Ave
To: ben.fu@sfgov.org

Second request.

From: Mica [mailto:supermica@gmail.com]
Sent: Sunday, March 31, 2013 10:22 PM
To: Fu, Ben
Cc: Hwang, Lulu; Wycko, Bill

Subject: Request for all files regarding 480 Potrero Ave

Dear Mr. Fu:

In preparation of the hearing scheduled for May 16, 2013 I am requesting a copy of the complete file for the proposed development at 480 Potrero Ave.

Please include all documents, in addition to any emails &/or other electronic forms of data which you have for this project.

Please let me know when you expect this packet of information available for pickup.

I am also requesting the same from Don Lewis.

Regards,

Mica Ringel

485 Potrero Ave

San Francisco, CA 94110

(415) 519-7523

[redacted]

Mr. Fu:

Don Lewis says he has not reviewed the Large Project Application.

Have you?

--Mica Ringel

On Mon, Apr 29, 2013 at 2:45 PM, Lewis, Don (CPC) <don.lewis@sfgov.org> wrote:

[redacted]

I have not reviewed the Large Project Application.

Thanks,

Don Lewis

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

From: Mica Ringel [mailto:micaringel@gmail.com]
Sent: Monday, April 29, 2013 2:34 PM

To: Lewis, Don (CPC)
Cc: Juan Bore
Subject: Re: Sunshine Ordinance request 490 Potrero Ave

Your environmental review case files are for the Large Project Application.

Is anyone addressing my concerns that the Project Site has been misrepresented starting with the Large Project Application?

The property's current use is described as vacant with 0 parking when it is clearly a parking lot, & it has been for some time.

On Mon, Apr 29, 2013 at 2:18 PM, Lewis, Don (CPC) <don.lewis@sfgov.org> wrote:

[redacted]

An ad was published in the newspaper twice: once for the publication of the PMND and then for the appeal of the PMND.

I looked for ads once but I did not keep a log of the day's events.

We don't keep minutes of meetings or phone calls.

Electronic data provided by the project sponsors is in hard copy in the project file. The attached photos below was taken by the project sponsor and was submitted as part of their application.

The project site is a vacant lot + there are no buildings or development on the lot. I will recall it into the record at the appeal hearing that the subject vacant, undeveloped lot is currently being used as a parking lot. We will not be revising the PMND again forthe.

I will be at the PMND and CPE at Supervisor Cohen hearing.

I don't foresee what you and you have not brought forth any substantial evidence to indicate that the PMND and CPE is invalid. We will have to wait for the appeal hearing for resolution.

Thanks,

Don Lewis

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

From: Mica [mailto:micaringel@gmail.com]
Sent: Monday, April 29, 2013 12:57 PM
To: Lewis, Don (CPC)
Cc: Juan Bore

Subject: Re: Sunshine Ordinance request 490 Potrero Ave

Mr. Lewis:

Mica, what exactly are you looking for? All we have received documents from the E file when you services of it, none of my environmental documents were in the E file when you services of it, none of my environmental documents were in the E file when you services of it, none of my environmental documents were in

Inline Image 3

- MEA Preliminary Archeological Review [8-11-2011]

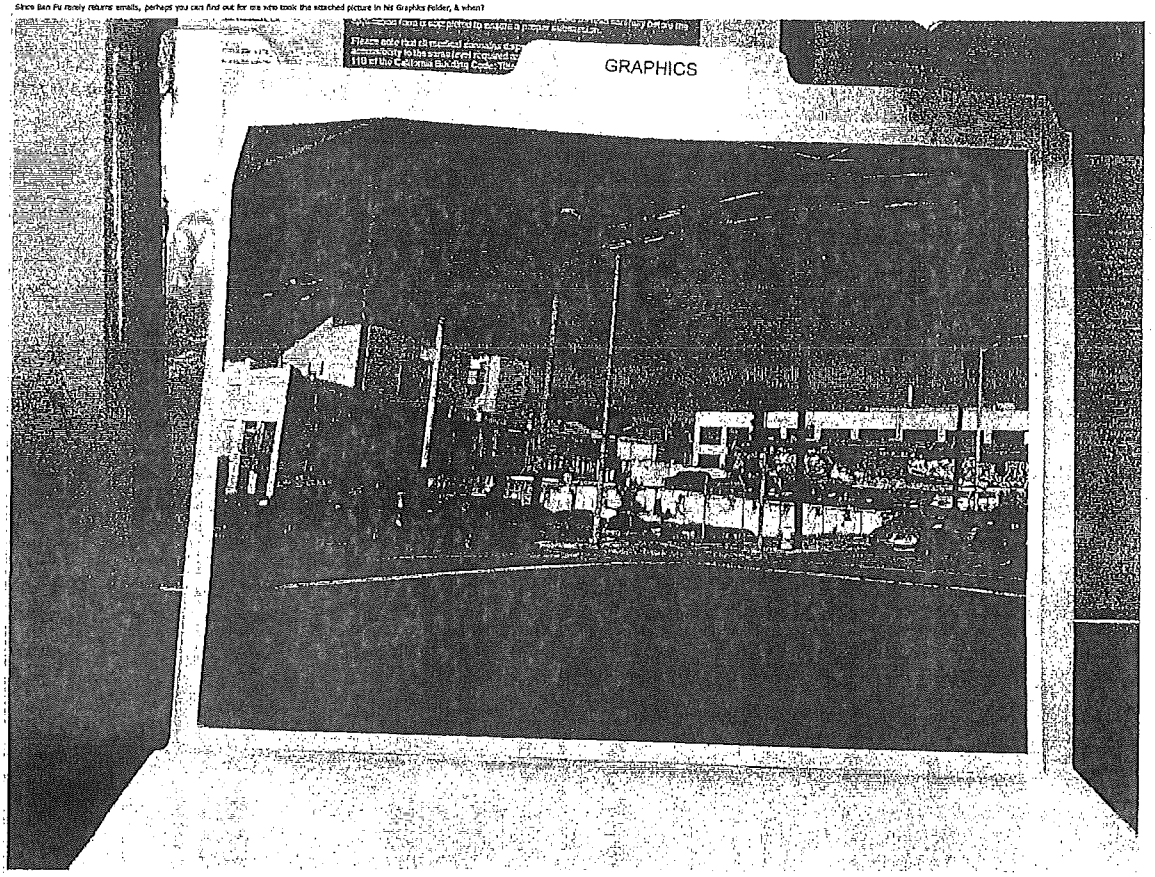
Inline Image 5

- Notice of Avail, & Intent to Adopt a Mitigated Neg Dec [9-26-2012]
- Rerun of PMND [8-18-2013]
  - 17 times "vacant lot" is Rated

Large Project Application [10-4-2012]

- Twice is the use described as vacant when it is a Parking Lot
- + the table below

Since Ben Fu rarely returns emails, perhaps you can find out for me who took the attached picture in his Graphics Folder, & when?



—MRingel

On Mon, Apr 29, 2013 at 10:07 AM, Lewis, Don (CPC) <don.lewis@sfgov.org> wrote:

"Mr. Lewis promptly responded on April 1 & I was able to go in the next day to begin reviewing his case file. There were no forms of electronic data provided. There was only minimal correspondence on record. Other documentation was either incomplete, missing, or possibly in Ben Fu's files."

"I know for a fact that there is more in the custody of the Planning Dept. Rt. the proposed project at 400 Potrero Ave. than what was available at the front desk for both Don Lewis & Ben Fu's case files"

[illegible]

Don Lewis
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

Pierre Mrs [illegible]
Sun 4 Mar, April 28, 2013 4:31 PM
Ben Fu, Lewis, Don (CPC)

Subject: Re: Sunshine Ordinance request 400 Potrero Ave

For your records is the attached PDF complaint requesting assistance from the SOTF to obtain all documents, including digital files, held within custody of the SF Planning Dept. for the proposed project at 480 Potrero Ave.

On Thu, Apr 25, 2013 at 7:40 PM, Hwang, Lulu <lulu.hwang@sfgov.org> wrote:
Besides all the materials in the case file from Ben and Don, the only thing I found in the Historical file is a attached.

Thanks!
Lulu

Have a Good Day Today and a Better Day Tomorrow...

From: Mita [mailto:xxxxxxx@gmail.com]
Sent: Thursday, April 25, 2013 5:56 PM
To: Hwang, Lulu
Cc: Rose, Pamela (SOTF); Duane Kuypers; Ma, Jon
Subject: Re: Sunshine Ordinance request 480 Potrero Ave

I certainly have been very clear in my requests.

I asked specifically for "all documents, in addition to any emails &/or other electronic forms of data which they have for this project".

I know for a fact that there is more in the custody of the Planning Dept. than the proposed project at 480 Potrero Ave. Even what was available at the front desk for look from Lewis & Ben Fu's case files.

I forwarded those documents & requests to you that they were incomplete.

Thus, I made my formal request with you for "access under the Sunshine Ordinance to everything held in custody by the SF Planning Dept, including emails, electronic files, phone records, meeting minutes, etc. related to the proposed development at 480 Potrero Ave".

This matter is coming to hearing with the Planning Commissioners and the custodians of the records at the Planning Dept. are making it more than difficult for me to access public information.

On Thu, Apr 25, 2013 at 12:39 PM, Hwang, Lulu <lulu.hwang@sfgov.org> wrote:
Hello

On April 11, Ben sent you an email to let you know that the case file is available for you to review at the 4th floor reception desk. And our record shows that you had already come and review the case file.

May I assist you on what other files you would like to review?

Thanks!
Lulu Hwang
Planning Department
Commission & BB Administrator
1650 Mission Street #400
San Francisco CA 94103
(415) 558-6335 (V)
lulu.hwang@sfgov.org
Have a Good Day Today and a Better Day Tomorrow...

From: Mita [mailto:xxxxxxx@gmail.com]
Sent: Thursday, April 25, 2013 11:39 AM
To: Hwang, Lulu
Cc: Rose, Pamela (SOTF); Duane Kuypers
Subject: Re: Sunshine Ordinance request 480 Potrero Ave

Dear Ms. Hwang:

Third request. Now you too have not replied for 10 days.

It appears the Planning Dept. is far out of compliance with the Sunshine Ordinance http://sfbos.org/index.aspx?page=4448

How much longer is reasonable for me to wait before filing a formal complaint with the SOTF?

Mita Ringel
485 Potrero Ave
San Francisco, CA 94110

(415) 516-7573

On Mon, Apr 15, 2013 at 3:01 PM, Mita <xxxxxxx@gmail.com> wrote:
Dear Ms. Hwang:

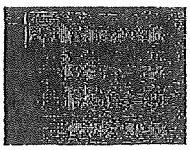
On March 31, 2013 I requested a copy of the complete file for the proposed development at 480 Potrero Ave from both Environmental Planner Don Lewis & City Planner Ben Fu.

I asked specifically for all documents, in addition to any emails &/or other electronic forms of data which they have for this project.

Whereas Mr. Lewis promptly responded on April 1, I was able to go in the next day to begin reviewing his case file.

Mr. Fu however had not acknowledged my request as of April 10, so I made a second. See email below. He let me know the folder was avail. at the front desk. I again asked if the folder was complete, & again he never responded.

Earlier today I went in to the Planning Dept. to review said files & am perturbed to have found that the Correspondence folder for 480 Potrero is empty. Picture attached.



I've been told by Sue Hester that you're very good with documentation... & so in preparation of the hearing scheduled for May 15, 2013, I humbly request access under the Sunshine Ordinance to everything held in custody by the SF Planning Dept, including emails, electronic files, phone records, meeting minutes, etc. related to the proposed development at 480 Potrero Ave.

Regards,

Mita Ringel
485 Potrero Ave
San Francisco, CA 94110

(415) 516-7573

---------- Forwarded message ----------
From: Mita <xxxxxxx@gmail.com>
Date: Mon, Apr 15, 2013 at 11:17 AM
Subject: Re: Request for all files regarding 480 Potrero Ave
To: "Fu, Ben" <ben.fu@sfgov.org>
Cc: "Hwang, Lulu" <lulu.hwang@sfgov.org>

Mr. Fu:

Thanks for getting back to me. I was told to make my request with both you & Don Lewis for all files, in addition to any emails &/or other electronic forms of data which you both have for the proposed project at 480 Potrero.

I came in two weeks ago to review the files which Mr. Lewis had made available, & would like to come in today from around 12:30-3 to begin assessment of yours.

For your suggestion, if I need further assistance going forward regarding this documentation request I'll make it with Ms. Hwang under the Sunshine Ord.

Regards,

—Mica Ringel

On Thu, Apr 11, 2013 at 9:59 AM, Fu, Bon <bon.fu@sfgov.org> wrote:

Mica,

If you are making a request under the sunshine ordinance, please contact Lily Hwang. Otherwise, if you wish to review the case file, it is available at the 4th floor reception.

Regards,

Bon A. Fu, City Planner
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103
T: 415.575.9143
F: 415.558.6409
bon.fu@sfgov.org

From: Mica [mailto:micaringel@gmail.com]
Sent: Wednesday, April 10, 2013 2:54 PM
To: Fu, Bon
Subject: Re: Request for all files regarding 460 Potrero Ave

Thanks for letting me know.

Per my request a week ago Monday, is it complete with all documents, in addition to any emails &/or other electronic forms of data which you have for this project?

Regards, —Mica Ringel

On Wed, Apr 10, 2013 at 2:48 PM, Fu, Bon <bon.fu@sfgov.org> wrote:

Mica,

The case file is available for public review. You are welcome to make any copies at the reception lobby.

Regards,

Bon A. Fu, City Planner
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103
T: 415.575.9143
F: 415.558.6409
bon.fu@sfgov.org

---------- Forwarded message ----------
From: Mica <micaringel@gmail.com>
Date: Wed, Apr 10, 2013 at 2:31 PM
Subject: Re: Request for all files regarding 460 Potrero Ave
To: bon.fu@sfgov.org

Second request.

From: Mica [mailto:micaringel@gmail.com]
Sent: Monday, March 25, 2013 10:25 PM
To: Fu, Bon
Cc: Hwang, Lily; Wycko, AP

Subject: Request for all files regarding 460 Potrero Ave

Dear Mr. Fu:

In preparation of the hearing scheduled for May 16, 2013 I am requesting a copy of the complete file for the proposed development at 460 Potrero Ave.

Please include all documents, in addition to any emails &/or other electronic forms of data which you have for this project.

Please let me know when you expect this packet of information available for pickup.

I am also requesting the same from Don Lewis.

Regards,

Mica Ringel
485 Potrero Ave
San Francisco, CA 94110

(415) 319-2573

[redacted]

The answer would be because there are misrepresentations which I have alerted you to.

That question was for Don Fu.

Mr. Fu:

Don Lewis says he has not reviewed the Large Project Application.

Have you?

--Mica Ringel

On Mon, Apr 29, 2013 at 2:57 PM, Lewis, Don (CPC) <don.lewis@sfgov.org> wrote:

Mica,

Why would I review the Large Project Application? My review is based on the Environmental Review Application.

Don Lewis

[redacted]

From: Mica [mailto:micaringel@gmail.com]
Sent: Monday, April 29, 2013 2:51 PM
To: Lewis, Don (CPC); Fu, Bun
Cc: Xun Jiang
Subject: Re: Sunshine Ordinance request 480 Potrero Ave

Mr. Fu:

Don Lewis says he has not reviewed the Large Project Application.

Have you?

--Mica Ringel

On Mon, Apr 29, 2013 at 2:45 PM, Lewis, Don (CPC) <don.lewis@sfgov.org> wrote:

I don't answer ask you that the CU is only in response to existing conditions which would invalidate our entitlements. Moreover, it states that the PMND and CPE are void. This will be debated at the Planning Commission.

I have not reviewed the Large Project Application.

Thanks,

Don Lewis

[redacted]

From: Mica [mailto:micaringel@gmail.com]
Sent: Monday, April 29, 2013 2:34 PM

To: Lewis, Don (CPC)
Cc: Xun Jiang
Subject: Re: Sunshine Ordinance request 480 Potrero Ave

Your environmental review case files are for the Large Project Application.

Is anyone addressing my concerns that the Project Site has been misrepresented starting with the Large Project Application?

The property's current use is described as vacant with 0 parking when it is clearly a parking lot, & it has been for some time.

On Mon, Apr 29, 2013 at 2:18 PM, Lewis, Don (CPC) <don.lewis@sfgov.org> wrote:

Mica,

An ad was published in the newspaper twice; once for the publication of the PMND and then for the appeal of the PMND.

I folded the ads but I did not keep a log of the day's events.

We don't keep minutes of meetings or phone calls.

Anyone's data provided by the project sponsor is in hard copy in the project file. The stretch of photos I believe was taken by the project sponsor and was submitted as part of their application.

The project site is a vacant lot – there are no buildings or development on the lot. I will recall it into the record at the appeal hearing that the subject property, undeveloped but is currently being used as a parking lot. We will not be amending the PMND again for this.

I will send the PMND and CPE to Supervisor Cohen today.

I don't concur with you and you have not brought forth any substantial evidence to refute that the PMND and CPE is invalid. We will have to wait for the appeal hearing for resolution.

Thanks,

Don Lewis

[redacted]

From: Mica [mailto:micaringel@gmail.com]
Sent: Monday, April 29, 2013 12:24 PM
To: Lewis, Don (CPC)
Cc: Xun Jiang

Subject: Re: Sunshine Ordinance request 480 Potrero Ave

Mr. Lewis:

I think what exactly are you looking for? All environmental documents were on the CD's for which you answered in June of 2012 are environmental documents, now in Don's project folders.

Right now I'm looking for lots of things.

Everything between the Planning Dept. & RSA Consulting ([redacted]), including Project Sponsor Reza Khoshnevisan, Town Consulting ([redacted]), including Consultant Tony Kim, Kitchen Cabinet Consulting, including Consultant Asha Safai ([redacted]), Mission Housing, including Mariposa Gardens, inter-office documentation/correspondence, & outside agency documentation/correspondence RE: the proposed development at 480 Potrero Ave.

- If anything was published in the newspaper, I would like to review the receipts or the articles/adverts.
- If there were site visits, I would like to the know the dates or see said trip logs.
- If there were meetings/phone calls, I would like to review the minutes.
- If there's electronic data, I would like to see the digital photos, powerpoint presentations, word processing documents, spreadsheet files, PDF's, et al.

Everything.

While there may not be environmental documents in Don Fu's files, there most definitely are design documents in yours.

One item specifically known to be missing from your files; one which I brought to your attention in October 2012, is the following inaccuracy of the PMND

cc: Reza Khoshnevisan, Project Sponsor; Supervisor David Campos, District 9; Don Fu Current Planning
Christine Lamorena/Exchange Mica Maria Ringel, M.D.F.

It is of concern that you have since revised the PMND (April 2013) & this error still has not been corrected. This project is in District 10 (Supervisor Malia Cohen).

> I am left to ask why is this not part of the record?

You have previously stated "Our findings and conclusions will not change."

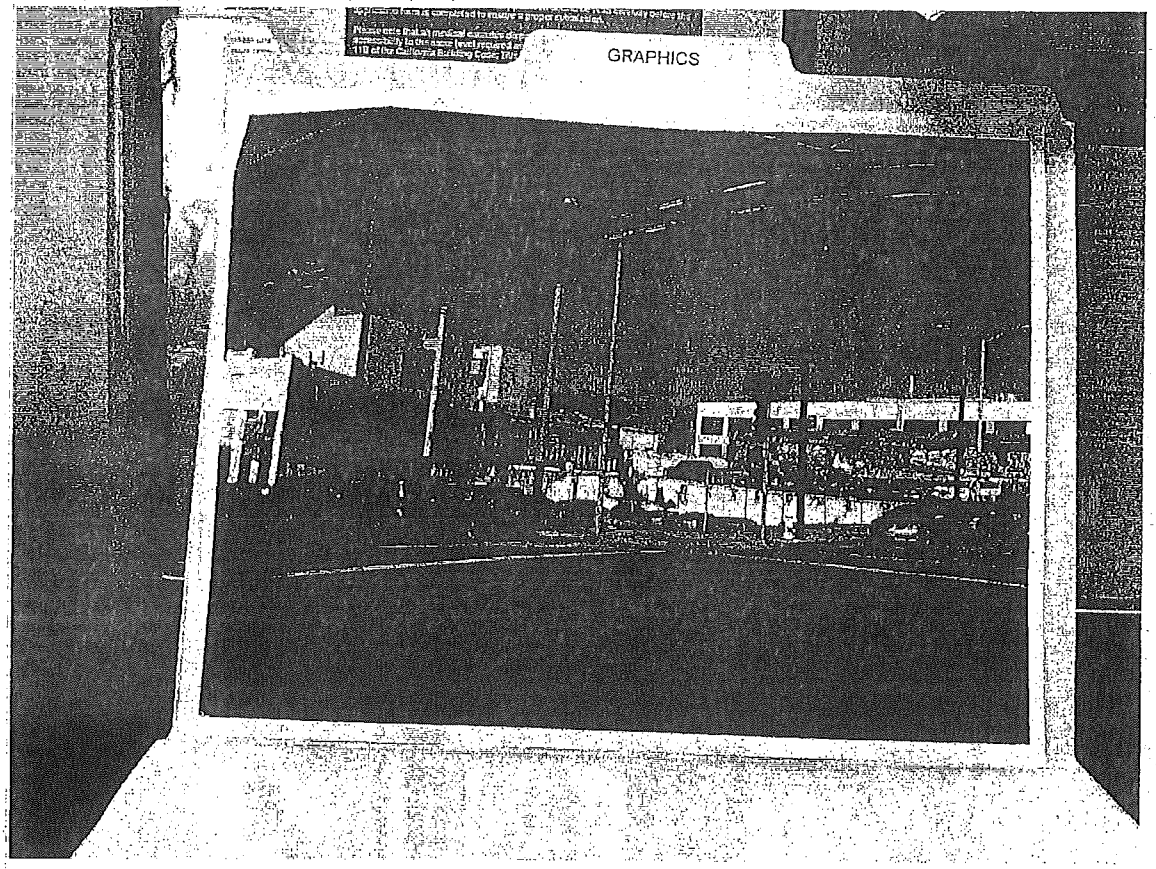
In my opinion the following documents in your case file are invalid:

- Transportation Study Determination Request [8-11-2011]
  Inline Image 1
- Community Plan Exemption Eligibility Determination Long Range Planning [6-16-2011]
  Inline Image 4
- Air Quality Screening Analysis [2-2-2012]
  Inline Image 3
- MEA Preliminary Archeological Review [8-11-2011]
  Inline Image 5
- Notice of Avail. & Intent to Adopt a Mitigated Neg Dec [9-26-2012]
- Revised Form [4-16-2013]
  - 3.7 Stores "vacant lot" is listed

Large Project Application [10-4-2011]

- Twice is the use described as vacant when it is a Parking Lot
- + the table below

Since Ben Fu rarely returns emails, perhaps you can find out for me who took the attached picture in his Graphics Folder, & when!



--Hiking4

On Mon, Apr 29, 2013 at 10:07 AM, Lewis, Don (CPC) <don.lewis@sfgov.org> wrote:

"Mr. Lewis promptly responded on April 1 & I was able to go in the next day to begin reviewing his case file. There were no forms of electronic data provided. There was only minimal correspondence on record. Other documentation was either incomplete, missing, or possibly in Ben Fu's files."

"I know for a fact that there is more in the custody of the Planning Dept. RE: the proposed project at 490 Potrero Ave. than what was available at the front desk for both Don Lewis & Ben Fu's case files"

- Ms. a what exactly are you hoping for? All we've provided the emails were in the files when you arrived. None of my correspondence or emails were in Ben's project folders.

Don Lewis
Environmental Planner
Southeast Team / Central Area
SFGovTV Host (Ch 26 & 78)
Twitter.com/sfgovtv
Linkedin.com/in/donlewis
Everyblock.com/sf/

From: Mica [mailto:micamical@gmail.com]
Sent: Friday, April 26, 2013 4:31 PM
To: Hwang, Lulu; Fu, Ben; Lewis, Don (CPC)

Subject: Re: Sunshine Ordinance request 490 Potrero Ave

For your records is the attached PDF complaint requesting assistance from the SOTF to obtain all documents, including digital files, held within custody of the SF Planning Dept. for the proposed project at 490 Potrero Ave.

On Thu, Apr 25, 2013 at 2:40 PM, Hwang, Lulu <lulu.hwang@sfgov.org> wrote:

Besides all the materials in the case file from Ben and Don, the only thing I found in the Historical files are attached.

Thanks!
Lulu

Have a Good Day Today and a Better Day Tomorrow...

From: Mica [mailto:micamical@gmail.com]
Sent: Thursday, April 25, 2013 12:56 PM
To: Hwang, Lulu
Cc: Sunshine Dept SOTF; Mica Angel, Ms. Ms

Subject: Re: Sunshine Ordinance request 490 Potrero Ave

I wouldn't have been very clear in my requests.

I asked specifically for "all documents, in addition to any emails &/or other electronic forms of data which they have for this project".

I know for a fact that there is more in the custody of the Planning Dept. RE: the proposed project at 490 Potrero Ave. than what was available at the front desk for both Don Lewis & Ben Fu's case files.

I'm not to let those documents & reported to you that they were incomplete.

Thus, I made my formal request with you for "access under the Sunshine Ordinance to everything held in custody by the SF Planning Dept, including emails, electronic files, phone records, meeting minutes, etc. related to the proposed development at 490 Potrero Ave".

This matter is coming to hearing with the Planning Commissioners and the custodians of the records at the Planning Dept. are making it more than difficult for me to access public information.

On Thu, Apr 25, 2013 at 12:38 PM, Hwang, Lulu <lulu.hwang@sfgov.org> wrote:
Hello

On April 11, Ben sent you an email to let you know that the case file is available for you to review at the 4th floor reception desk. And our record shown that you had already come and review the case file.

May I assist you on what other files you would like to review?

Thanks!
Lulu Hwang
Planning Department
Commissions & IS Administrator
1650 Mission Street #400
San Francisco CA 94103
(415) 575-6914 (M)
lulu.hwang@sfgov.org
Have a Good Day Today and a Better Day Tomorrow...

From: Mica [mailto:micamical@gmail.com]
Sent: Thursday, April 25, 2013 11:59 AM
To: Hwang, Lulu
Cc: Sunshine Dept, SOTF; Mica Angel
Subject: Re: Sunshine Ordinance request 490 Potrero Ave

Dear Ms. Hwang:

Third request. Now you too have not replied for 10 days.

It appears the Planning Dept. is far out of compliance with the Sunshine Ord review http://sfbos.org/index.aspx?page=6668

How much longer is reasonable for me to wait before filing a formal complaint with the SOTF?

Mica Angel
485 Potrero Ave
San Francisco, CA 94110

(415) 515-9573

On Mon, Apr 15, 2013 at 3:01 PM, Mica <micamical@gmail.com> wrote:
Dear Ms. Hwang:

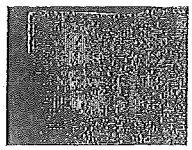
On March 31, 2013 I requested a copy of the complete file for the proposed development at 490 Potrero Ave from both Environmental Planner Don Lewis & City Planner Ben Fu.

I asked specifically for all documents, in addition to any emails &/or other electronic forms of data which they have for this project.

Whereas Mr. Lewis promptly responded on April 1, I was able to go in the next day to begin reviewing his case file.

Mr. Fu however had not acknowledged my request as of April 10, so I made a second. See emails below. He let me know the folder was ready, at the front desk. I again asked if the folder was complete, & again he never responded.

Earlier today I went in to the Planning Dept. to review said files & am perturbed to have found that the Correspondence folder for 490 Potrero is empty. Picture attached.



I've been told by Sue Hester that you're very good with documentation .. & so in preparation of the hearing scheduled for May 16, 2013, I humbly request access under the Sunshine Ordinance to everything held in custody by the SF Planning Dept. including emails, electronic files, phone records, meeting minutes, etc. related to the proposed development at 469 Potrero Ave.

Regards,

Mica Ringel
485 Potrero Ave
San Francisco, CA 94110

(415) 519-2523

---------- Forwarded message ----------
From: Mica <[redacted]>
Date: Mon, Apr 15, 2013 at 11:17 AM
Subject: Re: Request for all files regarding 490 Potrero Ave
To: "Fu, Ben" <ben.fu@sfgov.org>
Cc: "Hwang, Lulu" <lulu.hwang@sfgov.org>

Mr. Fu:

Thanks for getting back to me. I was told to make my request with both you & Don Lewis for all files, in addition to any emails &/or other electronic forms of data which you both have for the proposed project at 469 Potrero.

I came in two weeks ago to review the files which Mr. Lewis had made available, & would like to come in today from around 12:30-3 to begin assessment of yours.

Per your suggestion, if I need further assistance going forward regarding this documentation request I'll make it with Mr. Hwang under the Sunshine Ord.

Regards,

--Mica Ringel

On Thu, Apr 11, 2013 at 9:59 AM, Fu, Ben <ben.fu@sfgov.org> wrote:

Mica,

If you are making a request under the sunshine ordinance, please contact Lulu Hwang. Otherwise, if you wish to review the case file, it is available at the 4th floor reception.

Regards,

Ben A. Fu, City Planner
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103
T: 415.558.6613
F: 415.558.6409
ben.fu@sfgov.org

From: Mica [mailto:[redacted]]
Sent: Wednesday, April 10, 2013 2:58 PM
To: Fu, Ben
Subject: Re: Request for all files regarding 469 Potrero Ave

Thanks for letting me know.

Per my request a week ago Monday, is it complete with all documents, in addition to any emails &/or other electronic forms of data which you have for this project?

Regards, --Mica Ringel

On Wed, Apr 10, 2013 at 2:45 PM, Fu, Ben <ben.fu@sfgov.org> wrote:

Mica,

The case file is available for public review. You are welcome to make any copies at the reception lobby.

Regards,

Ben A. Fu, City Planner
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103
T: 415.558.6613
F: 415.558.6409
ben.fu@sfgov.org

---------- Forwarded message ----------
From: Mica <[redacted]>
Date: Wed, Apr 10, 2013 at 2:31 PM
Subject: Re: Request for all files regarding 469 Potrero Ave
To: ben.fu@sfgov.org

Second request.

From: Mica [mailto:[redacted]]
Sent: Monday, March 25, 2013 10:22 PM
To: Fu, Ben
Cc: Hwang, Lulu; Wycko, Bill

Subject: Request for all files regarding 469 Potrero Ave

Dear Mr. Fu:

In preparation of the hearing scheduled for May 16, 2013 I am requesting a copy of the complete file for the proposed development at 469 Potrero Ave.

Please include all documents, in addition to any emails &/or other electronic forms of data which you have for this project.

Please let me know when you expect this packet of information available for pickup.

I am also requesting the same from Don Lewis.

Regards,

Mica Ringel
485 Potrero Ave
San Francisco, CA 94110

(415) 519-2523

From:	Mica
To:	Hwang, Lulu
Cc:	Juan Jayo; SOTF; Diane Ringel; Fu, Ben
Subject:	Re: Sunshine Ordinance request 480 Potrero Ave
Date:	Thursday, April 25, 2013 12:56:37 PM

I couldn't have been any clearer in my requests.

I asked specifically for "all documents, in addition to any emails &/or other electronic forms of data which they have for this project".

I know for a fact that there is more in the custody of the Planning Dept. RE: the proposed project at 480 Potrero Ave. than what was available at the front desk for both Don Lewis & Ben Fu's case files.

I inventoried those documents & reported to you that they were incomplete.

Thus, I made my formal request with you for "access under the Sunshine Ordinance to everything held in custody by the SF Planning Dept, including emails, electronic files, phone records, meeting minutes, etc. related to the proposed development at 480 Potrero Ave".

This matter is coming to hearing with the Planning Commissioners and the custodians of the records at the Planning Dept. are making it more than difficult for me to access public information.

On Thu, Apr 25, 2013 at 12:38 PM, Hwang, Lulu <lulu.hwang@sfgov.org> wrote:

> Hello
>
> On April 11, Ben sent you an email to let you know that the case file is available for you to review at the 4th floor reception desk. And our record shown that you had already come and review the case file.
>
> May I assist you on what other files you would like to review?
>
> Thanks!
> Lulu Hwang
> Planning Department
> Operations & IS Administrator
> 1650 Mission Street #400
> San Francisco CA 94103
> 415-558-6318 (V)

Lulu.Hwang@SFGOV.ORG
Have a Good Day Today and a Better Day Tomorrow...

From: Mica [mailto:supermica@gmail.com]
Sent: Thursday, April 25, 2013 11:59 AM
To: Hwang, Lulu
Cc: Juan Jayo; SOTF; Diane Ringel
Subject: Re: Sunshine Ordinance request 480 Potrero Ave

Dear Ms. Hwang:

Third request. Now you too have not replied for 10 days.

It appears the Planning Dept. is far out of compliance with the Sunshine Ordinance http://sfbos.org/index.aspx?page=4460

How much longer is reasonable for me to wait before filing a formal complaint with the SOTF?

Mica Ringel

485 Potrero Ave

San Francisco, CA 94110

(415) 519-7523

On Mon, Apr 15, 2013 at 3:01 PM, Mica <supermica@gmail.com> wrote:

Dear Ms. Hwang:

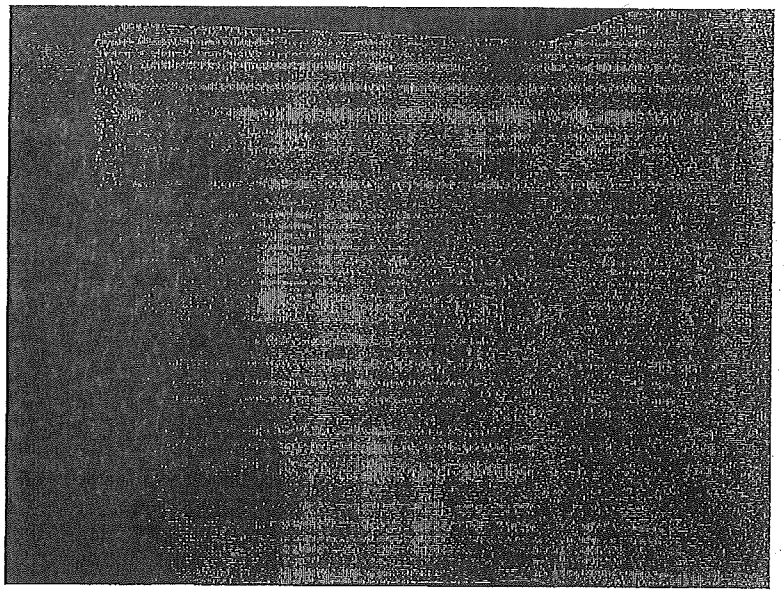
On March 31, 2013 I requested a copy of the complete file for the proposed development at 480 Potrero Ave from both Environmental Planner Don Lewis & City Planner Ben Fu.

I asked specifically for all documents, in addition to any emails &/or other electronic forms of data which they have for this project.

Whereas Mr. Lewis promptly responded on April 1, I was able to go in the next day to begin reviewing his case file.

Mr. Fu however had not acknowledged my request as of April 10, so I made a second. See emails below. He let me know the folder was avail. at the front desk. I again asked if the folder was complete, & again he never responded.

Earlier today I went in to the Planning Dept. to review said files & am perturbed to have found that the Correspondence folder for 480 Potrero is empty. Picture attached.



I've been told by Sue Hestor that you're very good with documentation... & so in preparation of the hearing scheduled for May 16, 2013, I humbly request access under the Sunshine Ordinance to everything held in custody by the SF Planning Dept, including emails, electronic files, phone records, meeting minutes, etc. related to the proposed development at 480 Potrero Ave.

Regards,

Mica Ringel

485 Potrero Ave

San Francisco, CA 94110

(415) 519-7523

---------- Forwarded message ----------
From: **Mica** <supermica@gmail.com>
Date: Mon, Apr 15, 2013 at 11:17 AM
Subject: Re: Request for all files regarding 480 Potrero Ave
To: "Fu, Ben" <ben.fu@sfgov.org>
Cc: "Hwang, Lulu" <lulu.hwang@sfgov.org>

Mr. Fu:

Thanks for getting back to me. I was told to make my request with both you & Don Lewis for all files, in addition to any emails &/or other electronic forms of data which you both have for the proposed project at 480 Potrero.

I came in two weeks ago to review the files which Mr. Lewis had made available, & would like to come in today from around 12:30-3 to begin assessment of yours.

Per your suggestion, if I need further assistance going forward regarding this documentation request I'll make it with Ms. Hwang under the Sunshine Ord.

Regards,

--Mica Ringel

On Thu, Apr 11, 2013 at 9:59 AM, Fu, Ben <ben.fu@sfgov.org> wrote:

Mica,

If you are making a request under the sunshine ordinance, please contact Lulu Hwang. Otherwise, if you wish to review the case file, it is available at the 4th floor reception.

Regards,

Ben A. Fu, City Planner

San Francisco Planning Department

1650 Mission Street, Suite 400

San Francisco, CA 94103

T: 415.558.6613

F: 415.558.6409

ben.fu@sfgov.org

From: Mica [mailto:supermica@gmail.com]
Sent: Wednesday, April 10, 2013 2:58 PM
To: Fu, Ben
Subject: Re: Request for all files regarding 480 Potrero Ave

Thanks for letting me know.

Per my request a week ago Monday, is it complete with all documents, in addition to any emails &/or other electronic forms of data which you have for this project?

Regards, --Mica Ringel

On Wed, Apr 10, 2013 at 2:46 PM, Fu, Ben <ben.fu@sfgov.org> wrote:

Mica,

The case file is available for public review. You are welcome to make any copies at the reception lobby.

Regards,

Ben A. Fu, City Planner

San Francisco Planning Department

1650 Mission Street, Suite 400

San Francisco, CA 94103

T: 415.558.6613

F: 415.558.6409

ben.fu@sfgov.org

---------- Forwarded message ----------
From: **Mica** <supermica@gmail.com>
Date: Wed, Apr 10, 2013 at 2:31 PM
Subject: Re: Request for all files regarding 480 Potrero Ave
To: ben.fu@sfgov.org

Second request.

From: Mica [mailto:supermica@gmail.com]
Sent: Sunday, March 31, 2013 10:22 PM
To: Fu, Ben
Cc: Hwang, Lulu; Wycko, Bill

Subject: Request for all files regarding 480 Potrero Ave

Dear Mr. Fu:

In preparation of the hearing scheduled for May 16, 2013 I am requesting a copy of the complete file for the proposed development at 480 Potrero Ave.

Please include all documents, in addition to any emails &/or other electronic forms of data which you have for this project.

Please let me know when you expect this packet of information available for pickup.

I am also requesting the same from Don Lewis.

Regards,

Mica Ringel

485 Potrero Ave

San Francisco, CA 94110

(415) 519-7523

From:	Mica
To:	Fu, Ben
Cc:	Hwang, Lulu; Wycko, Bill
Subject:	Request for all files regarding 480 Potrero Ave
Date:	Sunday, March 31, 2013 10:22:43 PM

Dear Mr. Fu:

In preparation of the hearing scheduled for May 16, 2013 I am requesting a copy of the complete file for the proposed development at 480 Potrero Ave.

Please include all documents, in addition to any emails &/or other electronic forms of data which you have for this project.

Please let me know when you expect this packet of information available for pickup.

I am also requesting the same from Don Lewis.

Regards,

Mica Ringel
485 Potrero Ave
San Francisco, CA 94110

(415) 519-7523

SUNSHINE ORDINANCE TASK FORCE
CITY AND COUNTY OF SAN FRANCISCO
DRAFT – MINUTES

Hearing Room 408
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

December 4, 2013 – 4:00 PM

Regular Meeting

Members: Kitt Grant (Chair), Louise Fischer (Vice-Chair), Richard Knee, Allyson Washburn, David Pilpel, David Sims, Todd David, Chris Hyland, Bruce Oka

1. **CALL TO ORDER, ROLL CALL, AND AGENDA CHANGES**

The meeting was called to order at 4:12 p.m. All members were noted present. There was a quorum.

Chair Grant announced that the Complainant for File No. 12059 (Item 3) has withdrawn their complaint.

Member David, seconded by Member Fischer, moved to change the order of the agenda by moving File No. 13031 (Item 7) to the Item 2 slot and moving Item 2 (Records Retention) to the Item 7 slot on the agenda.

Speakers: None.

The motion PASSED by the following vote:
Ayes: 8 – Washburn, Pilpel, Sims, David, Hyland, Oka, Fischer, Grant
Noes: 1 – Knee

Chair Grant announced a request for File Nos. 13030 and 13033 (Items 6 and 8) to be continued, by the Complaint.

Member Pilpel, seconded by Member Knee, moved to accept the Complainants request for continuance of File Nos. 13030 and 13033 (Items No. 6 and 8).

Speakers: None.

The motion PASSED without objection.

2. **Proposed Sunshine Ordinance Task Force Records Retention Schedule:** The Task Force shall prepare, maintain and adopt a records retention and destruction policy as provided in §8.3 of the San Francisco Administrative Code.

   Wilson Ng, Records Manager, Office of the Clerk of the Board presented the proposed retention schedule.

   Member Pilpel, seconded by Member David, moved to adopt the revisions to the Sunshine Ordinance Task Force Records Retention Schedule.

   Speakers: Peter Warfield expressed concerns over various aspects of the retention schedule.

   The motion PASSED without objection.

3. **File No. 12059:** The Compliance and Amendments Committee has referred File No. 12059, Supreet Pabla, SEIU Local 1021 against Human Services Agency for allegedly failing to provide records requested relevant to the representation of the bargaining unit's employees.

   The Complainant has withdrawn their complaint.

4. **File No. 13024:** The Compliance and Amendments Committee has referred File No. 13024, Mica Ringel against the Planning Department for allegedly failing to provide requested records associated with the proposed development of 480 Potrero Avenue. (Discussion and Action) *(attachment) (approximately 30 minutes)*

   LuLu Hwang and Sara Jones, Planning Department (Respondent) provided an overview of the Planning Departments defense and submitted addition information (CD). There were no speakers who offered facts and evidence in support of the Respondent. Mica Ringel (Complainant) provided an overview of the complaint. There were no speakers who offered facts and evidence in support of the Complainant. A question and answer period followed. The Respondent waived rebuttal. The Complainant provided a rebuttal.

   Member Knee, seconded by Member Hyland, moved to refer to the Ethics Commission.

   Speakers: None.

   The motion FAILED by the following vote:
   Ayes: 5 – Knee, Washburn, Sims, Hyland, Oka
   Noes: 4 – Pilpel, David, Fischer, Grant

   Member Washburn, seconded by Member Knee, moved to refer to the Education, Outreach and Training Committee to discuss possible changes to the Planning Department procedures.

   Speakers: None.

The motion PASSED without objection.

5. **Public Comment.**

Speakers: James Chafee expressed concern regarding various Public Library issues including equal access; Paula Datesh expressed concern in relation to the Arts Commissions process for replying to request for information and Immediate Disclosure Requests; Peter Warfied expressed concern regarding various Public Library issues and organization of previous SOTF decisions.

6. **File No. 13030:** Complaint filed by Charles Pitts, against the Community Housing Partnership for allegedly failing to comply with an Immediate Disclosure Request for tenant's budget of 650 Eddy St. *(attachment)*

Continuance requested by Complainant and Respondent. Motion Passed (Item 1).

7. **File No. 13031:** Complaint filed by Amber Straus, against Thelma Scott-Skillman, Interim Chancellor, City College of San Francisco for allegedly failure to comply with a public records request.

Scott Dickey, San Francisco Community College District; (Respondent) challenged jurisdiction due to the fact that it is a political subdivision of the state of California and not subject to the Sunshine Ordinance. Amber Straus (Complainant) was not aware of the jurisdictional issue.

Speakers: None.

Due to a lack of a motion, the Task Force FOUND NO JURISDICTION.

8. **File No. 13033:** Complaint filed by Barry Taranto, against the Municipal Transportation Agency for allegedly violating Sunshine Ordinance §67.15(a) Public Testimony thereby censoring and abridging public testimony.

Continuance requested by Complainant and Respondent. Motion Passed (Item 1).

RECESS 5:57 PM – 6:10 PM

9. **File No. 13035:** Complaint filed by James Chaffee v the Board of Supervisors, Budget and Finance Committee for allegedly violating Government Code §54954.3(a) and Sunshine Ordinance §67.15(a) Public Testimony by failing to provide an opportunity for public comment before taking action. *(attachment)*

Member Knee, seconded by Member Pilpel, moved to find jurisdiction.

Speakers: None.

The motion PASSED without objection.

James Chaffee (Complainant) provided an overview of the complaint. The Complainant requested the Task Force to find violations. There were no speakers who offered facts and evidence in support of the Complainant. Wilson Ng, Records Manager, Board of Supervisors (Respondent) provided an overview of the Board of Supervisors, Budget and Finance Committee defense. There were no speakers who offered facts and evidence in support of the Respondent. A question and answer period followed. The Complainant responded to questions raised throughout the discussion and further requested the Task Force to find violations. The Respondent provided a rebuttal. The Complainant provided a rebuttal and further requested the Task Force to find violations.

Member Pilpel, seconded by Member Washburn, moved to find a violation of Sunshine Ordinance §67.15(c) and Government Code §54954.3(b) for failing to allow sufficient time for public comment; referral to the Education, Outreach and Training Committee for discussions with the Budget and Finance Committee Chair.

Speakers: Paula Datesh expressed over the public comment process and described personal experiences; Peter Warfield expressed support of the motion and concerns in regards to public comment process.

The motion PASSED by the following vote:
Ayes: 8 – Knee, Washburn, Pilpel, Sims, Hyland, Oka, Fischer, Grant
Noes: 1 – David

10. **Approval of Minutes from the March 6, 2013 Regular Meeting.**

Member Knee, seconded by Member Pilpel, moved to CONTINUE Items 10 through 18, to the February 5, 2013 meeting.

Speaker: Peter Warfield expressed concern in regard to the term of the Sunshine Ordinance Administrator.

The motion PASSED without objection.

11. **Approval of Minutes from the April 3, 2013 Regular Meeting.**

Member Knee, seconded by Member Pilpel, moved to CONTINUE Items 10 through 18, to the February 5, 2013 meeting.

Speaker: Peter Warfield expressed concern in regard to the term of the Sunshine Ordinance Administrator.

The motion PASSED without objection.

12. **Approval of Minutes from the May 1, 2013 Regular Meeting.**

Member Knee, seconded by Member Pilpel, moved to CONTINUE Items 10 through 18, to the February 5, 2013 meeting.

Speaker: Peter Warfield expressed concern in regard to the term of the Sunshine Ordinance Administrator.

The motion PASSED without objection.

13. **Approval of Minutes from the June 5, 2013 Regular Meeting.**

Member Knee, seconded by Member Pilpel, moved to CONTINUE Items 10 through 18, to the February 5, 2013 meeting.

Speaker: Peter Warfield expressed concern in regard to the term of the Sunshine Ordinance Administrator.

The motion PASSED without objection.
(approximately 5 minutes) (Action) (attachment)

14. **Approval of Minutes from the July 9, 2013 Special Meeting.**

Member Knee, seconded by Member Pilpel, moved to CONTINUE Items 10 through 18, to the February 5, 2013 meeting.

Speaker: Peter Warfield expressed concern in regard to the term of the Sunshine Ordinance Administrator.

The motion PASSED without objection.

15. **Approval of Minutes from the August 7, 2013 Regular Meeting.**

Member Knee, seconded by Member Pilpel, moved to CONTINUE Items 10 through 18, to the February 5, 2013 meeting.

Speaker: Peter Warfield expressed concern in regard to the term of the Sunshine Ordinance Administrator.

The motion PASSED without objection.

16. **Approval of Minutes from the September 4, 2013 Regular Meeting.**

Member Knee, seconded by Member Pilpel, moved to CONTINUE Items 10 through 18, to the February 5, 2013 meeting.

Speaker: Peter Warfield expressed concern in regard to the term of the Sunshine Ordinance Administrator.

The motion PASSED without objection.

17. **Approval of Minutes from the October 2, 2013 Regular Meeting.**

Member Knee, seconded by Member Pilpel, moved to CONTINUE Items 10 through 18, to the February 5, 2013 meeting.

Speaker: Peter Warfield expressed concern in regard to the term of the Sunshine Ordinance Administrator.

The motion PASSED without objection.

18. **Approval of Minutes from the November 6, 2013 Regular Meeting.**

Member Knee, seconded by Member Pilpel, moved to CONTINUE Items 10 through 18, to the February 5, 2013 meeting.

Speaker: Peter Warfield expressed concern in regard to the term of the Sunshine Ordinance Administrator.

The motion PASSED without objection.

19. **Administrator's Report.**

Report was given by Victor Young, Sunshine Ordinance Task Force Administrator.

20. **Announcements, Comments, Questions, and Future Agenda Items.**

Member Pilpel provided an update on the Education, Outreach and Training Committee.

21. **ADJOURNMENT**

There being no further business, the Task Force adjourned at 7:50 p.m.

SUNSHINE ORDINANCE TASK FORCE
Education, Outreach and Training Committee
CITY AND COUNTY OF SAN FRANCISCO
AGENDA

Hearing Room 408
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

December 9, 2013 – 3:00 PM

Regular Meeting

Members: David Pilpel (Chair), Todd David,
Bruce Oka, Chris Hyland

1. **CALL TO ORDER, ROLL CALL, AND AGENDA CHANGES**

2. **File No. 13024:** Hearing on the status of the Order of Determination of Mica Ringel against the Planning Department for allegedly failing to provide requested records associated with the proposed development of 480 Potrero Avenue. *(approximately 30 minutes) (discussion and possible action) (attachment)*

3. **Administrative Code Chapter 12L: Public Access to Records and Meetings of Non-Profit Organizations.** *(approximately 30 minutes) (discussion and possible action) (attachment)*

4. **Sunshine Ordinance Task Force Website.** *(approximately 30 minutes) (discussion and possible action)*

5. **Status Update: Correspondence to the Clerk of the Board, Angela Calvillo - Public Comment 150 Summary.** *(approximately 30 minutes) (discussion and possible action)*

6. **Public Comment:** Members of the public may address the Committee on matters that are within the Committee's jurisdiction but not on today's agenda. *(no action)*

7. **Announcements, Comments, Questions, and Future Agenda Items.**

8. **ADJOURNMENT**

Agenda Item Information

Each item on the agenda may include: 1) Department or Agency cover letter and/or report; 2) Public correspondence; 3) Other explanatory documents. For more information concerning agendas, minutes, and meeting information, such as these documents, please contact the SOTF Clerk, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.

Audio recordings of the meeting of the Sunshine Ordinance Task Force are available at: http://www.sfbos.org/index.aspx?page=9811

For information concerning Sunshine Ordinance Task Force please contact by e-mail sotf@sfgov.org or by calling (415) 554-7724.

Public Comment

Public Comment will be taken before or during the Committee's consideration of each agenda item. Speakers may address the Task Force for up to three minutes on that item. During General Public Comment, members of the public may address the Task Force on matters that are within the Task Force's jurisdiction and are not on the agenda. Any person speaking during a public comment period may supply a brief written summary of their comments, which shall, if no more than 150 words, be included in the official file.

Each member of the public will be allotted the same maximum number of minutes to speak as set by the Chair at the beginning of each item, excluding persons requested by the Task Force to make presentations.

Each member of the public who is unable to attend the public meeting or hearing may submit to the City, by the time the hearing begins, written comments regarding the subject of the meeting or hearing;. These comments will be made a part of the official public record.

Hearing Procedures

1.	Complainant presents his/her facts and evidence	5 minutes
	Other parties of Complainant present facts and evidence	Up to 3 minutes each
2.	City responds	5 minutes
	Other parties of City respond	Up to 3 minutes each
	Above total speaking times for Complainant and City to be the same.	
3.	Matter is with the Task Force for discussion and questions.	
4.	Respondent and Complainant presents clarification/rebuttal	3 minutes
5.	Matter is with the Task Force for motion and deliberation.	
6.	Public comment (Excluding Complainant & City response, witnesses)	Up to 3 minutes each
7.	Vote by Task Force (Public comment at discretion of chair on new motion and/or on new motion if vote fails.)	

Note: Time must be adhered to. If a speaker is interrupted by questions, the interruption does not count against his/her time.

Disability Access

The hearing rooms in City Hall are wheelchair accessible. Assistive listening devices for the hearing rooms are available upon request with the SOTF Clerk. The nearest accessible BART station is Civic Center (Market/Grove/Hyde Streets). Accessible MUNI Metro lines are the F, J, K, L, M, N, T (exit at Civic Center or Van Ness Stations). MUNI bus lines also serving the area are the 5, 6, 9, 19, 21, 47, 49, 71, and 71L. For more information about MUNI accessible services, call (415) 701-4485. There is accessible parking in the vicinity of City Hall at Civic Center Plaza and adjacent to Davies Hall and the War Memorial Complex. Accessible curbside parking is available on Dr. Carlton B. Goodlett Place and Grove Street.

The following services are available on request 48 hours prior to the meeting; except for Monday meetings, for which the deadline shall be 4:00 p.m. of the last business day of the preceding week: For American sign language interpreters or the use of a reader during a meeting, a sound enhancement system, and/or alternative formats of the agenda and minutes, please contact the SOTF Clerk at (415) 554-7724 to make arrangements for the accommodation. Late requests will be honored, if possible.

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City accommodate these individuals.

Know Your Rights Under the Sunshine Ordinance

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact: Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102; phone (415) 554-7724; fax (415) 554-7854; or email sotf@sfgov.org.

Citizens may obtain a free copy of the Sunshine Ordinance by printing Chapter 67 of the San Francisco Administrative Code on the Internet, at http://www.sfbos.org/sunshine.

Cell Phones, Pagers and Similar Sound-Producing Electronic Devices

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

Lobbyist Registration and Reporting Requirements

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code §2.100, et. seq] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at: 25 Van Ness Avenue, Suite 220, San Francisco, CA 94102; telephone (415) 581-3100; fax (415) 252-3112; web site www.sfgov.org/ethics.

File No. 13024 EOTC Item No. 2

SUNSHINE ORDINANCE TASK FORCE

Education, Outreach and Training Committee
AGENDA PACKET CONTENTS LIST

Education, Outreach and Training Committee **Date: December 9, 2013**

- [x] **Order of Determination**
- [x] **Memo**
- [x] **Complaint and Supporting documents**
- [x] **Respondent's Response**
- [ ] **Minutes**
- [ ]
- [ ]
- [ ]
- [ ]
- [ ]
- [ ]
- [ ]

OTHER

- [ ] _____
- [ ] _____
- [ ] _____
- [ ] _____
- [ ] _____

Completed by: Andrea Ausberry **Date** December 5, 2013
Completed by: _____ **Date** _____

*An asterisked item represents the cover sheet to a document that exceeds 25 pages. The complete document is in the file.

CITY AND COUNTY OF SAN FRANCISCO

SUNSHINE ORDINANCE TASK FORCE

ORDER OF DETERMINATION
October 23, 2013

DATE THE DECISION ISSUED
October 2, 2013

CASE TITLE – MICA RINGEL V. PLANNING DEPARTMENT (13024)

FACTS OF THE CASE

Mica Ringel ("Complainant") complains that the Planning Department via individuals Ben Fu, Don Lewis, and Lulu Hwang ("Respondents") violated the Sunshine Ordinance by failing to provide the appropriate access to various public records.

COMPLAINT FILED

On April 26, 2013, "Complainant" filed a Complaint against "Respondents", seeking assistance from the Task Force regarding his public records request to the Planning Department on March 31, 2013. "Respondents" had provided some records to "Complainant", but "Complainant" noted the lack of certain correspondence or electronic data. The Planning Department, upon notification of the Complaint, engaged in further email correspondence with "Complainant". This correspondence culminated in a notification to the Task Force from "Complainant" on May 14, 2013, that the matter was not resolved, and included a summary of records "Complainant" continues to seek from Respondent.

HEARING ON THE COMPLAINT

On October 2, 2013, "Complainant", appeared before the Task Force claiming the Planning Department did not release the complete case file of a proposed development at 480 Potrero Avenue. Lulu Hwang, Operations and IS Administrator, Planning Department ("Respondent") presented the Planning Department's defense presenting the complete case file to the Task Force for the "Complainant" on a compact disk.

The issue in the case is whether the Planning Department violated Sections, 67.21, 67.24, 67.25, 67.26, and 67.27 of the Ordinance.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Based on the testimony and evidence presented the Task Force finds the testimony of "Complainant" to be persuasive and finds Sections 67.21(a) and 67.29-7 to be applicable in this case. The Task Force does not find the testimony provided by the Planning Department persuasive to this case.

DECISION AND ORDER OF DETERMINATION

The Task Force finds that the Planning Department violated Sections 67.21(a) and 67.29-7 of the Sunshine Ordinance for failing to make the case file accessible and not maintaining its records associated with the case file. The Planning Department shall release the records requested, if not provided on the compact disk released to "Complainant" the day of October 2, 2013, within 5 business days of the issuance of this Order and appear before the Compliance and Amendments Committee on November 19, 2013.

This Order of Determination was adopted by the Sunshine Ordinance Task Force on October 2, 2013 by the following vote: (Knee/Washburn)

Ayes: Knee, Washburn, David, Hyland, Oka, Fischer
Absent: Pilpel, Sims, Grant

Kitt Grant

Kitt Grant, Chair
Sunshine Ordinance Task Force

c: Celia Lee, Deputy City Attorney
Jerry Threet, Deputy City Attorney
Mica Ringel, Complainant
Lulu Hwang, Operations and IS Administrator, Planning Department, Respondent
Fu, Don Lewis, City Planner, Planning Department
John Rahaim, Planning Director, Planning Department
AnMarie Rodgers, Manager Legislative Affairs, Planning Department

CITY AND COUNTY OF SAN FRANCISCO

DENNIS J. HERRERA
City Attorney

OFFICE OF THE CITY ATTORNEY

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MEMORANDUM
PRIVILEGED & CONFIDENTIAL

TO: Sunshine Ordinance Task Force

FROM: Celia W. Lee
Deputy City Attorney

DATE: September 26, 2013

RE: Complaint No. 13024 – Ringel v. Planning Department

COMPLAINT

Mica Ringel ("Complainant") complains that the Planning Department ("Respondent," via individuals Ben Fu, Don Lewis, and Lulu Hwang) violated the Sunshine Ordinance by failing to provide the appropriate access to various public records.

COMPLAINANT FILES COMPLAINT:

On April 26, 2013, Complainant filed a Complaint against Respondent, seeking assistance from the Task Force regarding his public records request to the Planning Department on March 31, 2013. Respondent had provided some records to Complainant, but Complainant noted the lack of certain correspondence or electronic data.

The Planning Department, upon notification of the Complaint, engaged in further email correspondence with Complainant. This correspondence culminated in a notification to the Task Force from Complainant on May 14, 2013 that the matter was not resolved, and that included a summary of records Complainant continues to seek from Respondent.

JURISDICTION

Respondent Planning Department is a department under the Ordinance. The Task Force therefore generally has jurisdiction to hear a complaint of a violation of the Ordinance against Respondent. Respondent has not contested jurisdiction.

APPLICABLE STATUTORY SECTION(S)

Section 67 of the San Francisco Administrative Code (Sunshine Ordinance):

- Section 67.20 governs definitions regarding public information and public records.
- Section 67.21 governs the process for gaining access to public records
- Section 67.21.1 pertains to City policy regarding use and purchase of computer systems, particularly where applicable to public records management and disclosure.
- Section 67.24 governs public information that must be disclosed.
- Section 67.25 governs the immediacy of response and timing of production.
- Section 67.26 governs withholding of records.
- Section 67.27 governs justification of withholding of records.

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APPLICABLE CASE LAW:

None.

BACKGROUND:

Complaint: Complainant submitted his complaint on April 26, 2013 regarding the Planning Department's inadequate response to his public records request on March 31, 2013.

Chronology: on March 31, 2013, Ringel had emailed a request for the complete file for the proposed development at 480 Potrero Avenue. He specifically requested "all documents, in addition to any emails and/or other electronic forms of data which they have for this project" to Environmental Planner Don Lewis and City Planner Ben Fu. He cc'd office manager Lulu Hwang on both requests.

Don Lewis's response: Mr. Lewis responded on April 1, and on April 2 Complainant reviewed his file. However, there was no electronic data and only minimal correspondence.

Ben Fu's response: Mr. Fu did not respond or acknowledge Complainant's March 31 request. On April 10, Complainant made a second request. Mr. Fu informed Complainant via email that the file was available at the front desk of the Planning Department. Complainant inquired if the file was complete, but received no response. On April 15, Complainant reviewed Mr. Fu's file and found nothing in the correspondence section of the file. Complainant himself had corresponded with Mr. Lewis and Mr. Fu regarding the proposed development at 480 Potrero, so he had expected to see that correspondence (and presumably other items of correspondence) in the file.

On April 15, Complainant emailed Lulu Hwang, the office manager for the Planning Department, stating "I humbly request access under the Sunshine Ordinance to everything held in custody by the SF Planning Dept, including emails, electronic files, phone records, meeting minute, etc related to the proposed development at 480 Potrero Ave." He did not hear back from Ms. Hwang in 10 days.

On April 25, he emailed Ms. Hwang again, copying the Task Force. According to Complainant, Ms. Hwang did not seem to understand that his latest request was made after Mr. Lewis and Mr. Fu had not been forthcoming with what he asked for. He reiterated his request for documents, including emails and electronic data. He also described how Mr. Lewis and Mr. Fu's files had been incomplete, and that he knew for a fact that there is more in the custody of the Planning Dept for the proposed project at 480 Potrero other than what was available at the front desk for Mr. Lewis and Mr. Fu's files. He also explained that the matter was coming to a hearing before the Planning Commissioners, and the custodians of records were making it difficult for him to access information. By the end of the day on April 25, Ms. Hwang provided five additional historical documents, which Complainant alleges were not pertinent to the proposed development at 480 Potrero Ave.

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On April 26, Complainant emailed a complaint to the Task Force, setting out the above chronology. He stated that "I feel the Planning Dept has given me the runaround & that I am without other options but to request assistance from the SOTF." The email complaint to SOTF was the most recent email in a chain of emails that show correspondence between Complainant, Ms. Hwang, and Mr. Fu. Complainant forwarded a PDF copy of his complaint to Ms. Hwang, Mr. Fu, and Mr. Lewis.

Response: Complainant's complaint to the Task Force generated an additional chain of correspondence between Complainant and Ms. Hwang regarding Complainant's public records request. In direct response to the April 26 complaint, Ms. Hwang emailed Complainant on April 29 and recounted her actions in response to his request. She informed Complainant that she inquired with Mr. Fu as to whether there was anything else, and that Mr. Fu informed her that everything was in the file that Complainant had reviewed. She acknowledged sending Complainant some additional historical information that she had researched, and stated that they did not have any emails and/or electronic forms of data that they were not disclosing to him.

Complainant responded on April 29, and set forth specific questions related to correspondence, to wit: he inquired as to why his own correspondence was missing from Don Lewis's case files, as well as other correspondence; he inquired as to why Ben Fu's correspondence folder was completely empty; and he queried whether Ms. Hwang was unable to obtain digital correspondence/electronic files from the servers of the Planning Dept. He also reiterated his request for various documents and correspondence relating to several consulting firms regarding the proposed development at 480 Potrero (including SIA Consulting, Town Consulting, Kitchen Cabinet Consulting, and Mission Housing), interoffice correspondence, and outside agency correspondence. Finally, he reiterated four categories of documents that he continued to seek: receipts for any newspaper ads/articles published; dates or trip logs for site visits; minutes of meetings/phone calls; and electronic data, including digital photos, powerpoint presentations, word processing documents, spreadsheet files, PDF's, et al. On April 29, Ms. Hwang related Mr. Fu's response via email only to the latter four categories, and stated that she would check with Mr. Lewis again.

On May 14, 2013, Complainant emailed the Task Force to state that the matter was not resolved. He noted that Mr. Lewis and Mr. Fu had not supplied him with any other documents, that Ms. Hwang only provided with a few historical documents from the archives, and that he was still looking for "all documents, in addition to any emails &/or other electronic forms of data" held in custody by the Planning Department re 480 Potrero Ave, and not just what the planners had selected for the "public case files." Complainant set forth again the list of documents he required, which is the same list he provided to Ms. Hwang in his email to her of April 29 (set forth in the paragraph immediately above).

The Task Force file includes a PDF document entitled "Ben Fu recovered.pdf" which apparently shows emails recovered from Mr. Fu's email account, including emails to and from Complainant. It is unclear as to whether Respondent conveyed this document to Complainant, and any date of such conveyance.

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QUESTIONS THAT MIGHT ASSIST IN DETERMINING FACTS:

- How did the Planning Department (Ben Fu, Don Lewis, Lulu Hwang) search for records responsive to Complainant's request for the "complete file for the proposed development at 480 Potrero Avenue"?
- When was the "Ben Fu recovered.pdf" file retrieved by Respondent?
- Was the "Ben Fu recovered.pdf" file provided to Complainant? If so, when?
- Did the Planning Department search for responsive documents as enumerated in the categories set forth by Complainant in his communications with Ms. Hwang, Mr. Fu, and Mr. Lewis?
- Why did Mr. Fu's correspondence folder for the proposed development at 480 Potrero Avenue not contain correspondence between Complainant and Mr. Fu, or other correspondence pertaining to the proposed development at 480 Potrero Ave.?

LEGAL ISSUES/LEGAL DETERMINATIONS:

- Was Respondent's search for public records in response to Complainant's request in compliance with the Sunshine Ordinance?
- Was Respondent's response and providing of documents in response to Complainant's request in compliance with the Sunshine Ordinance?

CONCLUSION

THE TASK FORCE FINDS THE FOLLOWING FACTS TO BE TRUE:

THE TASK FORCE FINDS THE ALLEGED VIOLATIONS TO BE **TRUE OR NOT TRUE.**

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* * *

ATTACHED STATUTORY SECTIONS FROM CHAPTER 67 OF THE SAN FRANCISCO ADMINISTRATIVE CODE UNLESS OTHERWISE SPECIFIED (in pertinent part)

SEC. 67.20. DEFINITIONS.

Whenever in this article the following words or phrases are used, they shall mean:

(a) "Department" shall mean a department of the City and County of San Francisco.

(b) "Public Information" shall mean the content of "public records" as defined in the California Public Records Act (Government Code Section 6252), whether provided in documentary form or in an oral communication. "Public Information" shall not include "computer software" developed by the City and County of San Francisco as defined in the California Public Records Act (Government Code Section 6254.9).

(c) "Supervisor of Records" shall mean the City Attorney.

SEC. 67.21. PROCESS FOR GAINING ACCESS TO PUBLIC RECORDS; ADMINISTRATIVE APPEALS.

(a) Every person having custody of any public record or public information, as defined herein, (hereinafter referred to as a custodian of a public record) shall, at normal times and during normal and reasonable hours of operation, without unreasonable delay, and without requiring an appointment, permit the public record, or any segregable portion of a record, to be inspected and examined by any person and shall furnish one copy thereof upon payment of a reasonable copying charge, not to exceed the lesser of the actual cost or ten cents per page.

(b) A custodian of a public record shall, as soon as possible and within ten days following receipt of a request for inspection or copy of a public record, comply with such request. Such request may be delivered to the office of the custodian by the requester orally or in writing by fax, postal delivery, or e-mail. If the custodian believes the record or information requested is not a public record or is exempt, the custodian shall justify withholding any record by demonstrating, in writing as soon as possible and within ten days following receipt of a request, that the record in question is exempt under express provisions of this ordinance.

(c) A custodian of a public record shall assist a requester in identifying the existence, form, and nature of any records or information maintained by, available to, or in the custody of the custodian, whether or not the contents of those records are exempt from disclosure and shall, when requested to do so, provide in writing within seven days following receipt of a request, a statement as to the existence, quantity, form and nature of records relating to a particular subject or questions with enough specificity to enable a requester to identify records in order to make a request under (b). A custodian of any public record, when not in possession of the record requested, shall assist a requester in directing a request to the proper office or staff person.

(d) If the custodian refuses, fails to comply, or incompletely complies with a request described in (b), the person making the request may petition the supervisor of records for a determination whether the record requested is public. The supervisor of records shall inform the petitioner, as soon as possible and within 10 days, of its determination whether the record requested, or any part of the record requested, is public. Where requested by the petition, and where otherwise desirable, this determination shall be in writing. Upon the determination by the supervisor of records that the record is public, the supervisor of records shall immediately order the custodian of the public record to comply with the person's request. If the custodian refuses or fails to comply with any such order within 5 days, the supervisor of records shall notify the district attorney or the attorney general who shall take whatever measures she or he deems necessary and appropriate to insure compliance with the provisions of this ordinance.

(e) If the custodian refuses, fails to comply, or incompletely complies with a request described in (b) above or if a petition is denied or not acted on by the supervisor of public records, the person making the request may petition the Sunshine Task Force for a determination whether the record requested is public. The Sunshine Task Force shall inform the petitioner, as soon as possible and within 2 days after its next meeting but in no case later than 45 days from when a petition in writing is received, of its determination whether the record requested, or any part of the record requested, is public. Where requested by the petition, and where otherwise desirable, this determination shall be in writing. Upon the determination that the record is public, the Sunshine Task Force shall immediately order the custodian of the public record to comply with the person's request. If the custodian refuses or fails to comply with any such order within 5 days, the Sunshine Task Force shall notify the district attorney or the attorney general who may take whatever measures she or he deems necessary to insure compliance with the provisions of this ordinance. The Board of Supervisors and the City Attorney's office shall provide sufficient staff and resources to allow the Sunshine Task Force to fulfill its duties under this provision. Where requested by the petition, the Sunshine Task Force may conduct a public hearing concerning the records request denial. An authorized representative of the custodian of the public records requested shall attend any hearing and explain the basis for its decision to withhold the records requested.

(f) The administrative remedy provided under this article shall in no way limit the availability of other administrative remedies provided to any person with respect to any officer or employee of any agency, executive office, department or board; nor shall the administrative remedy provided by this section in any way limit the availability of judicial remedies otherwise available to any person requesting a public record. If a custodian of a public record refuses or fails to comply with the request of any person for inspection or copy of a public record or with an administrative order under this section, the superior court shall have jurisdiction to order compliance.

(g) In any court proceeding pursuant to this article there shall be a presumption that the record sought is public, and the burden shall be upon the custodian to prove with specificity the exemption which applies.

(h) On at least an annual basis, and as otherwise requested by the Sunshine Ordinance Task Force, the supervisor of public records shall prepare a tally and report of every petition brought before it for access to records since the time of its last tally and report. The report shall at least identify for each petition the record or records sought, the custodian of those records, the ruling of the supervisor of public records, whether any ruling was overturned by a

court and whether orders given to custodians of public records were followed. The report shall also summarize any court actions during that period regarding petitions the Supervisor has decided. At the request of the Sunshine Ordinance Task Force, the report shall also include copies of all rulings made by the supervisor of public records and all opinions issued.

(i) The San Francisco City Attorney's office shall act to protect and secure the rights of the people of San Francisco to access public information and public meetings and shall not act as legal counsel for any city employee or any person having custody of any public record for purposes of denying access to the public. The City Attorney may publish legal opinions in response to a request from any person as to whether a record or information is public. All communications with the City Attorney's Office with regard to this ordinance, including petitions, requests for opinion, and opinions shall be public records.

(j) Notwithstanding the provisions of this section, the City Attorney may defend the City or a City Employee in litigation under this ordinance that is actually filed in court to any extent required by the City Charter or California Law.

(k) Release of documentary public information, whether for inspection of the original or by providing a copy, shall be governed by the California Public Records Act (Government Code Section 6250 et seq.) in particulars not addressed by this ordinance and in accordance with the enhanced disclosure requirements provided in this ordinance.

(l) Inspection and copying of documentary public information stored in electronic form shall be made available to the person requesting the information in any form requested which is available to or easily generated by the department, its officers or employees, including disk, tape, printout or monitor at a charge no greater than the cost of the media on which it is duplicated. Inspection of documentary public information on a computer monitor need not be allowed where the information sought is necessarily and unseparably intertwined with information not subject to disclosure under this ordinance. Nothing in this section shall require a department to program or reprogram a computer to respond to a request for information or to release information where the release of that information would violate a licensing agreement or copyright law.

SEC. 67.21-1. POLICY REGARDING USE AND PURCHASE OF COMPUTER SYSTEMS.

(a) It is the policy of the City and County of San Francisco to utilize computer technology in order to reduce the cost of public records management, including the costs of collecting, maintaining, and disclosing records subject to disclosure to members of the public under this section. To the extent that it is technologically and economically feasible, departments that use computer systems to collect and store public records shall program and design these systems to ensure convenient, efficient, and economical public access to records and shall make public records easily accessible over public networks such as the Internet.

(b) Departments purchasing new computer systems shall attempt to reach the following goals as a means to achieve lower costs to the public in connection with the public disclosure of records:

(1) Implementing a computer system in which exempt information is segregated or filed separately from otherwise disclosable information.

(2) Implementing a system that permits reproduction of electronic copies of records in a format that is generally recognized as an industry standard format.

(3) Implementing a system that permits making records available through the largest non-profit, non-proprietary public computer network, consistent with the requirement for security of information.

SEC. 67.24. PUBLIC INFORMATION THAT MUST BE DISCLOSED.

Notwithstanding a department's legal discretion to withhold certain information under the California Public Records Act, the following policies shall govern specific types of documents and information and shall provide enhanced rights of public access to information and records:

(a) Drafts and Memoranda.

(1) Except as provided in subparagraph (2), no preliminary draft or department memorandum, whether in printed or electronic form, shall be exempt from disclosure under Government Code Section 6254, Subdivision (a) or any other provision. If such a document is not normally kept on file and would otherwise be disposed of, its factual content is not exempt under Subdivision (a). Only the recommendation of the author may, in such circumstances, be withheld as exempt.

(2) Draft versions of an agreement being negotiated by representatives of the City with some other party need not be disclosed immediately upon creation but must be preserved and made available for public review for 10 days prior to the presentation of the agreement for approval by a policy body, unless the body finds that and articulates how the public interest would be unavoidably and substantially harmed by compliance with this 10 day rule, provided that policy body as used in this subdivision does not include committees. In the case of negotiations for a contract, lease or other business agreement in which an agency of the City is offering to provide facilities or services in direct competition with other public or private entities that are not required by law to make their competing proposals public or do not in fact make their proposals public, the policy body may postpone public access to the final draft agreement until it is presented to it for approval.

(b) Litigation Material.

(1) Notwithstanding any exemptions otherwise provided by law, the following are public records subject to disclosure under this Ordinance:

(i) A pre-litigation claim against the City;

(ii) A record previously received or created by a department in the ordinary course of business that was not attorney/client privileged when it was previously received or created;

(iii) Advice on compliance with, analysis of, an opinion concerning liability under, or any communication otherwise concerning the California Public

Records Act, the Ralph M. Brown Act, the Political Reform Act, any San Francisco Governmental Ethics Code, or this Ordinance.

(2) Unless otherwise privileged under California law, when litigation is finally adjudicated or otherwise settled, records of all communications between the department and the adverse party shall be subject to disclosure, including the text and terms of any settlement.

(c) Personnel Information. None of the following shall be exempt from disclosure under Government Code Section 6254, subdivision (c), or any other provision of California Law where disclosure is not forbidden:

(1) The job pool characteristics and employment and education histories of all successful job applicants, including at a minimum the following information as to each successful job applicant:

(i) Sex, age and ethnic group;

(ii) Years of graduate and undergraduate study, degree(s) and major or discipline;

(iii) Years of employment in the private and/or public sector;

(iv) Whether currently employed in the same position for another public agency.

(v) Other non-identifying particulars as to experience, credentials, aptitudes, training or education entered in or attached to a standard employment application form used for the position in question.

(2) The professional biography or curriculum vitae of any employee, provided that the home address, home telephone number, social security number, age, and marital status of the employee shall be redacted.

(3) The job description of every employment classification.

(4) The exact gross salary and City-paid benefits available to every employee.

(5) Any memorandum of understanding between the City or department and a recognized employee organization.

(6) The amount, basis, and recipient of any performance-based increase in compensation, benefits, or both, or any other bonus, awarded to any employee, which shall be announced during the open session of a policy body at which the award is approved.

(7) The record of any confirmed misconduct of a public employee involving personal dishonesty, misappropriation of public funds, resources or benefits, unlawful discrimination against another on the basis of status, abuse of authority, or violence, and of any discipline imposed for such misconduct.

(d) Law Enforcement Information.

The District Attorney, Chief of Police, and Sheriff are encouraged to cooperate with the press and other members of the public in allowing access to local records pertaining to

investigations, arrests, and other law enforcement activity. However, no provision of this ordinance is intended to abrogate or interfere with the constitutional and statutory power and duties of the District Attorney and Sheriff as interpreted under Government Code section 25303, or other applicable State law or judicial decision. Records pertaining to any investigation, arrest or other law enforcement activity shall be disclosed to the public once the District Attorney or court determines that a prosecution will not be sought against the subject involved, or once the statute of limitations for filing charges has expired, whichever occurs first. Notwithstanding the occurrence of any such event, individual items of information in the following categories may be segregated and withheld if, on the particular facts, the public interest in nondisclosure clearly and substantially outweighs the public interest in disclosure:

(1) The names of juvenile witnesses (whose identities may nevertheless be indicated by substituting a number or alphabetical letter for each individual interviewed);

(2) Personal or otherwise private information related to or unrelated to the investigation if disclosure would constitute an unwarranted invasion of privacy;

(3) The identity of a confidential source;

(4) Secret investigative techniques or procedures;

(5) Information whose disclosure would endanger law enforcement personnel; or

(6) Information whose disclosure would endanger the successful completion of an investigation where the prospect of enforcement proceedings is concrete and definite.

This Subdivision shall not exempt from disclosure any portion of any record of a concluded inspection or enforcement action by an officer or department responsible for regulatory protection of the public health, safety, or welfare.

(e) Contracts, Bids and Proposals.

(1) Contracts, contractors' bids, responses to requests for proposals and all other records of communications between the department and persons or firms seeking contracts shall be open to inspection immediately after a contract has been awarded. Nothing in this provision requires the disclosure of a private person's or organization's net worth or other proprietary financial data submitted for qualification for a contract or other benefit until and unless that person or organization is awarded the contract or benefit. All bidders and contractors shall be advised that information provided which is covered by this subdivision will be made available to the public upon request. Immediately after any review or evaluation or rating of responses to a Request for Proposal ("RFP") has been completed, evaluation forms and score sheets and any other documents used by persons in the RFP evaluation or contractor selection process shall be available for public inspection. The names of scorers, graders or evaluators, along with their individual ratings, comments, and score sheets or comments on related documents, shall be made immediately available after the review or evaluation of a RFP has been completed.

(2) Notwithstanding the provisions of this Subdivision or any other provision of this ordinance, the Director of Public Health may withhold from disclosure

proposed and final rates of payment for managed health care contracts if the Director determines that public disclosure would adversely affect the ability of the City to engage in effective negotiations for managed health care contracts. The authority to withhold this information applies only to contracts pursuant to which the City (through the Department of Public Health) either pays for health care services or receives compensation for providing such services, including mental health and substance abuse services, to covered beneficiaries through a pre-arranged rate of payment. This provision also applies to rates for managed health care contracts for the University of California, San Francisco, if the contract involves beneficiaries who receive services provided jointly by the City and University. This provision shall not authorize the Director to withhold rate information from disclosure for more than three years.

(3) During the course of negotiations for:

(i) personal, professional, or other contractual services not subject to a competitive process or where such a process has arrived at a stage where there is only one qualified or responsive bidder;

(ii) leases or permits having total anticipated revenue or expense to the City and County of five hundred thousand dollars ($500,000) or more or having a term of ten years or more; or

(iii) any franchise agreements,

all documents exchanged and related to the position of the parties, including draft contracts, shall be made available for public inspection and copying upon request. In the event that no records are prepared or exchanged during negotiations in the above-mentioned categories, or the records exchanged do not provide a meaningful representation of the respective positions, the City Attorney or City representative familiar with the negotiations shall, upon a written request by a member of the public, prepare written summaries of the respective positions within five working days following the final day of negotiation of any given week. The summaries will be available for public inspection and copying. Upon completion of negotiations, the executed contract, including the dollar amount of said contract, shall be made available for inspection and copying. At the end of each fiscal year, each City department shall provide to the Board of Supervisors a list of all sole source contracts entered into during the past fiscal year. This list shall be made available for inspection and copying as provided for elsewhere in this Article.

(f) Budgets and Other Financial Information. Budgets, whether tentative, proposed or adopted, for the City or any of its departments, programs, projects or other categories, and all bills, claims, invoices, vouchers or other records of payment obligations as well as records of actual disbursements showing the amount paid, the payee and the purpose for which payment is made, other than payments for social or other services whose records are confidential by law, shall not be exempt from disclosure under any circumstances.

(g) Neither the City nor any office, employee, or agent thereof may assert California Public Records Act Section 6255 or any similar provision as the basis for withholding any documents or information requested under this ordinance.

(h) Neither the City nor any office, employee, or agent thereof may assert an exemption for withholding for any document or information based on a "deliberative process"

exemption, either as provided by California Public Records Act Section 6255 or any other provision of law that does not prohibit disclosure.

(i) Neither the City, nor any office, employee, or agent thereof, may assert an exemption for withholding for any document or information based on a finding or showing that the public interest in withholding the information outweighs the public interest in disclosure. All withholdings of documents or information must be based on an express provision of this ordinance providing for withholding of the specific type of information in question or on an express and specific exemption provided by California Public Records Act that is not forbidden by this ordinance.

SEC. 67.25. IMMEDIACY OF RESPONSE.

(a) Notwithstanding the 10-day period for response to a request permitted in Government Code Section 6256 and in this Article, a written request for information described in any category of non-exempt public information shall be satisfied no later than the close of business on the day following the day of the request. This deadline shall apply only if the words "Immediate Disclosure Request" are placed across the top of the request and on the envelope, subject line, or cover sheet in which the request is transmitted. Maximum deadlines provided in this article are appropriate for more extensive or demanding requests, but shall not be used to delay fulfilling a simple, routine or otherwise readily answerable request.

(b) If the voluminous nature of the information requested, its location in a remote storage facility or the need to consult with another interested department warrants an extension of 10 days as provided in Government Code Section 6456.1, the requester shall be notified as required by the close of business on the business day following the request.

(c) The person seeking the information need not state his or her reason for making the request or the use to which the information will be put, and requesters shall not be routinely asked to make such a disclosure. Where a record being requested contains information most of which is exempt from disclosure under the California Public Records Act and this article, however, the City Attorney or custodian of the record may inform the requester of the nature and extent of the non-exempt information and inquire as to the requester's purpose for seeking it, in order to suggest alternative sources for the information which may involve less redaction or to otherwise prepare a response to the request.

(d) Notwithstanding any provisions of California Law or this ordinance, in response to a request for information describing any category of non-exempt public information, when so requested, the City and County shall produce any and all responsive public records as soon as reasonably possible on an incremental or "rolling" basis such that responsive records are produced as soon as possible by the end of the same business day that they are reviewed and collected. This section is intended to prohibit the withholding of public records that are responsive to a records request until all potentially responsive documents have been reviewed and collected. Failure to comply with this provision is a violation of this Article.

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TO: Sunshine Ordinance Task Force
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SEC. 67.26. WITHHOLDING KEPT TO A MINIMUM.

No record shall be withheld from disclosure in its entirety unless all information contained in it is exempt from disclosure under express provisions of the California Public Records Act or of some other statute. Information that is exempt from disclosure shall be masked, deleted or otherwise segregated in order that the nonexempt portion of a requested record may be released, and keyed by footnote or other clear reference to the appropriate justification for withholding required by Section 67.27 of this Article. This work shall be done personally by the attorney or other staff member conducting the exemption review. The work of responding to a public-records request and preparing documents for disclosure shall be considered part of the regular work duties of any City employee, and no fee shall be charged to the requester to cover the personnel costs of responding to a records request.

SEC. 67.27. JUSTIFICATION OF WITHHOLDING.

Any withholding of information shall be justified, in writing, as follows:

(a) A withholding under a specific permissive exemption in the California Public Records Act, or elsewhere, which permissive exemption is not forbidden to be asserted by this ordinance, shall cite that authority.

(b) A withholding on the basis that disclosure is prohibited by law shall cite the specific statutory authority in the Public Records Act or elsewhere.

(c) A withholding on the basis that disclosure would incur civil or criminal liability shall cite any specific statutory or case law, or any other public agency's litigation experience, supporting that position.

(d) When a record being requested contains information, most of which is exempt from disclosure under the California Public Records Act and this Article, the custodian shall inform the requester of the nature and extent of the nonexempt information and suggest alternative sources for the information requested, if available.

Young, Victor

From: Mica [supermica@gmail.com]
Sent: Thursday, December 05, 2013 10:27 AM
To: SOTF
Cc: Lewis, Don (CPC); Fu, Ben; Jones, Sarah; Hwang, Lulu
Subject: SOTF - Ringel v. Planning Department (Lewis, Fu, Hwang)

Follow Up Flag: Follow up
Flag Status: Flagged

Mr. Young:

If you would forward this email to each Member of the Task Force and print a copy for the permanent record it would be most appreciated.

Dear
Members of the Sunshine Ordinance Task Force:

RE: The CD that the Planning Department presented us **both** with yesterday.

The CD contains two files: one for Environmental Planner Don Lewis (which we opened at the Hearing) and the other for City Planner Ben Fu (which we did not).

The Ben Fu file contains 8 emails -- **only**.

Background:

- From my opening complaint

  :

  Ben Fu's correspondence folder was **completely** empty, and remained so for several months

- From my amended complaint

  : T

  he **BenFu_R**

  ecovered

  CD

  contained

only some emails with **no** attachments

- At the first SOTF hearing on the complaint: I was presented with a CD containing **nothing** new. The Planning Department was found in violation of the Sunshine Ordinance and ordered to comply... and, to do so promptly.
- On Halloween: I was told to come down to the Planning Department where I was given a CD which contained an **empty** folder for Don Lewis and again, only **some** of Ben Fu's emails. A few were new, but all from the period **after** I had made my complaint and nothing prior to, prompting an Order of Determination and referral to Amendments and Compliance.
- At the Amendments and Compliance

hearing: the Planning Department was given yet another opportunity to comply and the matter was brought back to the full Task Force.

- Yesterday (Wednesday, December 5, 2013)

  :

  I was presented with a CD containing a total of 8 emails for Ben Fu.

When I filed my complaint, I wrote...

> "I feel the Planning Dept has given me the runaround & that I am without other options but to request assistance from the SOTF."

Now I feel the Planning Department is giving **you** (the SOTF) the runaround, too.

De minimis compliance after having exhausted every administrative appeal available (the Planning Commission, the Board of Supervisors, and the Board of Appeals) has deprived me personally and my co-appellants, the 200+ members of
MUNA [
Mariposa Utah Neighborhood Association
], the public records which existed all along. It is a willful abuse of discretion.

The question arises... Can I, as a private citizen, refer this to Ethics?

--MRingel

Young, Victor

From: Mica [supermica@gmail.com]
Sent: Tuesday, November 26, 2013 5:50 PM
To: SOTF
Subject: Re: SOTF - NOTICE OF HEARING: December 4, 2013

Hello Victor:

Looking the distribution list, respondent of my complaint Don Lewis don.lewis@sfgov.org has been omitted.

FYI

On Thu, Nov 21, 2013 at 9:39 AM, SOTF <sotf@sfgov.org> wrote:

Good Morning,

You are receiving this notice, because you are named as a Complainant or Respondent in one of the following complaints scheduled with the Sunshine Ordinance Task Force, 1)to hear the merits of the complaint 2) issue a determination and/or 3)complaint has been referred from a Task Force Committee.

1. COMPLAINT No. 12059 Supreet Pabla, SEIU Local 1021 v Human Services Agency

2. COMPLAINT No. 13024 Mica Ringel v Planning Department

3. COMPLAINT No. 13030 Charles Pitts v Community Housing Partnership

4. COMPLAINT No. 13031 Amber Straus v Thelma Schott-Skillman, Interim Chancellor, City College of San Francisco

5. COMPLAINT No. 13033 Barry Taranto v Municipal Transportation Agency

6. COMPLAINT No. 13034 Ray Hartz Jr. v Thomas Mazzucco, Police Commission

7. COMPLAINT No. 13035 James Chaffee v Board of Supervisors, Budget and Finance Committee

Date: December 4, 2013

Location: City Hall, Room 408

Time: 4:00 p.m.

Complainants: Your attendance is required for this meeting/hearing.

Respondents/Departments: Pursuant to Section 67.21 (e) of the Ordinance, the custodian of records or a representative of your department, who can speak to the matter, is required at the meeting/hearing.

Documentation (evidence supporting/disputing complaint)

For a document to be considered, it must be received at least five (5) working days before the hearing (see attached Public Complaint Procedure).

For inclusion of the agenda packet, supplemental/supporting documents must be received by **12:00 pm, November 26, 2013.**

Victor Young
Committee Clerk
Board of Supervisors
1 Dr. Carlton B. Goodlett Pl., Room 244
San Francisco CA 94102
phone 415-554-7724
fax 415-554-5163

Complete a Board of Supervisors Customer Satisfaction form by clicking the link below.
http://www.sfbos.org/index.aspx?page=104

Young, Victor

From: Mica [supermica@gmail.com]
Sent: Friday, November 15, 2013 10:36 AM
To: SOTF
Subject: Fwd: FW: SOTF Hearing Documentation - Complaint No. 13024 - 480 Potrero

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Andrea:

I just reviewed the Case File Packet for the upcoming Compliance Hearing.

The email below has been omitted... the response form LuLu in Courier Font.

The single page PDF I submitted yesterday was in response to this email below.

--M.Ringel

415-519-7523

---------- Forwarded message ----------
From: **Hwang, Lulu** <lulu.hwang@sfgov.org>
Date: Thu, Nov 7, 2013 at 2:13 PM
Subject: RE: FW: SOTF Hearing Documentation - Complaint No. 13024 - 480 Potrero
To: Mica <supermica@gmail.com>
Cc: SOTF <sotf@sfgov.org>, "Ausberry, Andrea" <andrea.ausberry@sfgov.org>

Mr. Ringel,

We have searched our files and not identified any additional that we have on file that were not already provided to you. You have received all the documents we have on file for 480 Potrero.

Additionally, I would like to address two statements in your email. You indicate that we do not comply or want to comply with requests. This statement is not accurate. The Planning Department always responds to public records requests. You also state in your email that Don Lewis replied to you that he doesn't have to provide emails or electronic files to you. This is also inaccurate. Such statements were never made to you.

Thanks

Lulu
415-558-6318

From: Mica [supermica@gmail.com]
Sent: Wednesday, November 06, 2013 9:00 AM
To: Hwang, Lulu
Cc: SOTF; Ausberry, Andrea
Subject: Re: FW: SOTF Hearing Documentation - Complaint No. 13024 - 480 Potrero

Ms. Hwang:

Can you have an IT Admin search the Planning Department servers for 480 Potrero, including the Exchange Server?

From the Complaint Report:

> Complainant responded on April 29, and set forth specific questions related to correspondence, to wit: he inquired as to why his own correspondence was missing from Don Lewis's case files, as well as other correspondence; he inquired as to why Ben Fu's correspondence folder was completely empty; and he queried whether Ms. Hwang was unable to obtain digital correspondence/electronic files from the servers of the Planning Dept. He also reiterated his request for various documents and correspondence relating to several consulting firms regarding the proposed development at 480 Potrero (including SIA Consulting, Town Consulting, Kitchen Cabinet Consulting, and Mission Housing), interoffice correspondence, and outside agency correspondence. Finally, he reiterated four categories of documents that he continued to seek: receipts for any newspaper ads/articles published; dates or trip logs for site visits; minutes of meetings/phone calls; and electronic data, including digital photos, powerpoint presentations, word processing documents, spreadsheet files, PDF's, et al. On April 29, Ms. Hwang related Mr. Fu's response via email only to the latter four categories, and stated that she would check with Mr. Lewis again.

In Don Lewis case files there are now emails of you asking him to comply with the request and his reply that he doesn't have to provide emails or electronic files and all the additional emails from Ben Fu are recent.

I am looking for the original communications between the Planners **prior** to the Sunshine Complaint, not **since** the Sunshine Complaint.

It is clear that as much as you ask them, they will not comply, or cannot comply, and you are powerless.

So, my question is can you have an IT Admin search for emails and digital files related to 480 Potrero?

Otherwise, the Order of Determination has produced nothing new.

--M.Ringel
(415) 519-7523

On Wed, Oct 30, 2013 at 6:25 PM, Mica <supermica@gmail.com> wrote:
Sure will. Thanks. I'll come in tomorrow afternoon.

On Wed, Oct 30, 2013 at 10:05 AM, Hwang, Lulu <lulu.hwang@sfgov.org> wrote:

I have a CD of email from Ben and hard copies from Don, will Mica come to the department to review these materials?

Please advise

Thanks

Lulu

From:	Kline, Heidi
To:	Miller, Jr., J. Gregg; Teague, Corey
Subject:	RE: 200 Paul (2013.0153CE) - Public Notice AND Newspaper Language
Date:	Thursday, July 18, 2013 11:39:49 AM
Attachments:	200 Paul Ad.doc

Wouldn't it be handy if we did one notice for the neg dec and the CU hearing... attached is our NOA ad (kept succinct due to cost).

Also, a reminder to please clean up your email regarding 200 Paul with City personnel by the publication date next Wednesday as emails are subject to the Sunshine Ordinance.

Young, Victor

From: Mica [supermica@gmail.com]
Sent: Friday, November 15, 2013 10:36 AM
To: SOTF
Subject: Fwd: FW: SOTF Hearing Documentation - Complaint No. 13024 - 480 Potrero

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Andrea:

I just reviewed the Case File Packet for the upcoming Compliance Hearing.

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The single page PDF I submitted yesterday was in response to this email below.

--M.Ringel

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Subject: RE: FW: SOTF Hearing Documentation - Complaint No. 13024 - 480 Potrero
To: Mica <supermica@gmail.com>
Cc: SOTF <sotf@sfgov.org>, "Ausberry, Andrea" <andrea.ausberry@sfgov.org>

Mr. Ringel,

We have searched our files and not identified any additional that we have on file that were not already provided to you. You have received all the documents we have on file for 480 Potrero.

Additionally, I would like to address two statements in your email. You indicate that we do not comply or want to comply with requests. This statement is not accurate. The Planning Department always responds to public records requests. You also state in your email that Don Lewis replied to you that he doesn't have to provide emails or electronic files to you. This is also inaccurate. Such statements were never made to you.

Thanks

Lulu
415-558-6318

From: Mica [supermica@gmail.com]
Sent: Wednesday, November 06, 2013 9:00 AM
To: Hwang, Lulu
Cc: SOTF; Ausberry, Andrea
Subject: Re: FW: SOTF Hearing Documentation - Complaint No. 13024 - 480 Potrero

Ms. Hwang:

Can you have an IT Admin search the Planning Department servers for 480 Potrero, including the Exchange Server?

From the Complaint Report:

> Complainant responded on April 29, and set forth specific questions related to correspondence, to wit: he inquired as to why his own correspondence was missing from Don Lewis's case files, as well as other correspondence; he inquired as to why Ben Fu's correspondence folder was completely empty; and he queried whether Ms. Hwang was unable to obtain digital correspondence/electronic files from the servers of the Planning Dept. He also reiterated his request for various documents and correspondence relating to several consulting firms regarding the proposed development at 480 Potrero (including SIA Consulting, Town Consulting, Kitchen Cabinet Consulting, and Mission Housing), interoffice correspondence, and outside agency correspondence. Finally, he reiterated four categories of documents that he continued to seek: receipts for any newspaper ads/articles published; dates or trip logs for site visits; minutes of meetings/phone calls; and electronic data, including digital photos, powerpoint presentations, word processing documents, spreadsheet files, PDF's, et al. On April 29, Ms. Hwang related Mr. Fu's response via email only to the latter four categories, and stated that she would check with Mr. Lewis again.

In Don Lewis case files there are now emails of you asking him to comply with the request and his reply that he doesn't have to provide emails or electronic files and all the additional emails from Ben Fu are recent.

I am looking for the original communications between the Planners **prior** to the Sunshine Complaint, not **since** the Sunshine Complaint.

It is clear that as much as you ask them, they will not comply, or cannot comply, and you are powerless.

So, my question is can you have an IT Admin search for emails and digital files related to 480 Potrero?

Otherwise, the Order of Determination has produced nothing new.

--M.Ringel
(415) 519-7523

On Wed, Oct 30, 2013 at 6:25 PM, Mica <supermica@gmail.com> wrote:
Sure will. Thanks. I'll come in tomorrow afternoon.

On Wed, Oct 30, 2013 at 10:05 AM, Hwang, Lulu <lulu.hwang@sfgov.org> wrote:

I have a CD of email from Ben and hard copies from Don, will Mica come to the department to review these materials?

Please advise

Thanks

Lulu

13-24

Ausberry, Andrea

From: complaints@sfgov.org
Sent: Friday, April 26, 2013 3:19 AM
To: SOTF
Subject: Sunshine Complaint

To:sotf@sfgov.org
Email:complaints@sfgov.org
DEPARTMENT:Planning Dept.
CONTACTED:Ben Fu, Don Lewis, Lulu Hwang
PUBLIC_RECORDS_VIOLATION:Yes
PUBLIC_MEETING_VIOLATION:No
MEETING_DATE:
SECTIONS_VIOLATED:Sec. 67.21. Process For Gaining Access To Public Records
DESCRIPTION:On March 31, 2013 I requested a copy of the complete file for the proposed development at 480 Potrero Ave via separate emails to both Environmental Planner Don Lewis & City Planner Ben Fu. Lulu Hwang was CC'd to both requests. I asked specifically for "all documents, in addition to any emails &/or other electronic forms of data which they have for this project". Mr. Lewis promptly responded on April 1 & I was able to go in the next day to begin reviewing his case file. There were no forms of electronic data provided. There was only minimal correspondence on record. Other documentation was either incomplete, missing, or possibly in Ben Fu's files. Mr. Fu however had not acknowledged my request for 10 day, so on April 10 I made a second. Only then did he email to let me know that the folder was avail. at the front desk of the Planning Dept. I again inquired if the folder was complete, & again he never responded. On April 15 I went in to review said files & found his Correspondence section for 480 Potrero empty = nothing. Considering I personally had previous correspondance with both Planners, I expected to see those in the record. Sensing there was a larger problem at hand... later in the day on April 15th, I wrote to Lulu Hwang "I humbly request access under the Sunshine Ordinance to everything held in custody by the SF Planning Dept, including emails, electronic files, phone records, meeting minutes, etc. related to the proposed development at 480 Potrero Ave." & 10 days later I had not heard back from Ms. Hwang. Yesterday, April 25 I emailed again, this time copying SOTF. Ms. Hwang didn't seem to understand that my Sunshine Ordinance request was only made after I had no other choice because Mr. Lewis & Mr. Fu were not forthcoming with what I had asked for. I explained to her that "I couldn't have been any clearer in my requests. I asked specifically for "all documents, in addition to any emails &/or other electronic forms of data which they have for this project". I know for a fact that there is more in the custody of the Planning Dept. RE: the proposed project at 480 Potrero Ave. than what was available at the front desk for both Don Lewis & Ben Fu's case files. I inventoried those documents & reported to you that they were incomplete. Thus, I made my formal request with you for "access under the Sunshine Ordinance to everything held in custody by the SF Planning Dept, including emails, electronic files, phone records, meeting minutes, etc. related to the proposed development at 480 Potrero Ave". This matter is coming to hearing with the Planning Commissioners and the custodians of the records at the Planning Dept. are making it more than difficult for me to access public information." By end of day yesterday all she could provide me with was 5 historical documents which were of no pertinence to the proposed project at 480 Potrero Ave. I feel the Planning Dept. has given me the runaround & that I am without other options but to request assistance from the SOTF.
HEARING:Yes
PRE-HEARING:Yes
DATE:April 26, 2013
NAME:Mica Ringel
ADDRESS:485 Potrero Ave, Unit C
CITY:San Francisco
ZIP:94110

PHONE:4155197523
CONTACT_EMAIL:supermica@gmail.com
ANONYMOUS:
CONFIDENTIALITY_REQUESTED:No

Ausberry, Andrea

From:	Mica [supermica@gmail.com]
Sent:	Tuesday, May 14, 2013 11:15 AM
To:	SOTF
Cc:	Fu, Ben; Lewis, Don (CPC); Hwang, Lulu; Ionin, Jonas; DiSanto, Thomas; Threet, Jerry; Grant, Kitt (sunshinechairgrant@gmail.com); Juan Jayo
Subject:	Re: SOTF - Mediation of Complaint Filed with SOTF - Complaint No. 13024

Hello, SOTF:

This matter is not resolved.

> Mr. Lewis & Mr. Fu have not supplied with any other documents.

> Ms. Hwang has only has provided me with a few Historical Documents pulled from the Archives.

I am still looking for "*all documents, in addition to any emails &/or other electronic forms of data*" held in custody by the Plannning Department RE: 480 Potrero Ave / 2011.0430 (U, X, E, !, etc.) & not just what the Planner's have selected for the "Public Case Files".

These items include:

- All Correspondence to & from anyone at the Planning Dept. (Include those CC & BCC)
    - SIA Consulting siaconsult.com
    - Town Consulting townconsulting.com
    - Kitchen Cabinet Public Affairs or SF Housing Authority
    - Mission Housing or Mariposa Gardens
        - Project Sponsor Reza Khoshnevisan reza@siaconsult.com
        - Consultant Tony Kim tony@townconsulting.org
        - including Consultant Ahsha Safai ahshasafai@gmail.com
    - Inter-office emails, memos, notices, authorizations, revisions, questions, answers, clarifications
    - Outside agency emails, memos, letters
    - Public with questions or concerns

- If there were site visits I would like to the know the dates or see said trip logs.
- If there were any meetings or phone calls I would like to review the minutes.

- If there's electronic data, I would like to see the
    - photos
    - powerpoint presentations
    - word processing documents
    - spreadsheet files
    - database printouts
    - PDF's

- maps
- renderings/models

- Anything related to any studies or research. Please include drafts & authorizations (scope of work) for everything

- Any data CD's

Everything

I would still like to know:

- Where Don Lewis's Graphics folder is & why was it not in the case file on April 1?
- Why was Ben Fu's Correspondence folder empty on April 15?

If it's an option I would prefer Digital copies over Paper.

Thank you.

--Mica Ringel
(415) 519-7523

On Tue, May 14, 2013 at 9:20 AM, SOTF <sotf@sfgov.org> wrote:

Good Morning,

Please disregard the following email. Mr. Ringel filed this complaint twice in two different formats.

The Planning department responded to the mediation of this complaint on April 29, 2013 (see attached).

The Complainant has not responded to whether the documents/response provided by the Respondent completes the request.

Mr. Ringel - The SOTF Office will consider your case to be resolved. Unless, you provide a detailed response to whether the documents the Respondent has provided completes your request.

Thank you,

Andrea S. Ausberry
Administrator
Sunshine Ordinance Task Force
Office 415.554.7724 | Fax 415.554.5163
sotf@sfgov.org | www.sfbos.org
City Hall, 1 Dr. Carlton B. Goodlett Place, Rm. 244
San Francisco, CA 94102
Follow Us! | Twitter

Complete a Board of Supervisors Customer Service Satisfaction form by clicking HERE

From: SOTF
Sent: Monday, May 13, 2013 2:36 PM
To: Fu, Ben; Lewis, Don (CPC); Hwang, Lulu; Ionin, Jonas; Avery, Linda
Cc: Jerry.Threet@sfgov.org; Grant, Kitt (sunshinechairgrant@gmail.com); Mica
Subject: SOTF - Mediation of Complaint Filed with SOTF - Complaint No. 13024

Good Afternoon,

You have been named as a Respondent in the following complaint submitted by Mica Ringel against Planning Department. In an attempt to mediate and stave off a hearing before the Sunshine Ordinance Task Force, please respond to the following request within five business days.

The Complainant alleges: *Complaint Attached.*

Pursuant to Section 67.21(b), If the custodian of public records believes the record or information requested is not a public record or is exempt, the custodian shall justify withholding any record by demonstrating, in writing as soon as possible and within ten days following receipt of a request, that the record in question is exempt under express provisions of the Sunshine Ordinance.

Thank you,

Andrea S. Ausberry
Administrator
Sunshine Ordinance Task Force
Office 415.554.7724 | Fax 415.554.5163
sotf@sfgov.org | www.sfbos.org
City Hall, 1 Dr. Carlton B. Goodlett Place, Rm. 244
San Francisco, CA 94102
Follow Us! | Twitter

Complete a Board of Supervisors Customer Service Satisfaction form by clicking HERE

Ausberry, Andrea

From: Hwang, Lulu
Sent: Monday, April 29, 2013 5:47 PM
To: supermica@gmail.com
Cc: Lewis, Don (CPC); Fu, Ben; Juan Jayo (jmj8@pge.com); SOTF
Subject: RE: Sunshine Ordinance request 480 Potrero Ave
Attachments: Ben Fu recovered.pdf

This is the response from Ben and I will check with Don again tomorrow

- If anything was published in the newspaper, I would like to review the receipts or the articles/adverts.

  Nothing has been published for the large project authorization.

- If there were site visits, I would like to the know the dates or see said trip logs.

  I have also visited the site but I generally do not keep a log of the day's events.

- If there were meetings/phone calls, I would like to review the minutes.

  I generally do not keep minutes of meetings or phone calls.

- If there's electronic data, I would like to see the digital photos, powerpoint presentations, word processing documents, spreadsheet files, PDF's, et al.

  All data and materials provided by the project sponsor are in the project case file.

Thanks!
Lulu
Have a Good Day Today and a Better Day Tomorrow...

From: Mica [mailto:supermica@gmail.com]
Sent: Monday, April 29, 2013 3:11 PM
To: Hwang, Lulu
Cc: Juan Jayo
Subject: Re: Sunshine Ordinance request 480 Potrero Ave

Ms. Hwang:

I have been copied on correspondence to & from the Planning Dept RE: 480 which has not made it into the record.

- Why is my own correspondence missing fron Don Lewis's case files, as well as the correspondence from others which I personally know?

Ben told me all materials are in the case file which you already reviewed.

- Why despite several requests was Ben Fu's Correspondence folder completely empty on April 15th?

I requested from you Ms. Hwang everything held in custody.

- Are you unable to obtain digital correspondence/electronic files from the servers of the Planning Dept?

Right now I'm looking for lots of things.

Everything between the Planning Dept. & SIA Consulting (siaconsult.com), including Project Sponsor Reza Khoshnevisan, Town Consulting (townconsulting.com), including Consultant Tony Kim, Kitchen Cabinet Consulting, including Consultant Asha Safai (ahshasafai@gmail.com), Mission Housing, including Mariposa Gardens, inter-office documentation/correspondence, & outside agency documentation/correspondence RE: the proposed development at 480 Potrero Ave.

- If anything was published in the newspaper, I would like to review the receipts or the articles/adverts.
- If there were site visits, I would like to the know the dates or see said trip logs.
- If there were meetings/phone calls, I would like to review the minutes.
- If there's electronic data, I would like to see the digital photos, powerpoint presentations, word processing documents, spreadsheet files, PDF's, et al.

--Mic Ringel

On Mon, Apr 29, 2013 at 2:49 PM, Hwang, Lulu <lulu.hwang@sfgov.org> wrote:

Hello

To clarify regarding the complaint you have for Planning Department is giving you a run around..

On April 11, Ben Fu already sent you an email letting you know that the case file is ready for review. I checked with the reception desk and they told me that the file already reviewed and ready to go back to Ben.

I went to Ben and I asked if there is anything else we left that we can put out for you to review? Ben told me all materials are in the case file which you already reviewed.

I just want to do more research and went to the historical file room and see if there anything else and I found a few more pieces of paper, scanned and email to you.

We do not have any "*addition to any emails &/or other electronic forms of data* " materials that we are not disclosing to to you.

Thanks!
Lulu
Have a Good Day Today and a Better Day Tomorrow...

From: Mica [mailto:supermica@gmail.com]

Sent: Friday, April 26, 2013 4:31 PM
To: Hwang, Lulu; Fu, Ben; Lewis, Don (CPC)
Subject: Re: Sunshine Ordinance request 480 Potrero Ave

For your records is the attached PDF complaint requesting assistance from the SOTF to obtain all documents, including digital files, held within custody of the SF Planning Dept. for the proposed project at 480 Potrero Ave.

On Thu, Apr 25, 2013 at 7:40 PM, Hwang, Lulu <lulu.hwang@sfgov.org> wrote:

Besides all the materials in the case file from Ben and Don, the only thing I found in the Historical files are attached.

Thanks!
Lulu

Have a Good Day Today and a Better Day Tomorrow...

From: Mica [mailto:supermica@gmail.com]
Sent: Thursday, April 25, 2013 12:56 PM
To: Hwang, Lulu
Cc: Juan Jayo; SOTF; Diane Ringel; Fu, Ben

Subject: Re: Sunshine Ordinance request 480 Potrero Ave

I couldn't have been any clearer in my requests.

I asked specifically for "all documents, in addition to any emails &/or other electronic forms of data which they have for this project".

I know for a fact that there is more in the custody of the Planning Dept. RE: the proposed project at 480 Potrero Ave. than what was available at the front desk for both Don Lewis & Ben Fu's case files.

I inventoried those documents & reported to you that they were incomplete.

Thus, I made my formal request with you for "access under the Sunshine Ordinance to everything held in custody by the SF Planning Dept, including emails, electronic files, phone records, meeting minutes, etc. related to the proposed development at 480 Potrero Ave".

This matter is coming to hearing with the Planning Commissioners and the custodians of the records at the Planning Dept. are making it more than difficult for me to access public information.

On Thu, Apr 25, 2013 at 12:38 PM, Hwang, Lulu <lulu.hwang@sfgov.org> wrote:

Hello

On April 11, Ben sent you an email to let you know that the case file is available for you to review at the 4th floor reception desk. And our record shown that you had already come and review the case file.

May I assist you on what other files you would like to review?

Thanks!
Lulu Hwang
Planning Department
Operations & IS Administrator
1650 Mission Street #400
San Francisco CA 94103
415-558-6318 (V)
Lulu.Hwang@SFGOV.ORG
Have a Good Day Today and a Better Day Tomorrow...

From: Mica [mailto:supermica@gmail.com]
Sent: Thursday, April 25, 2013 11:59 AM
To: Hwang, Lulu
Cc: Juan Jayo; SOTF; Diane Ringel
Subject: Re: Sunshine Ordinance request 480 Potrero Ave

Dear Ms. Hwang:

Third request. Now you too have not replied for 10 days.

It appears the Planning Dept. is far out of compliance with the Sunshine Ordinance http://sfbos.org/index.aspx?page=4460

How much longer is reasonable for me to wait before filing a formal complaint with the SOTF?

Mica Ringel

485 Potrero Ave

San Francisco, CA 94110

(415) 519-7523

On Mon, Apr 15, 2013 at 3:01 PM, Mica <supermica@gmail.com> wrote:

Dear Ms. Hwang:

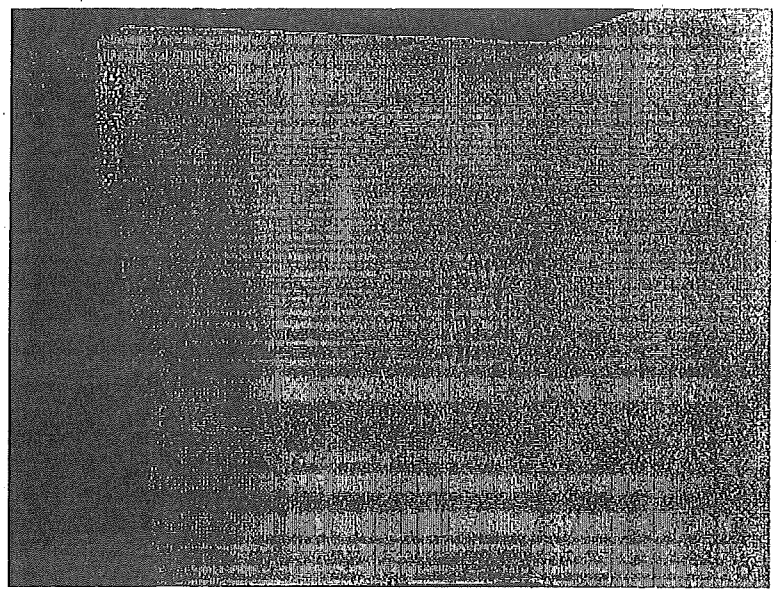
On March 31, 2013 I requested a copy of the complete file for the proposed development at 480 Potrero Ave from both Environmental Planner Don Lewis & City Planner Ben Fu.

I asked specifically for all documents, in addition to any emails &/or other electronic forms of data which they have for this project.

Whereas Mr. Lewis promptly responded on April 1, I was able to go in the next day to begin reviewing his case file.

Mr. Fu however had not acknowledged my request as of April 10, so I made a second. See emails below. He let me know the folder was avail. at the front desk. I again asked if the folder was complete, & again he never responded.

Earlier today I went in to the Planning Dept. to review said files & am perturbed to have found that the Correspondence folder for 480 Potrero is empty. Picture attached.



I've been told by Sue Hestor that you're very good with documentation... & so in preparation of the hearing scheduled for May 16, 2013, I humbly request access under the Sunshine Ordinance to everything held in custody by the SF Planning Dept, including emails, electronic files, phone records, meeting minutes, etc. related to the proposed development at 480 Potrero Ave.

Regards,

Mica Ringel

485 Potrero Ave

San Francisco, CA 94110

(415) 519-7523

---------- Forwarded message ----------
From: **Mica** <supermica@gmail.com>
Date: Mon, Apr 15, 2013 at 11:17 AM
Subject: Re: Request for all files regarding 480 Potrero Ave
To: "Fu, Ben" <ben.fu@sfgov.org>
Cc: "Hwang, Lulu" <lulu.hwang@sfgov.org>

Mr. Fu:

Thanks for getting back to me. I was told to make my request with both you & Don Lewis for all files, in addition to any emails &/or other electronic forms of data which you both have for the proposed project at 480 Potrero.

I came in two weeks ago to review the files which Mr. Lewis had made available, & would like to come in today from around 12:30-3 to begin assessment of yours.

Per your suggestion, if I need further assistance going forward regarding this documentation request I'll make it with Ms. Hwang under the Sunshine Ord.

Regards,

--Mica Ringel

On Thu, Apr 11, 2013 at 9:59 AM, Fu, Ben <ben.fu@sfgov.org> wrote:

Mica,

If you are making a request under the sunshine ordinance, please contact Lulu Hwang. Otherwise, if you wish to review the case file, it is available at the 4th floor reception.

Regards,

Ben A. Fu, City Planner

San Francisco Planning Department

1650 Mission Street, Suite 400

San Francisco, CA 94103

T: 415.558.6613

F: 415.558.6409

ben.fu@sfgov.org

From: Mica [mailto:supermica@gmail.com]
Sent: Wednesday, April 10, 2013 2:58 PM
To: Fu, Ben
Subject: Re: Request for all files regarding 480 Potrero Ave

Thanks for letting me know.

Per my request a week ago Monday, is it complete with all documents, in addition to any emails &/or other electronic forms of data which you have for this project?

Regards, --Mica Ringel

On Wed, Apr 10, 2013 at 2:46 PM, Fu, Ben <ben.fu@sfgov.org> wrote:

Mica,

The case file is available for public review. You are welcome to make any copies at the reception lobby.

Regards,

Ben A. Fu, City Planner

San Francisco Planning Department

1650 Mission Street, Suite 400

San Francisco, CA 94103

T: 415.558.6613

F: 415.558.6409

ben.fu@sfgov.org

---------- Forwarded message ----------
From: **Mica** <supermica@gmail.com>
Date: Wed, Apr 10, 2013 at 2:31 PM
Subject: Re: Request for all files regarding 480 Potrero Ave
To: ben.fu@sfgov.org

Second request.

From: Mica [mailto:supermica@gmail.com]
Sent: Sunday, March 31, 2013 10:22 PM
To: Fu, Ben
Cc: Hwang, Lulu; Wycko, Bill

Subject: Request for all files regarding 480 Potrero Ave

Dear Mr. Fu:

In preparation of the hearing scheduled for May 16, 2013 I am requesting a copy of the complete file for the proposed development at 480 Potrero Ave.

Please include all documents, in addition to any emails &/or other electronic forms of data which you have for this project.

Please let me know when you expect this packet of information available for pickup.

I am also requesting the same from Don Lewis.

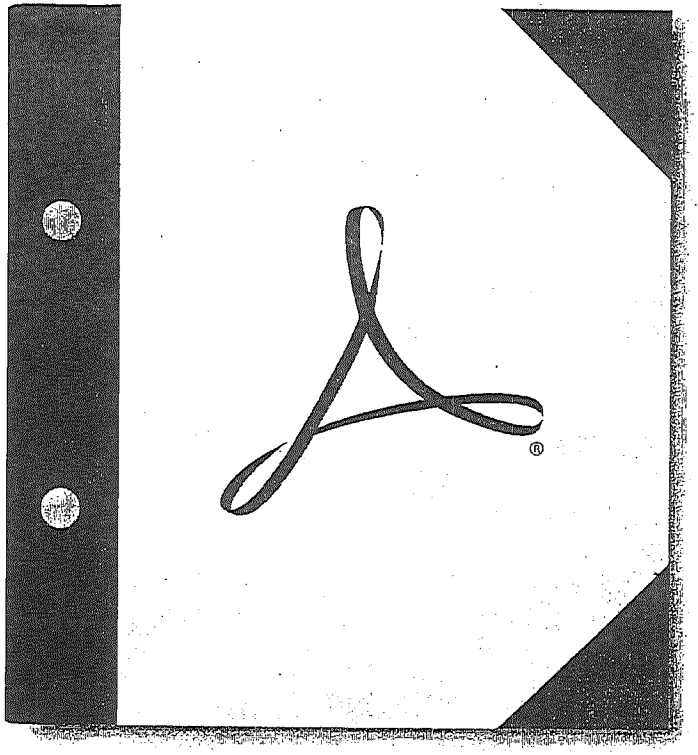
Regards,

Mica Ringel

485 Potrero Ave

San Francisco, CA 94110

(415) 519-7523



For the best experience, open this PDF portfolio in Acrobat X or Adobe Reader X, or later.

Get Adobe Reader Now!

From:	Lewis, Don
To:	Jones, Sarah; tony@townconsulting.com; Reza Khoshnevisan (reza@siaconsult.com)
Cc:	Fu, Ben
Subject:	480 Potrero - PMND/CPE Appeal
Date:	Wednesday, October 17, 2012 10:36:12 AM
Attachments:	480 Potrero Avenue Appeal Letter.pdf

Hello all,

Attached is the appeal letter for 480 Potrero Avenue.

Ben, when were you thinking of taking the CU to the Commission?

Thanks,

Don Lewis
Environmental Planner
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco CA 94103
(415) 575 – 9095
(415) 558 – 6409 fax

From:	jean@woodwinds.net
To:	don.lewis@sfgov.org; ben.fu@sfgov.org
Subject:	480 Potrero Avenue - Case 2011.0430E
Date:	Thursday, May 31, 2012 2:12:00 PM

Hello,
I have a few questions about Case 2011.0430E which I hope one of you will be kind enough to answer.

1) Why are only 33 parking spaces planned for 78 apartments?
2) How many square feet are contained in each of the apartment layouts?
3) How many commercial sites and what type do you expect?
4) Is the housing low or medium income?
5) Is the housing to be purchased or rented?
6) Will rent control be in place if rented?
7) Who will be running the apartments if rented.. what management company?
8) Who is the construction company planning on building the apartments?
9) Will there be a benefit fee given to the Eastern Neighborhoods Benefit fund? If so, how much?
10) Is this apartments in an area considered in a Redevelopment Plan?

Thank you,
Jean Bogiages, MUNA chair
http://sfmuna.org

From:	Ron Albert
To:	reza@siaconsult.com
Cc:	don.lewis@sfgov.org; ben.fu@sfgov.org
Subject:	480 Potrero Project
Date:	Tuesday, July 31, 2012 5:12:00 PM
Attachments:	480PotreroLetter0001.pdf

Mr. Khoshnevisan:
Please confirm receipt of this email and the attached letter.

Ronald P. Albert
Albert Law Corporation
66 George Lane, Suite 101
Sausalito, CA 94965-1890
Telephone: 415-332-5600
E-mail: rpa@albertlawcorp.com

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From:	Lewis, Don (CPC)
To:	Reza Khoshnevisan (reza@sjaconsult.com); tony@townconsulting.com
Cc:	Fu, Ben
Subject:	480 Potrero Revised Plans
Date:	Monday, April 01, 2013 8:38:15 AM

When will the revised plans be ready?

There's a good amount of work I need to do once I receive these plans. The Neg Dec needs to be amended since there is now ground-floor retail, and I will also need to revise the appeal response. The sooner I get these plans the better.

Thanks,

Don Lewis
Environmental Planner
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco CA 94103
(415) 575 – 9095
(415) 558 – 6409 fax

From:	Mica
To:	Lewis, Don (CPC); Wycko, Bill
Cc:	Fu, Ben; CohenStaff; Cohen, Malia
Subject:	480 Potrero / Planning Dept. Case No. 2011.0430U
Date:	Tuesday, April 23, 2013 10:12:54 AM

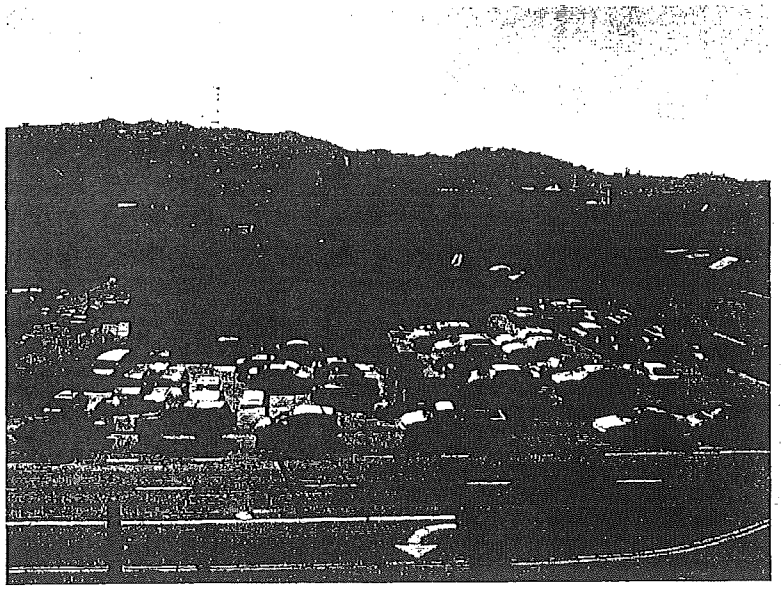
Dear Mr. Lewis:

I believe that the Preliminary Mitigated Negative Declaration is flawed on the face of it (*Prima Facie*).

480 is described in error as being "currently a vacant lot" while for more than a year it has been leased to Sunny's Auto Body for use as a "parking lot".

It speaks for itself (*Res Ipsa Loquitor*) that it is not "currently a vacant lot" when during business hours 6 days a week there are consistently 30-50 vehicles parked there.

I count 31 vehicles on site as I type this email now. Below is a picture from yesterday with again 50 cars parked there.



The inaccurate "vacant lot" site description is repeated three times throughout the PMND, it was duly advertised in newspapers, it was posted on site, & letters were sent to neighbors in a 300 ft. radius... all with this misrepresentation.

Has the Planning Dept. copy & pasted SIA Consulting's site description without fact checking first?

Following are sections of the Planning code which may be relevant:

SEC. 102.28. USE.

The purpose for which land or a structure, or both, are designed, constructed, arranged or intended, or for which they are occupied or maintained, let or leased.

SEC. 150. OFF-STREET PARKING AND LOADING REQUIREMENTS.

(d) **Spaces to be Retained.** Once any off-street parking or loading space has been provided which wholly or partially meets the requirements of this Code, such off-street parking or loading space shall not thereafter be reduced, eliminated or made unusable in any manner.

SEC. 156. PARKING LOTS.

(a) A "parking lot" is hereby defined as an off-street open area or portion thereof solely for the parking of passenger automobiles. Such an area or portion shall be considered a parking lot whether or not on the same lot as another use, whether or not required by this Code for any structure or use, and whether classified as an accessory, principal or conditional use.

I would appreciate a response to my concerns at your earliest convenience.

Regards,

Mica Ringel
485 Potrero Ave
San Francisco, CA 94110

(415) 519-7523

From: Mica
To: Fu, Ben
Cc: Lewis, Don (CPC); Wycko, Bill; CohenStaff; Cohen, Malia
Subject: 480 Potrero / Planning Dept. Case No. 2011.0430X
Date: Thursday, April 25, 2013 10:35:11 AM
Attachments: Application - 2011.0430X - 480 Potrero Avenue.pdf

Dear Mr. Fu:

I believe the Large Project Application for 480 Potrero has been misrepresented to the Planning Dept. & that it contains errors on the face of it (*Prima Facie*).

Present or Previous Use: previously a warehouse, present use - vacant

For more than a year the owner of 480 has been leasing the property to Sunny's Auto Body for use as a parking lot.

It speaks for itself (*Res Ipsa Loquitor*) that it's "present use" is not "vacant" when during business hours 6 days a week there are consistently 30-50 vehicles parked there.

I count 34 vehicles on site as I type this email now. Below is a picture from yesterday with 45 cars parked there.

Inline image 1

The inaccuracies continue...

	[illegible]	[illegible]	[illegible]	PROJECT TOTALS
PROJECT FEATURES				
Dwelling Units	0	0	84	84
Hotel Rooms	0	0	0	0
Parking Spaces	0	0	38	38
Loading Spaces	0	0	0	0
Number of Buildings	vacant	n/a	1	1
Height of Building(s)	n/a	n/a	58'	58'
Number of Stories	n/a	n/a	6	6
Bicycle Spaces	n/a	n/a	12	12 tbd
GROSS SQUARE FOOTAGE (GSF)				
Residential	n/a		85,490 sq. ft.	85,490 sq ft
Retail	n/a		0	0
Office	n/a		0	0
Industrial/PDR Production, Distribution, & Repair	n/a		0	0
Parking	n/a		0	0
Other (Specify Use)			0	0
TOTAL GSF	0		85,490 sq. ft.	85,490 sq. ft.

Following are sections of the Planning code which may otherwise be relevant, if not for the above misrepresentations:

SEC. 102.28. USE.

The purpose for which land or a structure, or both, are designed, constructed, arranged or intended, or for which they are occupied or maintained, let or leased.

SEC. 150. OFF-STREET PARKING AND LOADING REQUIREMENTS.

(d) **Spaces to be Retained.** Once any off-street parking or loading space has been provided which wholly or partially meets the requirements of this Code, such off-street parking or loading space shall not thereafter be reduced, eliminated or made unusable in any manner.

SEC. 156. PARKING LOTS.

(a) A "parking lot" is hereby defined as an off-street open area or portion thereof solely for the parking of passenger automobiles. Such an area or portion shall be considered a parking lot whether or not on the same lot as another use, whether or not required by this Code for any structure or use, and whether classified as an accessory, principal or conditional use.

The previous warehouse structure was demolished and the subject parcel is currently vacant.

Actually, the subject parcel is currently a parking lot.

It is of great concern that the Applicant's Affidavit has been signed under penalty of perjury on 10/4/12 by the Property Owner's Agent, Tony Kim of Town Consulting, who was formally employed by the SF Planning Dept.

Applicant's Affidavit

Under penalty of perjury the following declarations are made:
a: The undersigned is the owner or authorized agent of the owner of this property.
b: The information presented is true and correct to the best of my knowledge.
c: The other information or applications may be required.

Signature: See LOA Date: 10/4/12

Print name, and indicate whether owner, or authorized agent:

Owner / Authorized Agent (circle one)

LETTER OF AUTHORIZATION

I, Sia Tahbazof, as property owner(s) of the below-described property, does hereby appoint Town Consulting as authorized agent for the purpose of researching all permit history and filing any applications and obtaining any and all governmental permits/entitlements/appeals and approvals on the below-described property. The undersigned understands that the application may be denied, modified, or approved with conditions and that such conditions or modification must be complied with prior to issuance of permits or approvals.

Address: 480 Potrero Avenue

Property Owner(s)

I believe SIA Consulting, through Project Sponsor Reza Khoshnevisan, Consultant Tony Kim, & Consultant Asa Safai have misrepresented other parts of this project as well.

I would appreciate your response to my concerns at your earliest convenience as this is not the only document in your case file for 480 Potrero which appears to have not been fact checked.

Regards,

Mica Ringel
485 Potrero Ave
San Francisco, CA 94110

(415) 519-7523

From: jean bogiages
To: Fu, Ben
Subject: 480 Potrero
Date: Wednesday, January 30, 2013 1:05:45 PM

Hi Ben,
Do you have any idea when the 480 Potrero project will come before the commission?
I'm trying to decide when to schedule a meeting with the developer.
Thanks,
Jean Bogiages

From: Reza Khoshnevisan
To: Fu, Ben
Subject: FW: 480 POTRERO
Date: Monday, April 01, 2013 5:26:30 PM

Hi Ben;
Here is some renderings for your review.

Thanks;
Reza Khoshnevisan
SIA Consulting Corp.
1256 Howard Street
San Francisco, Ca. 94103
Tel: 415.922.0200, ext.108
Fax: 415.922.0203

From: brad terrell [mailto:terrell.brad@gmail.com]
Sent: Monday, April 01, 2013 4:51 PM
To: Reza Khoshnevisan; Renee Lu
Subject: 480 POTRERO

Hi Reza,
Please see the attached illustrations. These additional views are rendered free of the proposed landscaping to clearly illustrate the design.
-Brad

From: jean bogiages
To: Fu, Ben
Subject: Large Project Authorization Application
Date: Saturday, April 27, 2013 8:11:43 AM

Hi Ben,

I have a copy of the Application for Large Project Authorization for 480 Potrero (11.0430 X) which is dated 10/4/12.
If there is a newer version, please email me a copy.
Thanks,
Jean Bogiages

From:	jean bogiages
To:	Fu, Ben
Cc:	dean@deansgaragedoors.com; Juan Jayo; supermica@gmail.com
Subject:	Meeting with members of the "Save Potrero" committee regarding the planned 480 Potrero Development
Date:	Tuesday, November 13, 2012 6:19:13 PM

Hi Ben,

Thank you for giving me multiple time slots for our neighborhood group representatives to talk to you about the 480 Potrero development plans.
After emailing the three who have been selected to represent the neighborhood group, I find that 11:30 Tuesday, 11/20 is the day and time that everyone can meet.
I'm guessing that we will find your office at 1650 Mission street, where the planning department is located.
Are you on the 4th floor?

Thanks again,
Jean Bogiages
415-305-8230

From:	jean bogiages
To:	Fu, Ben; Lewis, Don (CPC)
Subject:	Planning Commission Meeting Schedule
Date:	Tuesday, March 26, 2013 8:46:40 AM

Hi,
Has there been any date scheduled yet for the480 Potrero project?
Thanks,
Jean Bogiages

From:	Aidin Massoudi
To:	Fu, Ben
Cc:	Reza Khoshnevisan; Siavash Tahbazof; Lewis, Don
Subject:	RE: 480 Potrero Avenue (3973/002C) Shadow Analysis
Date:	Thursday, August 30, 2012 9:32:31 AM

Hi Ben,

I dropped off a new Shadow Analysis pack w/fee this morning. If the old one is found, please disregard it.

Thank you

Aidin Massoudi
SIA Consulting Corp.
1256 Howard Street
San Francisco, Ca. 94103
Tel: 415.922.0200 Ext.105
Fax: 415.922.0203
www.siaconsult.com

From: Fu, Ben [mailto:ben.fu@sfgov.org]
Sent: Wednesday, August 29, 2012 10:01 AM
To: Aidin Massoudi
Cc: Reza Khoshnevisan; Siavash Tahbazof; Lewis, Don
Subject: RE: 480 Potrero Avenue (3973/002C) Shadow Analysis

If you have already submitted a shadow study, then there's no need to submit another. However, the Planning Department has no record of a previous submittal. Please submit the shadow study to the attention of Julian Banales.

Regards,

Ben A. Fu, City Planner
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103
T: 415.558.6613
F: 415.558.6409
ben.fu@sfgov.org

From: Aidin Massoudi [mailto:Aidin@siaconsult.com]
Sent: Tuesday, August 28, 2012 5:35 PM
To: Fu, Ben
Cc: Reza Khoshnevisan; Siavash Tahbazof
Subject: 480 Potrero Avenue (3973/002C) Shadow Analysis

Hi Ben,

I was told that you are requesting a new Shadow Analysis app. I submitted an application with the fee in March and the 1"=200' scale site plan (please see attached).

Please let me know if these items have been received. I will check and see if the fee check was deposited.

Thank you,

Aidin Massoudi
SIA Consulting Corp.
1256 Howard Street
San Francisco, Ca. 94103
Tel: 415.922.0200 Ext.105
Fax: 415.922.0203
www.siaconsult.com



From:	Reza Khoshnevisan
To:	Ron Albert
Cc:	don.lewis@sfgov.org; ben.fu@sfgov.org; Tony Kim
Subject:	RE: 480 Potrero Project
Date:	Wednesday, August 01, 2012 4:35:00 PM

Hello Mr. Albert;
I did receive your email yesterday. I am the project designer / consultant and as you know we are working on plans to develop the subject lot. Just for clarification, I was unaware of the any attempts to reach me or any of my staff. Moreover, I contacted Mr. Phil Palileo (the property manager) this morning and he stated that he was un aware of your client trying to reach him. Since my client purchased the lot they have made sure that land is secure and have continued efforts to clean up and to paint over the gratifies at the site. In addition, I was told that the property manager did not know about any water intrusion issues effecting the adjacent properties. For any maintenance issues you can contact Phil at 415.672.8080 he is extremely easy to reach and willing to correct any issues at the site.

As for the development, we are in process of completing our traffic study and various other aspects of the environmental requirements. We were planning to hold extensive neighborhood meetings after we get the necessary environmental reports such as traffic study so that we better understand the impact of the project towards the neighborhood ourselves before presenting this to the neighborhood. As we are still fine tuning our plans, we value your input and we are very interested in knowing what your concerns may be towards our development. Please feel free to contact me if you have any questions in regards to the plan or the permit process. I am always available and willing to meet you or your client.

Kindest regards;

Reza Khoshnevisan
SIA Consulting Corp.
1256 Howard Street
San Francisco, Ca. 94103
Tel: 415.922.0200, ext.108
Fax: 415.922.0203

From: Ron Albert [mailto:rpa@albertlawcorp.com]
Sent: Tuesday, July 31, 2012 5:14 PM
To: Reza Khoshnevisan
Cc: don.lewis@sfgov.org; ben.fu@sfgov.org
Subject: 480 Potrero Project

Mr. Khoshnevisan:
Please confirm receipt of this email and the attached letter.

Ronald P. Albert
Albert Law Corporation
66 George Lane, Suite 101

Sausalito, CA 94965-1890
Telephone: 415-332-5600
E-mail: rpa@albertlawcorp.com

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From: Lewis, Don (CPC)
To: Reza Khoshnevisan
Cc: tony@townconsulting.com; Fu, Ben
Subject: RE: 480 Potrero Revised Plans
Date: Monday, April 01, 2013 8:45:13 AM

Only need 11 by 17, and you can email them to me. Thanks.

Thanks,
Don Lewis
Environmental Planner
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco CA 94103
(415) 575 – 9095
(415) 558 – 6409 fax

From: Reza Khoshnevisan [mailto:reza@siaconsult.com]
Sent: Monday, April 01, 2013 8:42 AM
To: Lewis, Don (CPC)
Cc: tony@townconsulting.com; Fu, Ben
Subject: Re: 480 Potrero Revised Plans

We are ready, would you like full size sets?

Sent from my iPhone

On Apr 1, 2013, at 8:38 AM, "Lewis, Don (CPC)" <don.lewis@sfgov.org> wrote:

> When will the revised plans be ready?
>
> There's a good amount of work I need to do once I receive these plans. The Neg Dec needs to be amended since there is now ground-floor retail, and I will also need to revise the appeal response. The sooner I get these plans the better.
>
> Thanks,
> Don Lewis
> Environmental Planner
> San Francisco Planning Department
> 1650 Mission Street, Suite 400
> San Francisco CA 94103
> (415) 575 – 9095
> (415) 558 – 6409 fax

From:	Ron Miguel
To:	"Reza Khoshnevisan"; Cohen, Malia
Cc:	jean@woodwinds.net; dean@deansgaragedoors.com; Fu, Ben
Subject:	RE: 480 Potrero
Date:	Wednesday, January 30, 2013 10:56:30 AM

Reza – Thank you for your offer of revised plans – I would appreciate seeing them. I do not know if my suggestions/comments will satisfy the neighborhood. I have advised them to meet with you, and I suggest that you do so following any revisions. If either you or they would like me to attend such a meeting, I will try to make it.

Ron Miguel
600 De Haro St.
San Francisco, CA 94107
415-601-0708

From: Reza Khoshnevisan [mailto:reza@siaconsult.com]
Sent: Wednesday, January 30, 2013 10:00 AM
To: Ron Miguel; Malia Cohen
Cc: jean@woodwinds.net; dean@deansgaragedoors.com; Ben.Fu@sfgov.org
Subject: 480 Potrero

Hi Mr. Miguel;
Thank you so much for your help with this project. Your efforts are greatly appreciated. We are in process of revising our plans to satisfy your recommendations. I will email you the revised plans as soon as they become available. Do you have any indication whether the neighborhood will be satisfied if we meet the outlined recommendations?

Kindest regards;
Reza Khoshnevisan
SIA Consulting Corp.
1256 Howard Street
San Francisco, Ca. 94103
Tel: 415.922.0200, ext.108
Fax: 415.922.0203

From: Ron Miguel [mailto:rm@well.com]
Sent: Sunday, January 27, 2013 10:13 AM
To: Malia Cohen
Cc: jean@woodwinds.net; dean@deansgaragedoors.com; Ben.Fu@sfgov.org; Reza Khoshnevisan
Subject: 480 Potrero

Supervisor Cohen – I have attached a letter outlining my efforts regarding the proposed SIA development at 480 Potrero Ave.

Please let me know if I can be of further assistance.

Sincerely,

Ron Miguel

600 De Haro St.
San Francisco, CA 94107
415-601-0708

From:	Reza Khoshnevisan
To:	Ron Miguel; Cohen, Malia
Cc:	jean@woodwinds.net; dean@deansgaragedoors.com; Fu, Ben
Subject:	RE: 480 Potrero
Date:	Friday, February 01, 2013 2:42:51 PM

Thank you, I'll keep you updated. Your input is greatly appreciated.

Thanks;
Reza

From: Ron Miguel [mailto:rm@well.com]
Sent: Wednesday, January 30, 2013 10:53 AM
To: Reza Khoshnevisan; 'Malia Cohen'
Cc: jean@woodwinds.net; dean@deansgaragedoors.com; Ben.Fu@sfgov.org
Subject: RE: 480 Potrero

Reza – Thank you for your offer of revised plans – I would appreciate seeing them. I do not know if my suggestions/comments will satisfy the neighborhood. I have advised them to meet with you, and I suggest that you do so following any revisions. If either you or they would like me to attend such a meeting, I will try to make it.

Ron Miguel
600 De Haro St.
San Francisco, CA 94107
415-601-0708

From: Reza Khoshnevisan [mailto:reza@siaconsult.com]
Sent: Wednesday, January 30, 2013 10:00 AM
To: Ron Miguel; Malia Cohen
Cc: jean@woodwinds.net; dean@deansgaragedoors.com; Ben.Fu@sfgov.org
Subject: 480 Potrero

Hi Mr. Miguel;
Thank you so much for your help with this project. Your efforts are greatly appreciated. We are in process of revising our plans to satisfy your recommendations. I will email you the revised plans as soon as they become available. Do you have any indication whether the neighborhood will be satisfied if we meet the outlined recommendations?

Kindest regards;
Reza Khoshnevisan
SIA Consulting Corp.
1256 Howard Street
San Francisco, Ca. 94103
Tel: 415.922.0200, ext.108
Fax: 415.922.0203

From: Ron Miguel [mailto:rm@well.com]
Sent: Sunday, January 27, 2013 10:13 AM
To: Malia Cohen

Cc: jean@woodwinds.net; dean@deansgaragedoors.com; Ben.Fu@sfgov.org; Reza Khoshnevisan
Subject: 480 Potrero

Supervisor Cohen – I have attached a letter outlining my efforts regarding the proposed SIA development at 480 Potrero Ave.

Please let me know if I can be of further assistance.

Sincerely,

Ron Miguel
600 De Haro St.
San Francisco, CA 94107
415-601-0708

From: George Nelson
To: Fu, Ben
Subject: RE: 480 Potrero
Date: Monday, December 10, 2012 4:27:29 PM

Many thanks.

Nelson

From: ben.fu@sfgov.org
To: nelson.george@hotmail.co.uk
Subject: RE: 480 Potrero
Date: Tue, 11 Dec 2012 00:12:54 +0000

George,

Please see below for project contact info.

Project Sponsor/Developer/Architect:
Reza Khoshnevisan
SIA Consulting Corp.
1256 Howard Street
San Francisco, Ca. 94103
Tel: 415.922.0200, ext.108
Fax: 415.922.0203

Ben A. Fu, City Planner
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103
T: 415.558.6613
F: 415.558.6409
ben.fu@sfgov.org

From: George Nelson [mailto:nelson.george@hotmail.co.uk]
Sent: Monday, December 10, 2012 4:09 AM
To: Banales, Julian
Subject: 480 Potrero

Dear Mr Banales,

I am a reporter from the Potrero View newspaper currently writing a story describing the proposed development at 480 Potrero. A letter you sent Reza Khoshnevisan came to my attention - might you be able to tell me who the architect and development company will be if the plans to develop the site are given the green light? Many thanks.

Sincerely,

Nelson George

From: Lewis, Don (CPC)
To: jean@woodwinds.net; Fu, Ben
Subject: RE: Planning Commission Meeting Schedule
Date: Tuesday, March 26, 2013 9:22:17 AM

Hello Jean,

Pushed to May 16th. Still haven't rec'd the revised plans from sponsor.

Thanks,
Don Lewis
Environmental Planner
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco CA 94103
(415) 575 – 9095
(415) 558 – 6409 fax

-----Original Message-----
From: jean bogiages [mailto:jean@woodwinds.net]
Sent: Tuesday, March 26, 2013 8:46 AM
To: Fu, Ben; Lewis, Don (CPC)
Subject: Planning Commission Meeting Schedule

Hi,
Has there been any date scheduled yet for the480 Potrero project?
Thanks,
Jean Bogiages

From:	Hwang, Lulu
To:	Mica
Cc:	Juan Jayo; SOTF; Diane Ringel; Fu, Ben; Lewis, Don (CPC)
Subject:	RE: Sunshine Ordinance request 480 Potrero Ave
Date:	Thursday, April 25, 2013 7:40:23 PM
Attachments:	480 Potrero Ave.pdf .

Besides all the materials in the case file from Ben and Don, the only thing I found in the Historical files are attached.

Thanks!
Lulu
Have a Good Day Today and a Better Day Tomorrow...

From: Mica [mailto:supermica@gmail.com]
Sent: Thursday, April 25, 2013 12:56 PM
To: Hwang, Lulu
Cc: Juan Jayo; SOTF; Diane Ringel; Fu, Ben
Subject: Re: Sunshine Ordinance request 480 Potrero Ave

I couldn't have been any clearer in my requests.

I asked specifically for "all documents, in addition to any emails &/or other electronic forms of data which they have for this project".

I know for a fact that there is more in the custody of the Planning Dept. RE: the proposed project at 480 Potrero Ave. than what was available at the front desk for both Don Lewis & Ben Fu's case files.

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Thus, I made my formal request with you for "access under the Sunshine Ordinance to everything held in custody by the SF Planning Dept, including emails, electronic files, phone records, meeting minutes, etc. related to the proposed development at 480 Potrero Ave".

This matter is coming to hearing with the Planning Commissioners and the custodians of the records at the Planning Dept. are making it more than difficult for me to access public information.

On Thu, Apr 25, 2013 at 12:38 PM, Hwang, Lulu <lulu.hwang@sfgov.org> wrote:
Hello

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review the case file.

May I assist you on what other files you would like to review?

Thanks!
Lulu Hwang
Planning Department
Operations & IS Administrator
1650 Mission Street #400
San Francisco CA 94103
415-558-6318 (V)
Lulu.Hwang@SFGOV.ORG
Have a Good Day Today and a Better Day Tomorrow...

From: Mica [mailto:supermica@gmail.com]
Sent: Thursday, April 25, 2013 11:59 AM
To: Hwang, Lulu
Cc: Juan Jayo; SOTF; Diane Ringel
Subject: Re: Sunshine Ordinance request 480 Potrero Ave

Dear Ms. Hwang:

Third request. Now you too have not replied for 10 days.

It appears the Planning Dept. is far out of compliance with the Sunshine Ordinance http://sfbos.org/index.aspx?page=4460

How much longer is reasonable for me to wait before filing a formal complaint with the SOTF?

Mica Ringel
485 Potrero Ave
San Francisco, CA 94110

(415) 519-7523

On Mon, Apr 15, 2013 at 3:01 PM, Mica <supermica@gmail.com> wrote:
Dear Ms. Hwang:

On March 31, 2013 I requested a copy of the complete file for the proposed development at 480 Potrero Ave from both Environmental Planner Don Lewis & City Planner Ben Fu.

I asked specifically for all documents, in addition to any emails &/or other electronic forms of data which they have for this project.

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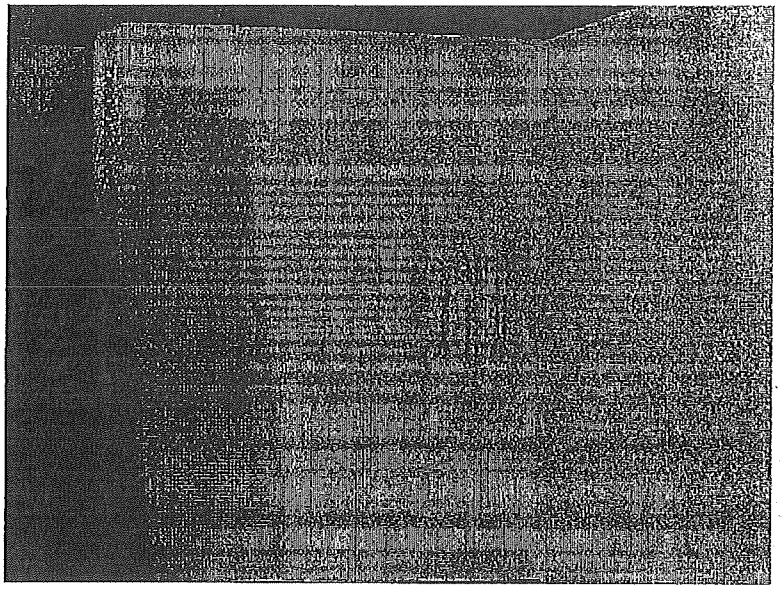

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485 Potrero Ave
San Francisco, CA 94110

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---------- Forwarded message ----------
From: **Mica** <supermica@gmail.com>
Date: Mon, Apr 15, 2013 at 11:17 AM
Subject: Re: Request for all files regarding 480 Potrero Ave
To: "Fu, Ben" <ben.fu@sfgov.org>
Cc: "Hwang, Lulu" <lulu.hwang@sfgov.org>

Mr. Fu:

Thanks for getting back to me. I was told to make my request with both you & Don Lewis for all files, in addition to any emails &/or other electronic forms of data which you both have for the proposed project at 480 Potrero.

I came in two weeks ago to review the files which Mr. Lewis had made available, & would like to come in today from around 12:30-3 to begin assessment of yours.

Per your suggestion, if I need further assistance going forward regarding this documentation request I'll make it with Ms. Hwang under the Sunshine Ord.

Regards,

--Mica Ringel

On Thu, Apr 11, 2013 at 9:59 AM, Fu, Ben <ben.fu@sfgov.org> wrote:
Mica,

If you are making a request under the sunshine ordinance, please contact Lulu Hwang. Otherwise, if you wish to review the case file, it is available at the 4th floor reception.

Regards,

Ben A. Fu, City Planner
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103
T: 415.558.6613
F: 415.558.6409
ben.fu@sfgov.org

From: Mica [mailto:supermica@gmail.com]
Sent: Wednesday, April 10, 2013 2:58 PM
To: Fu, Ben

Subject: Re: Request for all files regarding 480 Potrero Ave

Thanks for letting me know.

Per my request a week ago Monday, is it complete with all documents, in addition to any emails &/or other electronic forms of data which you have for this project?

Regards, --Mica Ringel

On Wed, Apr 10, 2013 at 2:46 PM, Fu, Ben <ben.fu@sfgov.org> wrote:
Mica,

The case file is available for public review. You are welcome to make any copies at the reception lobby.

Regards,

Ben A. Fu, City Planner
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103
T: 415.558.6613
F: 415.558.6409
ben.fu@sfgov.org

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From: **Mica** <supermica@gmail.com>
Date: Wed, Apr 10, 2013 at 2:31 PM
Subject: Re: Request for all files regarding 480 Potrero Ave
To: ben.fu@sfgov.org

Second request.

From: Mica [mailto:supermica@gmail.com]
Sent: Sunday, March 31, 2013 10:22 PM
To: Fu, Ben
Cc: Hwang, Lulu; Wycko, Bill

Subject: Request for all files regarding 480 Potrero Ave

Dear Mr. Fu:

In preparation of the hearing scheduled for May 16, 2013 I am requesting a copy of the complete file for the proposed development at 480 Potrero Ave.

Please include all documents, in addition to any emails &/or other

electronic forms of data which you have for this project.

Please let me know when you expect this packet of information available for pickup.

I am also requesting the same from Don Lewis.

Regards,

Mica Ringel
485 Potrero Ave
San Francisco, CA 94110

(415) 519-7523

From: Hwang, Lulu
To: Mica
Cc: Fu, Ben; Lewis, Don (CPC); SOTF; DCP, Reception
Subject: RE: Sunshine Ordinance request 480 Potrero Ave
Date: Monday, April 29, 2013 2:49:04 PM

Hello

To clarify regarding the complaint you have for Planning Department is giving you a run around..

On April 11, Ben Fu already sent you an email letting you know that the case file is ready for review. I checked with the reception desk and they told me that the file already reviewed and ready to go back to Ben.

I went to Ben and I asked if there is anything else we left that we can put out for you to review? Ben told me all materials are in the case file which you already reviewed.

I just want to do more research and went to the historical file room and see if there anything else and I found a few more pieces of paper, scanned and email to you.

We do not have any "*addition to any emails &/or other electronic forms of data* " materials that we are not disclosing to to you.

Thanks!
Lulu
Have a Good Day Today and a Better Day Tomorrow...

From: Mica [mailto:supermica@gmail.com]
Sent: Friday, April 26, 2013 4:31 PM
To: Hwang, Lulu; Fu, Ben; Lewis, Don (CPC)
Subject: Re: Sunshine Ordinance request 480 Potrero Ave

For your records is the attached PDF complaint requesting assistance from the SOTF to obtain all documents, including digital files, held within custody of the SF Planning Dept. for the proposed project at 480 Potrero Ave.

On Thu, Apr 25, 2013 at 7:40 PM, Hwang, Lulu <lulu.hwang@sfgov.org> wrote:
Besides all the materials in the case file from Ben and Don, the only thing I found in the Historical files are attached.

Thanks!
Lulu
Have a Good Day Today and a Better Day Tomorrow...

From: Mica [mailto:supermica@gmail.com]
Sent: Thursday, April 25, 2013 12:56 PM
To: Hwang, Lulu
Cc: Juan Jayo; SOTF; Diane Ringel; Fu, Ben

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May I assist you on what other files you would like to review?

Thanks!
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Operations & IS Administrator
1650 Mission Street #400
San Francisco CA 94103
415-558-6318 (V)
Lulu.Hwang@SFGOV.ORG
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Sent: Thursday, April 25, 2013 11:59 AM
To: Hwang, Lulu
Cc: Juan Jayo; SOTF; Diane Ringel
Subject: Re: Sunshine Ordinance request 480 Potrero Ave

Dear Ms. Hwang:

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How much longer is reasonable for me to wait before filing a formal complaint with the SOTF?

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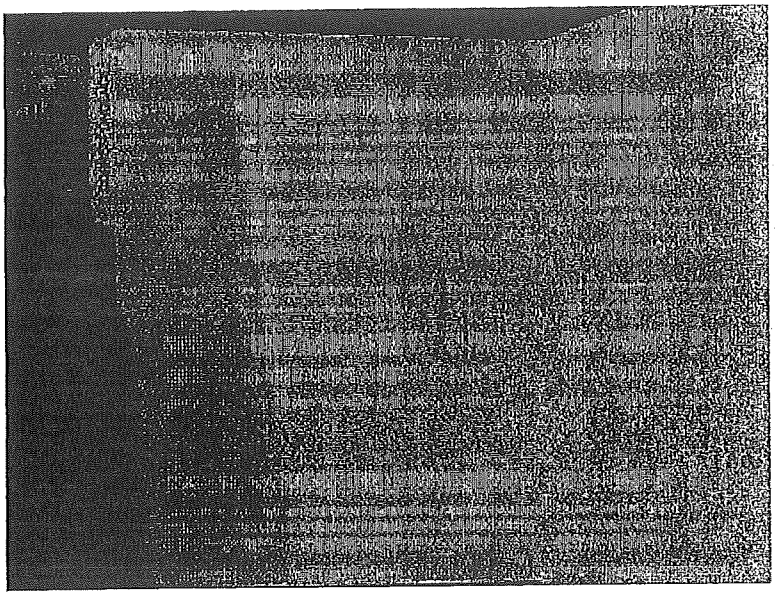

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To: Fu, Ben
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From: Hwang, Lulu
To: Mica
Cc: Juan Jayo; SOTF; Diane Ringel; Fu, Ben
Subject: RE: Sunshine Ordinance request 480 Potrero Ave
Date: Thursday, April 25, 2013 12:39:01 PM

Hello

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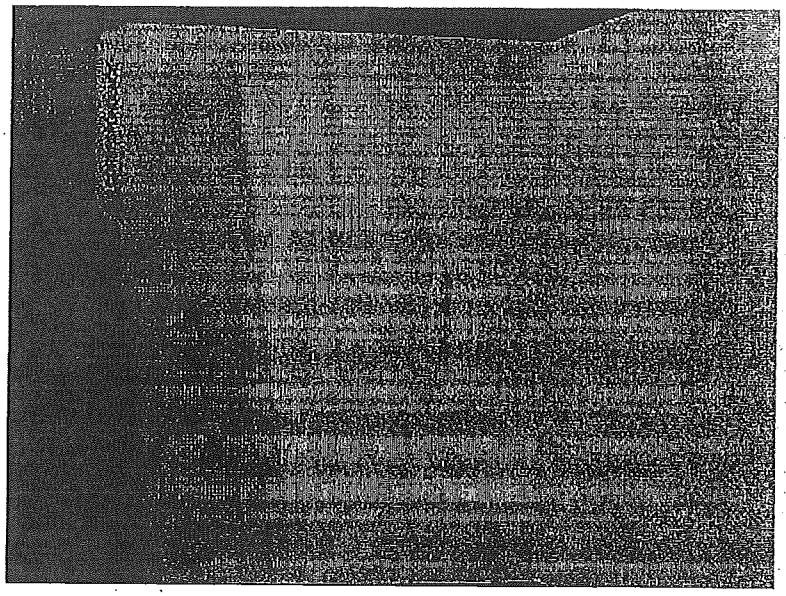

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Sent: Sunday, March 31, 2013 10:22 PM
To: Fu, Ben
Cc: Hwang, Lulu; Wycko, Bill

Subject: Request for all files regarding 480 Potrero Ave

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I am also requesting the same from Don Lewis.

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485 Potrero Ave
San Francisco, CA 94110

(415) 519-7523

From: Reza Khoshnevisan
To: Lewis, Don (CPC)
Cc: Tony Kim; Fu, Ben
Subject: Re: 1/17/13 PC AGENDA
Date: Monday, March 04, 2013 4:33:24 PM

Hi Don
Can we do this late April?

Sent from my iPhone

On Mar 4, 2013, at 2:42 PM, "Lewis, Don (CPC)" <don.lewis@sfgov.org> wrote:

> So we should continue hearing to late April/early May?
>
> Don Lewis
> Environmental Planner
> San Francisco Planning Department
> 1650 Mission Street, Suite 400
> San Francisco CA 94103
> (415) 575 – 9095
> (415) 558 – 6409 fax
>
> ---
>
> **From:** Tony Kim [mailto:tony@townconsulting.com]
> **Sent:** Monday, March 04, 2013 2:31 PM
> **To:** Lewis, Don (CPC)
> **Cc:** Fu, Ben; Reza Khoshnevisan
> **Subject:** Re: 1/17/13 PC AGENDA
>
> Not yet. We are incorporating ground floor commercial and setbacks per staff comments. It's in the works
>
> On Mar 4, 2013, at 11:42 AM, "Lewis, Don (CPC)" <don.lewis@sfgov.org> wrote:
>
> > What's the status of 480 Potrero? Is there now ground floor commercial? Has the design been finalized?
> >
> > Don Lewis
> > Environmental Planner
> > San Francisco Planning Department
> > 1650 Mission Street, Suite 400
> > San Francisco CA 94103
> > (415) 575 – 9095
> > (415) 558 – 6409 fax
> >
> > ---
> >
> > **From:** Fu, Ben
> > **Sent:** Tuesday, February 12, 2013 11:29 AM
> > **To:** Lewis, Don (CPC)
> > **Cc:** tony@townconsulting.com

Subject: RE: 1/17/13 PC AGENDA

Not likely. Revision was received on Jan 7 and UDAT meeting is scheduled for this week. Senior management meeting the last week of Feb. Depends on what comments we have on the project, perhaps April may be more realistic right now.

Ben A. Fu, City Planner
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San Francisco, CA 94103
T: 415.558.6613
F: 415.558.6409
ben.fu@sfgov.org

From: Lewis, Don (CPC)
Sent: Monday, February 11, 2013 9:18 AM
To: Fu, Ben
Cc: tony@townconsulting.com
Subject: FW: 1/17/13 PC AGENDA

Hello Ben,

Is March 21st still looking realistic?

Thanks,

Don Lewis
Environmental Planner
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco CA 94103
(415) 575 – 9095
(415) 558 – 6409 fax

From: Lewis, Don (CPC)
Sent: Tuesday, January 08, 2013 9:14 AM
To: tony@townconsulting.com
Subject: FW: 1/17/13 PC AGENDA

Continuing 480 Potrero Avenue to March 21st per my conversation with Ben Fu.

Don Lewis
Environmental Planner
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco CA 94103
(415) 575 – 9095
(415) 558 – 6409 fax

From: Gerber, Patricia
Sent: Tuesday, January 08, 2013 9:06 AM
To: Young, Sharon (CPC); DiSanto, Thomas; DeMartini, Keith; McGee, Kate;

Lewis, Don (CPC); Watty, Elizabeth; Sucre, Richard; Alumbaugh, David; Amdur, Kelley; Banales, Julian; Campos, Jose (CPC); Cooper, Rick; Dennis-Phillips, Sarah; Gibson, Lisa; Lindsay, David; Luellen, Mark; Rahaim, John; Sanchez, Scott; Washington, Delvin; Wycko, Bill
Cc: Ionin, Jonas
Subject: 1/17/13 PC AGENDA

From:	Tony Kim
To:	Fu, Ben
Cc:	Jones, Sarah; Reza Khoshnevisan (reza@sjaconsult.com); Lewis, Don; Banales, Julian
Subject:	Re: 480 Potrero - PMND/CPE Appeal
Date:	Wednesday, October 17, 2012 12:20:36 PM

Hi Ben,

In response to the appeal of the PMND the project sponsor would like to meet with the appellants and other neighbors. We would like to meet with you in advance to prepare for our upcoming meetings with the neighbors.

Outside of the core environmental issues it appears that the neighbors are opposed to the overall building envelope. Since this parcel was recently rezoned as part of Eastern Neighborhoods we would like to meet with you to discuss the overall building envelope and and how the new zoning controls would be applied to this particular parcel.

I would appreciate it if you would let us know if you would be available to meet next week. The "X" has been submitted.

Thanks

Tony Kim
415 246 8855

On Oct 17, 2012, at 10:36 AM, Lewis, Don wrote:

> Hello all,
>
> Attached is the appeal letter for 480 Potrero Avenue.
>
> Ben, when were you thinking of taking the CU to the Commission?
>
> Thanks,
> Don Lewis
> Environmental Planner
> San Francisco Planning Department
> 1650 Mission Street, Suite 400
> San Francisco CA 94103
> (415) 575 – 9095
> (415) 558 – 6409 fax
>
> <480 Potrero Avenue Appeal Letter.pdf>

From:	Yvonne Ko
To:	Tony Kim
Cc:	Ben Fu; Julian Banales; Evamarie Atijera; Scott Sanchez
Subject:	Re: 480 Potrero Avenue - PPA & project review meeting
Date:	Tuesday, July 17, 2012 9:56:00 AM

Hi Tony,

According to our record, the project sponsor filed their PPA application in 4/27/2011and the assigned planner was Ben Fu. He closed out this application in 2/24/2012 and the project review meeting application (ID#10464) that was paid for with ck#1841 dated 5/31/2012 was filed 3 months after the PPA was completed and closed out?

I will need to discuss with my supervisor if you want to proceed on with the refund. Please let me know.

Yvonne Ko
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103
(415) 558-6386 phone
(415) 558-6409 fax
e-mail: Yvonne.Ko@sfgov.org

Tony Kim <tony@townconsulting.com>

Tony Kim <tony@townconsulting.com>		Toyvonne.ko@sfgov.org
		cc
07/16/2012 04:22 PM		Subject480 Potrero Avenue - PPA & project review meeting

Hi Yvonne,

My client submitted a PPA application for 480 Potrero Avenue. I followed up with a project review meeting to discuss the exact project. I was required to pay a fee for the project review meeting. I understand that the PPA includes on project review meeting? May I ask for a refund for the project review meeting?

Thanks

Tony Kim

Town Consulting
100 Clement Street 3rd floor
San Francisco CA 94118
(415) 246-8855

From:	Yvonne Ko
To:	Tony Kim
Cc:	Ben Fu; Julian Banales
Subject:	Re: 480 Potrero Avenue - PPA & project review meeting
Date:	Tuesday, July 17, 2012 1:16:00 PM

Tony,

I have checked with Ben Fu and he has verified that your project review meeting should be free. We will process your project review refund.

Yvonne Ko
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103
(415) 558-6386 phone
(415) 558-6409 fax
e-mail: Yvonne.Ko@sfgov.org

Tony Kim <tony@townconsulting.com>

Tony Kim <tony@townconsulting.com>	Toyvonne.ko@sfgov.org
	cc
07/16/2012 04:22 PM	Subject480 Potrero Avenue - PPA & project review meeting

Hi Yvonne,

My client submitted a PPA application for 480 Potrero Avenue. I followed up with a project review meeting to discuss the exact project. I was required to pay a fee for the project review meeting. I understand that the PPA includes on project review meeting? May I ask for a refund for the project review meeting?

Thanks

Tony Kim

Town Consulting
100 Clement Street 3rd floor
San Francisco CA 94118
(415) 246-8855

From: Reza Khoshnevisan
To: Lewis, Don (CPC)
Cc: tony@townconsulting.com; Fu, Ben
Subject: Re: 480 Potrero Revised Plans
Date: Monday, April 01, 2013 8:43:00 AM

We are ready, would you like full size sets?

Sent from my iPhone

On Apr 1, 2013, at 8:38 AM, "Lewis, Don (CPC)" <don.lewis@sfgov.org> wrote:

> When will the revised plans be ready?
>
> There's a good amount of work I need to do once I receive these plans. The Neg Dec needs to be amended since there is now ground-floor retail, and I will also need to revise the appeal response. The sooner I get these plans the better.
>
> Thanks,
> Don Lewis
> Environmental Planner
> San Francisco Planning Department
> 1650 Mission Street, Suite 400
> San Francisco CA 94103
> (415) 575 – 9095
> (415) 558 – 6409 fax

From: jean bogiages
To: Fu, Ben
Subject: Re: 480 Potrero
Date: Wednesday, January 30, 2013 1:19:56 PM

When is the soonest you think it might happen?
Thanks,

On 1/30/2013 1:09 PM, Fu, Ben wrote:
> No hearing date has been confirmed for this project.
>
> Thanks,
>
> Ben A. Fu, City Planner
> San Francisco Planning Department
> 1650 Mission Street, Suite 400
> San Francisco, CA 94103
> T: 415.558.6613
> F: 415.558.6409
> ben.fu@sfgov.org
>
>
> -----Original Message-----
> From: jean bogiages [mailto:jean@woodwinds.net]
> Sent: Wednesday, January 30, 2013 1:05 PM
> To: Fu, Ben
> Subject: 480 Potrero
>
> Hi Ben,
> Do you have any idea when the 480 Potrero project will come before the commission?
> I'm trying to decide when to schedule a meeting with the developer.
> Thanks,
> Jean Bogiages
>
>
>
>
>

From:	jean boglages
To:	Fu, Ben
Cc:	dean@deansgaragedoors.com; Juan Jayo; supermica@gmail.com
Subject:	Re: Meeting with members of the "Save Potrero" committee regarding the planned 480 Potrero Development
Date:	Wednesday, November 14, 2012 9:20:47 AM

Hi Ben,

Please jot us down on your calendar for 10:30-11 on Tuesday, November 20.
We will meet you at 1650 Mission Street Suite 400. Please let me know
if there is a location change.

Thanks,
Jean Boglages

On 11/13/2012 6:36 PM, Fu, Ben wrote:
> Jean,
>
> I apologize for the misunderstanding, the Tuesday morning slot is for 10:30am as I already have meetings immediately before and after (9:30-10:30 and 11-12). Please pick from the following slots:
>
> 11/19: 10:30-11am or 4-4:30pm.
> 11/20: 10:30-11am or 5-5:30pm (please arrive a few minutes before 5pm).
>
> Alternatively, you are welcome to visit me at the Planning Information Center (PIC) on 11/20 between 2:45 and 5pm. If you do decide to meet me at the PIC, please take a number and wait for me. I will be available to speak to you for 15 minutes there.
>
> Thank you.
>
> Ben A. Fu, City Planner
> San Francisco Planning Department
> 1650 Mission Street, Suite 400
> San Francisco, CA 94103
> T: 415.558.6613
> F: 415.558.6409
> ben.fu@sfgov.org
>
>
> -----Original Message-----
> From: jean boglages [mailto:jean@woodwinds.net]
> Sent: Tuesday, November 13, 2012 6:19 PM
> To: Fu, Ben
> Cc: dean@deansgaragedoors.com; Juan Jayo; supermica@gmail.com
> Subject: Meeting with members of the "Save Potrero" committee regarding the planned 480 Potrero Development
>
> Hi Ben,
>
> Thank you for giving me multiple time slots for our neighborhood group representatives to talk to you about the 480 Potrero development plans.
> After emailing the three who have been selected to represent the neighborhood group, I find that 11:30 Tuesday, 11/20 is the day and time that everyone can meet.
> I'm guessing that we will find your office at 1650 Mission street, where the planning department is located.
> Are you on the 4th floor?
>
> Thanks again,

> Jean Boglages
> 415-305-8230
>
>
>
>
>

From: Mica
To: Fu, Ben
Subject: Re: Request for all files regarding 480 Potrero Ave
Date: Wednesday, April 10, 2013 2:58:41 PM

Thanks for letting me know.

Per my request a week ago Monday, is it complete with all documents, in addition to any emails &/or other electronic forms of data which you have for this project?

Regards, --Mica Ringel

On Wed, Apr 10, 2013 at 2:46 PM, Fu, Ben <ben.fu@sfgov.org> wrote:

> Mica,
>
> The case file is available for public review. You are welcome to make any copies at the reception lobby.
>
> Regards,
>
> Ben A. Fu, City Planner
>
> San Francisco Planning Department
>
> 1650 Mission Street, Suite 400
>
> San Francisco, CA 94103
>
> T: 415.558.6613
>
> F: 415.558.6409
>
> ben.fu@sfgov.org
>
> **From:** Mica [mailto:supermica@gmail.com]
> **Sent:** Sunday, March 31, 2013 10:22 PM
> **To:** Fu, Ben
> **Cc:** Hwang, Lulu; Wycko, Bill
>
> **Subject:** Request for all files regarding 480 Potrero Ave

Dear Mr. Fu:

In preparation of the hearing scheduled for May 16, 2013 I am requesting a copy of the complete file for the proposed development at 480 Potrero Ave.

Please include all documents, in addition to any emails &/or other electronic forms of data which you have for this project.

Please let me know when you expect this packet of information available for pickup.

I am also requesting the same from Don Lewis.

Regards,

Mica Ringel

485 Potrero Ave

San Francisco, CA 94110

(415) 519-7523

From: Mica
To: Fu, Ben
Subject: Re: Request for all files regarding 480 Potrero Ave
Date: Wednesday, April 10, 2013 2:31:47 PM

Second request.

On Sun, Mar 31, 2013 at 10:22 PM, Mica <supermica@gmail.com> wrote:

> Dear Mr. Fu:
>
> In preparation of the hearing scheduled for May 16, 2013 I am requesting a copy of the complete file for the proposed development at 480 Potrero Ave.
>
> Please include all documents, in addition to any emails &/or other electronic forms of data which you have for this project.
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> Please let me know when you expect this packet of information available for pickup.
>
> I am also requesting the same from Don Lewis.
>
> Regards,
>
> Mica Ringel
> 485 Potrero Ave
> San Francisco, CA 94110
>
> (415) 519-7523

From: Mica
To: Hwang, Lulu; Fu, Ben; Lewis, Don (CPC)
Subject: Re: Sunshine Ordinance request 480 Potrero Ave
Date: Friday, April 26, 2013 4:31:34 PM
Attachments: SOTF Complaint - Planning Dept.pdf

For your records is the attached PDF complaint requesting assistance from the SOTF to obtain all documents, including digital files, held within custody of the SF Planning Dept. for the proposed project at 480 Potrero Ave.

On Thu, Apr 25, 2013 at 7:40 PM, Hwang, Lulu <lulu.hwang@sfgov.org> wrote:

> Besides all the materials in the case file from Ben and Don, the only thing I found in the Historical files are attached.
>
> Thanks!
> Lulu
>
> Have a Good Day Today and a Better Day Tomorrow...
>
> **From:** Mica [mailto:supermica@gmail.com]
> **Sent:** Thursday, April 25, 2013 12:56 PM
> **To:** Hwang, Lulu
> **Cc:** Juan Jayo; SOTF; Diane Ringel; Fu, Ben
>
> **Subject:** Re: Sunshine Ordinance request 480 Potrero Ave
>
> I couldn't have been any clearer in my requests.
>
> I asked specifically for "all documents, in addition to any emails &/or other electronic forms of data which they have for this project".
>
> I know for a fact that there is more in the custody of the Planning Dept. RE: the proposed project at 480 Potrero Ave. than what was available at the front desk for both Don Lewis & Ben Fu's case files.

I inventoried those documents & reported to you that they were incomplete.

Thus, I made my formal request with you for "access under the Sunshine Ordinance to everything held in custody by the SF Planning Dept, including emails, electronic files, phone records, meeting minutes, etc. related to the proposed development at 480 Potrero Ave".

This matter is coming to hearing with the Planning Commissioners and the custodians of the records at the Planning Dept. are making it more than difficult for me to access public information.

On Thu, Apr 25, 2013 at 12:38 PM, Hwang, Lulu <lulu.hwang@sfgov.org> wrote:

Hello

On April 11, Ben sent you an email to let you know that the case file is available for you to review at the 4th floor reception desk. And our record shown that you had already come and review the case file.

May I assist you on what other files you would like to review?

Thanks!
Lulu Hwang
Planning Department
Operations & IS Administrator
1650 Mission Street #400
San Francisco CA 94103
415-558-6318 (V)
Lulu.Hwang@SFGOV.ORG
Have a Good Day Today and a Better Day Tomorrow...

From: Mica [mailto:supermica@gmail.com]
Sent: Thursday, April 25, 2013 11:59 AM
To: Hwang, Lulu
Cc: Juan Jayo; SOTF; Diane Ringel
Subject: Re: Sunshine Ordinance request 480 Potrero Ave

Dear Ms. Hwang:

Third request. Now you too have not replied for 10 days.

It appears the Planning Dept. is far out of compliance with the Sunshine Ordinance http://sfbos.org/index.aspx?page=4460

How much longer is reasonable for me to wait before filing a formal complaint with the SOTF?

Mica Ringel

485 Potrero Ave

San Francisco, CA 94110

(415) 519-7523

On Mon, Apr 15, 2013 at 3:01 PM, Mica <supermica@gmail.com> wrote:

Dear Ms. Hwang:

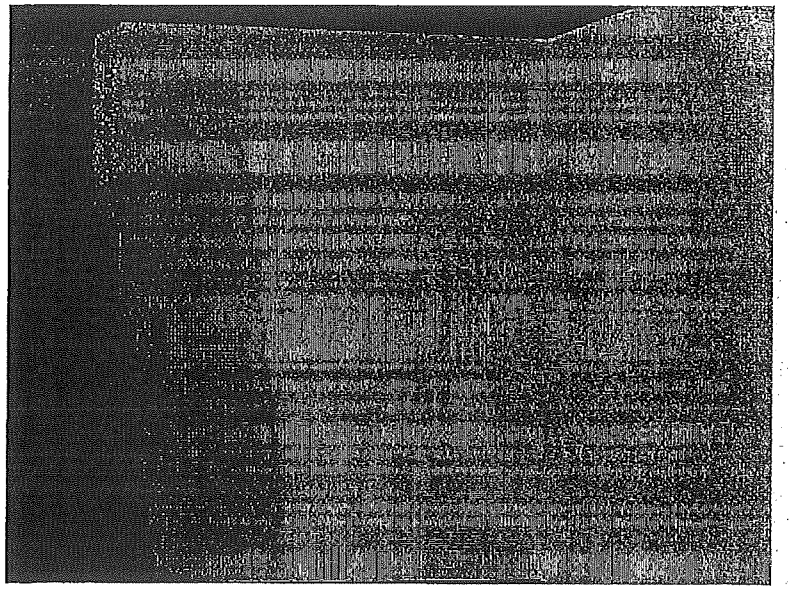
On March 31, 2013 I requested a copy of the complete file for the proposed development at 480 Potrero Ave from both Environmental Planner Don Lewis & City Planner Ben Fu.

I asked specifically for all documents, in addition to any emails &/or other electronic forms of data which they have for this project.

Whereas Mr. Lewis promptly responded on April 1, I was able to go in the next day to begin reviewing his case file.

Mr. Fu however had not acknowledged my request as of April 10, so I made a second. See emails below. He let me know the folder was avail. at the front desk. I again asked if the folder was complete, & again he never responded.

Earlier today I went in to the Planning Dept. to review said files & am perturbed to have found that the Correspondence folder for 480 Potrero is empty. Picture attached.



I've been told by Sue Hestor that you're very good with documentation... & so in preparation of the hearing scheduled for May 16, 2013, I humbly request access under the Sunshine Ordinance to everything held in custody by the SF Planning Dept, including emails, electronic files, phone records, meeting minutes, etc. related to the proposed development at 480 Potrero Ave.

Regards,

Mica Ringel

485 Potrero Ave

San Francisco, CA 94110

(415) 519-7523

---------- Forwarded message ----------
From: **Mica** <supermica@gmail.com>
Date: Mon, Apr 15, 2013 at 11:17 AM
Subject: Re: Request for all files regarding 480 Potrero Ave
To: "Fu, Ben" <ben.fu@sfgov.org>
Cc: "Hwang, Lulu" <lulu.hwang@sfgov.org>

Mr. Fu:

Thanks for getting back to me. I was told to make my request with both you & Don Lewis for all files, in addition to any emails &/or other electronic forms of data which you both have for the proposed project at 480 Potrero.

I came in two weeks ago to review the files which Mr. Lewis had made available, & would like to come in today from around 12:30-3 to begin assessment of yours.

Per your suggestion, if I need further assistance going forward regarding this documentation request I'll make it with Ms. Hwang under the Sunshine Ord.

Regards,

--Mica Ringel

On Thu, Apr 11, 2013 at 9:59 AM, Fu, Ben <ben.fu@sfgov.org> wrote:

Mica,

If you are making a request under the sunshine ordinance, please contact Lulu Hwang. Otherwise, if you wish to review the case file, it is available at the 4th floor reception.

Regards,

Ben A. Fu, City Planner

San Francisco Planning Department

1650 Mission Street, Suite 400

San Francisco, CA 94103

T: 415.558.6613

F: 415.558.6409

ben.fu@sfgov.org

From: Mica [mailto:supermica@gmail.com]
Sent: Wednesday, April 10, 2013 2:58 PM
To: Fu, Ben
Subject: Re: Request for all files regarding 480 Potrero Ave

Thanks for letting me know.

Per my request a week ago Monday, is it complete with all documents, in addition to any emails &/or other electronic forms of data which you have for this project?

Regards, --Mica Ringel

On Wed, Apr 10, 2013 at 2:46 PM, Fu, Ben <ben.fu@sfgov.org> wrote:

Mica,

The case file is available for public review. You are welcome to make any copies at the reception lobby.

Regards,

Ben A. Fu, City Planner

San Francisco Planning Department

1650 Mission Street, Suite 400

San Francisco, CA 94103

T: 415.558.6613

F: 415.558.6409

ben.fu@sfgov.org

---------- Forwarded message ----------
From: **Mica** <supermica@gmail.com>
Date: Wed, Apr 10, 2013 at 2:31 PM
Subject: Re: Request for all files regarding 480 Potrero Ave
To: ben.fu@sfgov.org

Second request.

From: Mica [mailto:supermica@gmail.com]
Sent: Sunday, March 31, 2013 10:22 PM
To: Fu, Ben
Cc: Hwang, Lulu; Wycko, Bill

Subject: Request for all files regarding 480 Potrero Ave

Dear Mr. Fu:

In preparation of the hearing scheduled for May 16, 2013 I am requesting a copy of the complete file for the proposed development at 480 Potrero Ave.

Please include all documents, in addition to any emails &/or other electronic forms of data which you have for this project.

Please let me know when you expect this packet of information available for pickup.

I am also requesting the same from Don Lewis.

Regards,

Mica Ringel

485 Potrero Ave

San Francisco, CA 94110

(415) 519-7523

From: Rod
Sent: Tuesday, April 30, 2013 11:11 AM
To: Lewis, Don (CPC)
Subject: Re: Sunshine Ordinance request 490 Potrero Ave

Mr. Fui

Don Lewis says he has not reviewed the Large Project Application

Have you?

--Rich Rhodes

On Mon, Apr 29, 2013 at 3:45 PM, Lewis, Don (CPC) <don.lewis@sfgov.org> wrote:

I don't concur with you that the CEQA analysis is inadequate and incomplete which would invalidate our analysis. Please (1) observe that the PMND and CPE are valid. This can be debated at the Planning Commission.

I have not reviewed the Large Project Application.

Thanks,

Don Lewis

Environmental Review Officer

1650 Mission St., Suite #400

San Francisco, CA 94103

direct line: 558-6378

email: don.lewis@sfgov.org

From: Rod [mailto:rodrhodes@sbcglobal.net]
Sent: Monday, April 29, 2013 3:38 PM

To: Lewis, Don (CPC)
Cc: Juan Jose
Subject: Re: Sunshine Ordinance request 490 Potrero Ave

Your environmental review case files are for the Large Project Application.

Is anyone addressing my concerns that the Project Site has been misrepresented starting with the Large Project Application?

The property's current use is described as vacant with 0 parking when it is clearly a parking lot, & it has been for some time.

On Mon, Apr 29, 2013 at 2:18 PM, Lewis, Don (CPC) <don.lewis@sfgov.org> wrote:

Rich,

An ad was published in the newspaper twice: once for the publication of the PMND and then for the appeal of the PMND.

I advised the who wrote but did not keep a log of the day's events.

We don't keep minutes of meetings or phone calls.

Electronic data provided by the project sponsor is in hard copy in the project file. The attached photo file or was in lieu by the project sponsor and was submitted as part of their application.

For project site is a vacant lot – there was no buildings or development on the lot. I will read it into the record at the appeal hearing that the subject vacant, undeveloped lot is currently being used as a parking lot. We will not be amending the PMND up is for this.

I will send the PMND and CPE to Supervisor Cohen today.

I don't concur with you and you have not brought forth any substantial evidence to refute that the PMND and CPE is invalid. We will have to wait for the appeal hearing for resolution.

Thanks,

Don Lewis

Environmental Review

San Francisco Planning Department

1650 Mission Street, Suite #400

San Francisco, CA 94103

direct line: 558-6378

email: don.lewis@sfgov.org

From: Rod [mailto:rodrhodes@sbcglobal.net]
Sent: Monday, April 29, 2013 12:29 PM
To: Lewis, Don (CPC)
Cc: Juan Jose

Subject: Re: Sunshine Ordinance request 490 Potrero Ave

Mr. Lewis:

Still, what exactly are you looking for? All correspondence, documents, etc. in the EEA's view you referenced, have of any environmental documents were in the project folders.

Right now I'm looking for lots of things.

Everything between the Planning Dept. & SIA Consulting (sunnyia.com), including Project Sponsor Reza Khoshnevisan, Town Consulting (townconsulting.com), including Consultant Tony Kim, Kitchen Cabinet Consulting, including Consultant Asha Safai (ashasafai@gmail.com), Mission Housing, including Mariposa Gardens, inter-office documentation/correspondence, & outside agency documentation/correspondence RE: the proposed development at 490 Potrero Ave.

- If anything was published in the newspaper, I would like to review the receipts or the articles/adverts.
- If there were site visits, I would like to the know the dates or see said trip logs.
- If there were meeting/phone calls, I would like to review the minutes.
- If there's electronic data, I would like to see the digital photos, powerpoint presentations, word processing documents, spreadsheet files, PDF's, et al.

Everything.

While there may not be environmental documents in Ben Fu's files, there most definitely are design documents in yours.

One item specifically known to be missing from your files; one which I brought to your attention in October 2012, is the following inaccuracy of the PMND

cc: Reza Khoshnevisan, Project Sponsor; Supervisor David Campos, District 9; Ben Fu, Current Planning
Division; Exemption/Exclusion File; Virna Byrd, M.D.F.

It is of concern that you have since revised the PMND (April 2013) & this error still has not been corrected. This project is in District 10 (Supervisor Malia Cohen).

> I am left to ask why is this not part of the record?

You have previously stated "Our hearings and considerations will not change."

In my opinion the following documents in your case file are invalid:

- Transportation Study Determination Request (8-11-2011)
  Inline image 1
- Community Plan Exemption Eligibility Determination Long Range Planning (8-16-2011)
  Inline image 4
- Air Quality Screening Analysis (2-2-2012)

Inline Image 3

)0

- HEA Preliminary Archeological Review [8-11-2011]

Inline Image 5

ji.

- Notice of Avail. & Intent to Adopt a Mitigated Neg Dec [9-26-2012]

ill

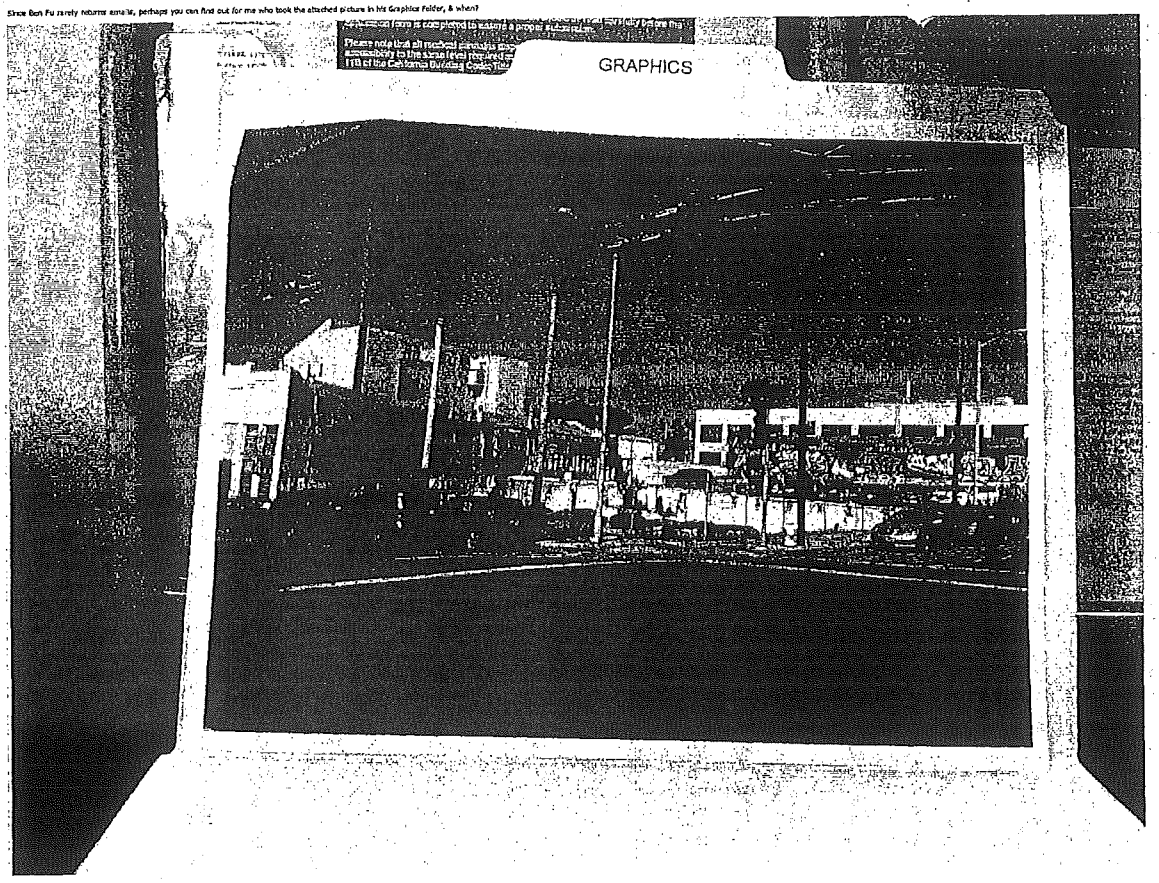
- Revised PrND [4-18-2013]
  - 17 times "vacant lot" is listed

Large Project Application [10-4-2012]

- Twice is the use described as vacant when it is a Parking Lot
- + the table below

ill

Since Ben Fu rarely returns emails, perhaps you can find out for me who took the attached picture in his Graphics Folder, & when?



--MAlingel

On Mon, Apr 29, 2013 at 10:07 AM, Lewis, Don (CPC) <don.lewis@sfgov.org> wrote:

"Mr. Lewis promptly responded on April 1 & I was able to go in the next day to begin reviewing his case file. There were no forms of electronic data provided. There was only minimal correspondence on record. Other documentation was either incomplete, missing, or partially in Ben Fu's files."

"I know for a fact that there is more in the custody of the Planning Dept. RE: the proposed project at 450 Potrero Ave, than what was available at the front desk for both Don Lewis & Ben Fu's case files"

[illegible]

Best wishes

[illegible]

From: Mike [illegible]
Sent: Friday, April 26, 2013 4:31 PM
To: Hwang, Sally; Fu, Ben; Lewis, Don (CPC)

Subject: Re: Sunshine Ordinance request 450 Potrero Ave

For your records is the attached PDF complaint requesting assistance from the SOTF to obtain all documents, including digital files, held within custody of the SF Planning Dept. for the proposed project at 480 Potrero Ave.

On Thu, Apr 25, 2013 at 7:49 PM, Hwang, Lulu <lulu.hwang@sfgov.org> wrote:

Besides all the materials in the case file from Don and Dan, the only thing I found in the Historical files are attached

Thanks!
Lulu

Have a Good Day Today and a Better Day Tomorrow...

From: Mica [mailto:micaringel@gmail.com]
Sent: Thursday, April 25, 2013 12:14 PM
To: Hwang, Lulu
Cc: Jane Ayre SOTF; Dave Rapp; Fu, Bert

Subject: Re: Sunshine Ordinance request 480 Potrero Ave

I wouldn't have been any clearer in my requests.

I asked specifically for "all documents, in addition to any emails &/or other electronic forms of data which they have for this project".

I know for a fact that there is more in the custody of the Planning Dept. for the proposed project at 480 Potrero Ave, than what was available at the front desk for both Don Lewis & Ben Fu's case files.

I forwarded these documents & reported to you that they were incomplete.

Thus, I made my formal request with you for "access under the Sunshine Ordinance to everything held in custody by the SF Planning Dept, including emails, electronic files, phone records, meeting minutes, etc. related to the proposed development at 480 Potrero Ave".

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May I assist you on what other files you would like to review?

Thanks!
Lulu Hwang
Planning Department
Operations & IT Administrator
1650 Mission Street #400
San Francisco CA 94103
(415) 558-6318 (V)
Lulu.Hwang@SFGOV.ORG
Have a Good Day Today and a Better Day Tomorrow...

From: Mica [mailto:micaringel@gmail.com]
Sent: Thursday, April 25, 2013 11:56 AM
To: Hwang, Lulu
Cc: Jane Ayre SOTF; Dave Rapp
Subject: Re: Sunshine Ordinance request 480 Potrero Ave

Dear Mr. Hwang:

Third request. Now you too have not replied for 10 days.

It appears the Planning Dept. is far out of compliance with the Sunshine Ordinance http://sfbos.org/index.aspx?page=4455

How much longer is reasonable for me to wait before filing a formal complaint with the SOTF?

Mica Ringel
485 Potrero Ave
San Francisco, CA 94110

(415) 519-7573

On Mon, Apr 15, 2013 at 3:21 PM, Mica <micaringel@gmail.com> wrote:

Dear Mr. Hwang:

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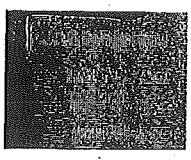

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Regards,

Mica Ringel
485 Potrero Ave
San Francisco, CA 94110

(415) 519-7573

----- Forwarded message -----
From: Mica <micaringel@gmail.com>
Date: Mon, Apr 15, 2013 at 11:37 AM
Subject: Re: Request for all files regarding 480 Potrero Ave
To: "Fu, Bert" <bert.fu@sfgov.org>
Cc: "Hwang, Lulu" <lulu.hwang@sfgov.org>

Mr. Fu:

Thanks for getting back to me. I was told to make my request with both you & Don Lewis for all files, in addition to any emails &/or other electronic forms of data which you both have for the proposed project at 480 Potrero.

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Regards,

--Mica Ringel

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Mica,

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Regards,

Ben A. Fu, City Planner
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103
T: 415.558.6413
F: 415.558.6409
ben.fu@sfgov.org

Prevent Mica [mailto:prevent@gmail.com]
Sent: Wednesday, April 10, 2013 2:54 PM
To: Fu, Ben
Subject: Re: Request for all files regarding 480 Potrero Ave

Thanks for letting me know.

For my request a week ago Monday, is it complete with all documents, in addition to any emails &/or other electronic forms of data which you have for this project?

Regards, --Mica Ringel

On Wed, Apr 10, 2013 at 2:46 PM, Fu, Ben <ben.fu@sfgov.org> wrote:
Mica,

The case file is available for public review. You are welcome to make any copies at the reception lobby.

Regards,

Ben A. Fu, City Planner
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103
T: 415.558.6413
F: 415.558.6409
ben.fu@sfgov.org

-------- Forwarded message --------
From: Mica <prevent@gmail.com>
Date: Wed, Apr 10, 2013 at 2:31 PM
Subject: Re: Request for all files regarding 480 Potrero Ave
To: ben.fu@sfgov.org

Second request.

Prevent Mica [mailto:prevent@gmail.com]
Sent: Sunday, March 31, 2013 10:22 PM
To: Fu, Ben
Cc: Hwang, Lulu; Wycko, Kit

Subject: Request for all files regarding 480 Potrero Ave

Dear Mr. Fu:

In preparation of the hearing scheduled for May 16, 2013 I am requesting a copy of the complete file for the proposed development at 480 Potrero Ave.

Please include all documents, in addition to any emails &/or other electronic forms of data which you have for this project.

Please let me know when you expect this packet of information available for pickup.

I am also requesting the same from Don Lewis.

Regards,

Mica Ringel
485 Potrero Ave
San Francisco, CA 94110

(415) 519-7573

The answer would be because there are misrepresentations which I have alerted you to.

that question was for Ben Fu.

Mr. Fu:

Don Lewis says he has not reviewed the Large Project Application.

Have you?

--Jon Ringel

On Mon, Apr 29, 2013 at 2:57 PM, Lewis, Don (CPC) <don.lewis@sfgov.org> wrote:

Jon,

Why would I review the Large Project Application? My review is based on the Environmental Review Application.

Don Lewis

On Mon, Apr 29, 2013 at 2:45 PM, Lewis, Don (CPC) <don.lewis@sfgov.org> wrote:

I don't concur with you that the CEQA analysis is inadequate or lacking conclusions which would invalidate our analysis. Planning's stance is that the PMND and CPE are valid. This can be debated at the Planning Commission.

I have not reviewed the Large Project Application.

Thanks,

Don Lewis

On Mon, Apr 29, 2013 at 2:18 PM, Lewis, Don (CPC) <don.lewis@sfgov.org> wrote:

Jon,

As ad was published in the newspaper twice: once for the publication of the PMND and then for the appeal of the PMND.

I visited the site once but I did not keep a log of the day's events.

We don't keep minutes of meetings or phone calls.

Electronic data provided by the project sponsor is in hard copy in the project file. The attached photos below was taken by the project sponsor and was submitted as part of their application.

The project site is a vacant lot – there are no buildings or development on the lot. I will read into the record at the appeal hearing that the subject vacant, undeveloped lot is currently being used as a parking lot. We will not be providing the PMND again for this.

I will mail the PMND and CPE to Supervisor Cohen today.

I don't concur with you and you have not brought forth any substantial evidence to refute that the PMND and CPE is invalid. We will have to wait for the appeal hearing for resolution.

Thanks,

Don Lewis

Environmental Planner

San Francisco Planning Department

1650 Mission Street, Suite 400

San Francisco, CA 94103

On Mon, Apr 29, 2013 at 12:37 PM, Rey Lewis, Don (CPC)
Cc: Jon Jaqa

Subject: Re: Sunshine Ordinance request 480 Potrero Ave

Mr. Lewis:

If this, what we rely are precluding fact? All environmental documents was on the EAR when you reviewed it. None of my environmental documents were by Ken's project folders.

Right now I'm looking for lots of things.

Everything between the Planning Dept. & STA Consulting (succonsult.com), including Project Sponsor Reza Khoshnevisan, Town Consulting (townconsulting.com), including Consultant Tony Kim, Kitchen Cabinet Consulting, including Consultant Asha Sahi (ashasahi@gmail.com), Mission Housing, including Hariposa Gardens, Inter-office documentation/correspondence, & outside agency documentation/correspondence RE: the proposed development at 480 Potrero Ave. .

- If anything was published in the newspaper, I would like to review the receipts or the articles/adverts.
- If there were site visits, I would like to the know the dates or see said trip logs.
- If there were meetings/phone calls, I would like to review the minutes.
- If there's electronic data, I would like to see the digital photos, powerpoint presentations, word processing documents, spreadsheet files, PDFs, et al.

Everything.

While there may not be environmental documents in Ben Fu's files, there most definitely are design documents in yours.

One item specifically known to be missing from your files; one which I brought to your attention in October 2012, is the following inaccuracy of the PMND

cc: Reza Khoshnevisan, Project Sponsor; Supervisor David Campos, District 9; Ben Fu, Current Planning
Division; Exemption/Exclusion File; Virna Byrd, M.D.F.

It is of concern that you have since revised the MND (April 2013) & this error still has not been corrected. This project is in District 10 (Supervisor Malia Cohen).

> I am left to ask why is this not part of the record?

You have previously stated "Our findings and conclusions will not change."

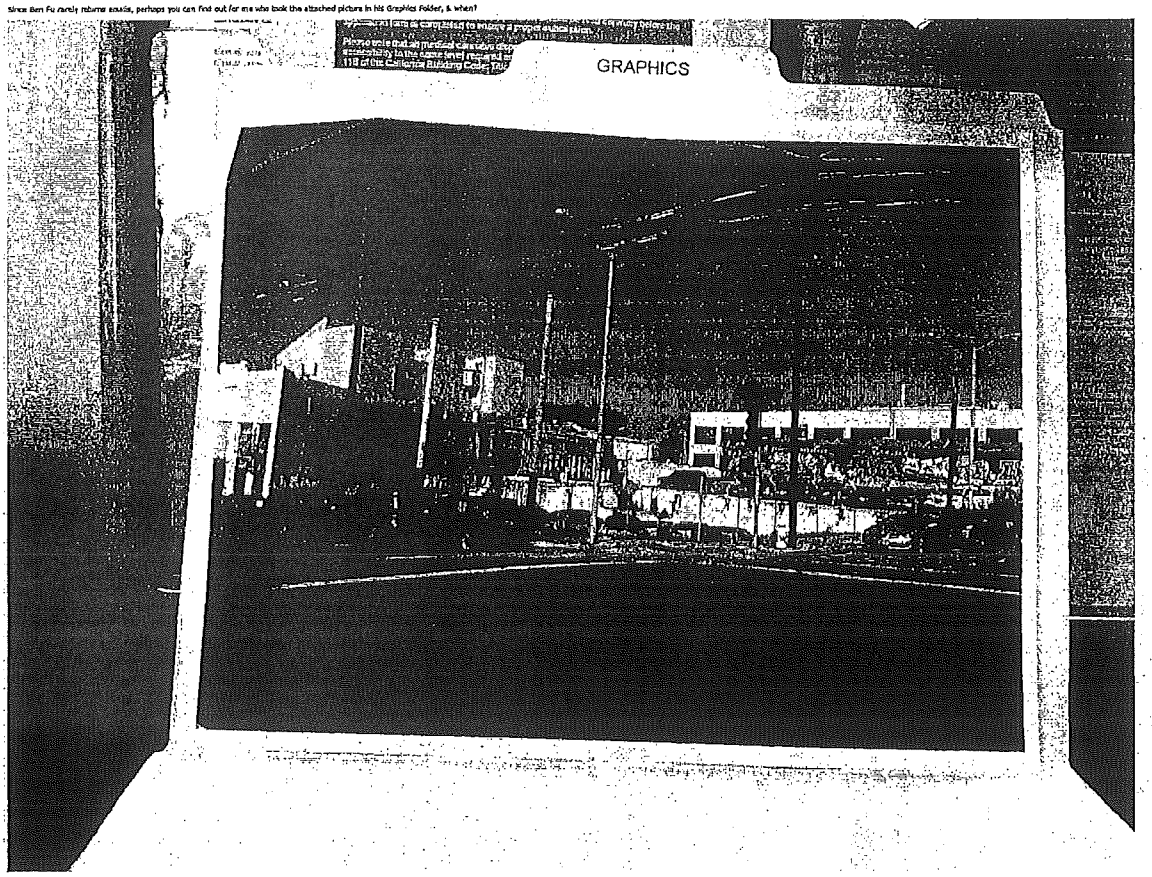
In my opinion the following documents in your case file are invalid:

- Transportation Study Determination Request (8-11-2011)
  Inline Image 1
- Community Plan Exemption Eligibility Determination Long Range Planning (6-16-2011)
  Inline Image 4
- Air Quality Screening Analysis (2-2-2012)
  Inline Image 3
- HSA Preliminary Archeological Review (8-11-2011)
  Inline Image 5
- Notice of Avail. & Intent to Adopt a Mitigated Neg Dec (9-26-2012)
- Revised MND (4-18-2013)
  - 17 times "vacant lot" is listed

Large Project Application (10-4-2012)

- Twice is the use described as vacant when it is a Parking Lot
  - + the table below

Since Ben Fu rarely returns emails, perhaps you can find out for me who took the attached picture in his Graphics Folder, & when?



—HAngel

On Mon, Apr 29, 2013 at 10:07 AM, Lewis, Don (CPC) <don.lewis@sfgov.org> wrote:

"Mr. Lewis promptly responded on April 1 & I was able to go in the next day to begin reviewing his case file. There were no forms of electronic data provided. There was only minimal correspondence on record. Other documentation was either incomplete, existing, or possibly in Ben Fu's files."

"I know for a fact that there is more in the custody of the Planning Dept. RE: the proposed project at 480 Potrero Ave. than what was available at the front desk for both Don Lewis & Ben Fu's case files"

Now, what exactly are you looking for? All recommended documents were in the file when you reviewed it. None of my commissioned documents were in the proposed folder.

Don Lewis

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

Prosen Mon [mon@sunshineordinance.com]
Sent: Thursday, April 25, 2013 4:31 PM
Tao Pinang, Lulu; Fu, Ben; Lewis, Don (CPC)

Subject: Re: Sunshine Ordinance request 480 Potrero Ave

For your records is the attached PDF complaint requesting assistance from the SOTF to obtain all documents, including digital files, held within custody of the SF Planning Dept. for the proposed project at 480 Potrero Ave.

On Thu, Apr 25, 2013 at 2:40 PM, Hwang, Lulu <lulu.hwang@sfgov.org> wrote:

Besides all the materials in the case file from Ben and Don, the only thing I found in the Historical files are attached.

Thanks!
Lulu

Have a Good Day Today and a Better Day Tomorrow...

Prosen Mon [mon@sunshineordinance.com]
Sent: Thursday, April 25, 2013 12:14 PM
Tao Pinang, Lulu
Cc: Ben Jeng; SOTF; Diana Ringel; Fu, Ben

Subject: Re: Sunshine Ordinance request 480 Potrero Ave

I couldn't have been any clearer in my requests.

I asked specifically for "all documents, in addition to any emails &/or other electronic forms of data which they have for this project".

I know for a fact that there is more in the custody of the Planning Dept. RE: the proposed project at 480 Potrero Ave. than what was available at the front desk for both Don Lewis & Ben Fu's case files.

I invalidated these documents & reported to you that they were incomplete.

Thus, I made my formal request with you for "access under the Sunshine Ordinance to everything held in custody by the SF Planning Dept, including emails, electronic files, phone records, meeting minutes, etc. related to the proposed development at 480 Potrero Ave".

This matter is coming to hearing with the Planning Commissioners and the custodians of the records at the Planning Dept. are making it more than difficult for me to access public information.

On Thu, Apr 25, 2013 at 12:39 PM, Hwang, Lulu <lulu.hwang@sfgov.org> wrote:

Hello

On April 11, Ben sent you an email to let you know that the case file is available for you to review at the 4th floor reception desk. And our record shown that you had already come and review the case file.

May I assist you on what other files you would like to review?

Thanks!
Lulu Hwang
Planning Department
Operations & IT Administrator
1650 Mission Street #400
San Francisco CA 94103
[illegible]
Lulu.Hwang@SFGOV.org
Have a Good Day Today and a Better Day Tomorrow...

Prosen Mon [mon@sunshineordinance.com]
Sent: Thursday, April 25, 2013 11:39 AM
Tao Pinang, Lulu
Cc: Ben Jeng; SOTF; Diana Ringel
Subject: Re: Sunshine Ordinance request 480 Potrero Ave

Dear Ms. Hwang:

Third request. How you too have not replied for 10 days.

It appears the Planning Dept. is far out of compliance with the Sunshine Ordinance http://sfbos.org/index.aspx?page=1460

How much longer is reasonable for me to wait before filing a formal complaint with the SOTF?

Mica Ringel
485 Potrero Ave
San Francisco, CA 94110

(415) 519-7423

On Mon, Apr 15, 2013 at 3:01 PM, Mica <sunshineordinance.com> wrote:

Dear Ms. Hwang:

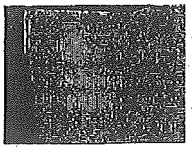
On March 31, 2013 I requested a copy of the complete file for the proposed development at 480 Potrero Ave from both Environmental Planner Don Lewis & City Planner Ben Fu.

I asked specifically for all documents, in addition to any emails &/or other electronic forms of data which they have for this project.

Whereas Mr. Lewis promptly responded on April 1, I was able to go in the next day to begin reviewing his case file.

Mr. Fu however had not acknowledged my request as of April 10, so I made a second. See emails below. He let me know the folder was avail. at the front desk. I again asked if the folder was complete, & again he never responded.

Earlier today I went in to the Planning Dept. to review said files & am perturbed to have found that the Correspondence folder for 480 Potrero is empty. Picture attached.



I've been told by Sue Hester that you're very good with documentation... & so in preparation of the hearing scheduled for May 16, 2013, I humbly request access under the Sunshine Ordinance to everything held in custody by the SF Planning Dept, including emails, electronic files, phone records, meeting minutes, etc. related to the proposed development at 450 Potrero Ave.

Regards,

Mica Ringel
· 485 Potrero Ave
· San Francisco, CA 94110

(415) 519-7573

---------- Forwarded message ----------
From: Mica <[redacted]>
Date: Mon, Apr 15, 2013 at 11:17 AM
Subject: Re: Request for all files regarding 450 Potrero Ave
To: "Fu, Bo" <[redacted]>
Cc: "Hwang, Lok" <[redacted]>

Mr. Fu:

Thanks for getting back to me. I was told to make my request with both you & Don Lewis for all files, in addition to any emails &/or other electronic forms of data which you both have for the proposed project at 450 Potrero.

I came in two weeks ago to review the files which Mr. Lewis had made available, & would like to come in today from around 12:30-3 to begin assessment of yours.

Per your suggestion, if I need further assistance going forward regarding this documentation request I'll make it with Ms. Hwang under the Sunshine Ord.

Regards,

--Mica Ringel

On Thu, Apr 11, 2013 at 8:53 AM, Fu, Bo <[redacted]> wrote:
Mica,

If you are making a request under the sunshine ordinance, please contact Lok Hwang. Otherwise, if you wish to review the case file, it is available at the 4th floor reception.

Regards,

Bo A. Fu, City Planner
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103
T: 415.575.9121
F: 415.558.6409
[redacted]

From: Mica [mailto:[redacted]]
Sent: Wednesday, April 10, 2013 3:48 PM
To: Fu, Bo
Subject: Re: Request for all files regarding 450 Potrero Ave

Thanks for letting me know.

Per my request a week ago Monday, is it complete with all documents, in addition to any emails &/or other electronic forms of data which you have for this project?

Regards, --Mica Ringel

On Wed, Apr 10, 2013 at 2:45 PM, Fu, Bo <[redacted]> wrote:
Mica,

The case file is available for public review. You are welcome to make any copies at the reception lobby.

Regards,

Bo A. Fu, City Planner
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103
T: 415.575.9121
F: 415.558.6409
[redacted]

---------- Forwarded message ----------
From: Mica <[redacted]>
Date: Wed, Apr 10, 2013 at 2:31 PM
Subject: Re: Request for all files regarding 450 Potrero Ave
To: [redacted]

Second request.

From: Mica [mailto:[redacted]]
Sent: Sunday, March 31, 2013 10:32 PM
To: Fu, Bo
Cc: Hwang, Lok; Wycko, Bill

Subject: Request for all files regarding 450 Potrero Ave

Dear Mr. Fu:

In preparation of the hearing scheduled for May 16, 2013 I am requesting a copy of the complete file for the proposed development at 450 Potrero Ave.

Please include all documents, in addition to any emails &/or other electronic forms of data which you have for this project.

Please let me know when you expect this packet of information available for pickup.

I am also requesting the same from Don Lewis.

Regards,

Mica Ringel
485 Potrero Ave
San Francisco, CA 94110

(415) 519-7573

From: Mica
To: Hwang, Lulu
Cc: Juan Jayo; SOTF; Diane Ringel; Fu, Ben
Subject: Re: Sunshine Ordinance request 480 Potrero Ave
Date: Thursday, April 25, 2013 12:56:37 PM

I couldn't have been any clearer in my requests.

I asked specifically for "all documents, in addition to any emails &/or other electronic forms of data which they have for this project".

I know for a fact that there is more in the custody of the Planning Dept. RE: the proposed project at 480 Potrero Ave. than what was available at the front desk for both Don Lewis & Ben Fu's case files.

I inventoried those documents & reported to you that they were incomplete.

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This matter is coming to hearing with the Planning Commissioners and the custodians of the records at the Planning Dept. are making it more than difficult for me to access public information.

On Thu, Apr 25, 2013 at 12:38 PM, Hwang, Lulu <lulu.hwang@sfgov.org> wrote:

> Hello
>
> On April 11, Ben sent you an email to let you know that the case file is available for you to review at the 4th floor reception desk. And our record shown that you had already come and review the case file.
>
> May I assist you on what other files you would like to review?
>
> Thanks!
> Lulu Hwang
> Planning Department
> Operations & IS Administrator
> 1650 Mission Street #400
> San Francisco CA 94103
> 415-558-6318 (V)

Lulu.Hwang@SFGOV.ORG
Have a Good Day Today and a Better Day Tomorrow...

From: Mica [mailto:supermica@gmail.com]
Sent: Thursday, April 25, 2013 11:59 AM
To: Hwang, Lulu
Cc: Juan Jayo; SOTF; Diane Ringel
Subject: Re: Sunshine Ordinance request 480 Potrero Ave

Dear Ms. Hwang:

Third request. Now you too have not replied for 10 days.

It appears the Planning Dept. is far out of compliance with the Sunshine Ordinance http://sfbos.org/index.aspx?page=4460

How much longer is reasonable for me to wait before filing a formal complaint with the SOTF?

Mica Ringel

485 Potrero Ave

San Francisco, CA 94110

(415) 519-7523

On Mon, Apr 15, 2013 at 3:01 PM, Mica <supermica@gmail.com> wrote:

Dear Ms. Hwang:

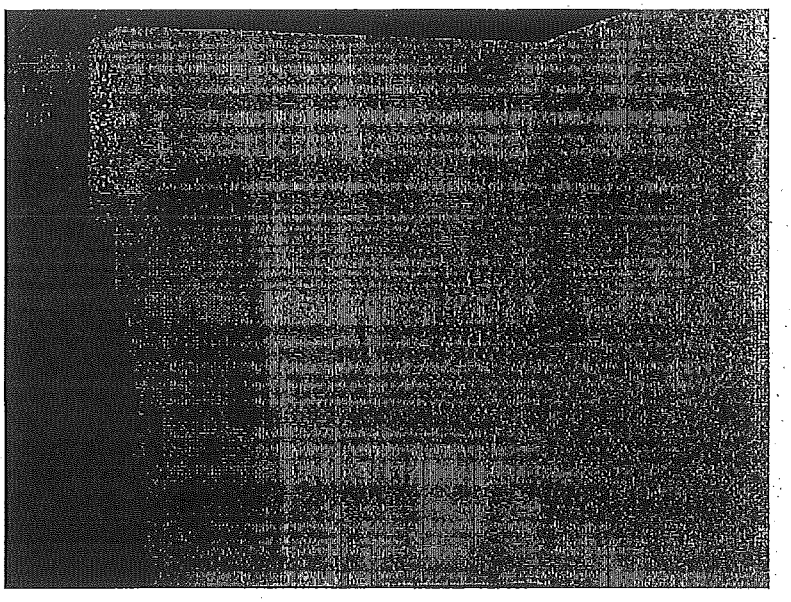
On March 31, 2013 I requested a copy of the complete file for the proposed development at 480 Potrero Ave from both Environmental Planner Don Lewis & City Planner Ben Fu.

I asked specifically for all documents, in addition to any emails &/or other electronic forms of data which they have for this project.

Whereas Mr. Lewis promptly responded on April 1, I was able to go in the next day to begin reviewing his case file.

Mr. Fu however had not acknowledged my request as of April 10, so I made a second. See emails below. He let me know the folder was avail. at the front desk. I again asked if the folder was complete, & again he never responded.

Earlier today I went in to the Planning Dept. to review said files & am perturbed to have found that the Correspondence folder for 480 Potrero is empty. Picture attached.



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Regards,

Mica Ringel

485 Potrero Ave

San Francisco, CA 94110

(415) 519-7523

---------- Forwarded message ----------
From: **Mica** <supermica@gmail.com>
Date: Mon, Apr 15, 2013 at 11:17 AM
Subject: Re: Request for all files regarding 480 Potrero Ave
To: "Fu, Ben" <ben.fu@sfgov.org>
Cc: "Hwang, Lulu" <lulu.hwang@sfgov.org>

Mr. Fu:

Thanks for getting back to me. I was told to make my request with both you & Don Lewis for all files, in addition to any emails &/or other electronic forms of data which you both have for the proposed project at 480 Potrero.

I came in two weeks ago to review the files which Mr. Lewis had made available, & would like to come in today from around 12:30-3 to begin assessment of yours.

Per your suggestion, if I need further assistance going forward regarding this documentation request I'll make it with Ms. Hwang under the Sunshine Ord.

Regards,

--Mica Ringel

On Thu, Apr 11, 2013 at 9:59 AM, Fu, Ben <ben.fu@sfgov.org> wrote:

Mica,

If you are making a request under the sunshine ordinance, please contact Lulu Hwang. Otherwise, if you wish to review the case file, it is available at the 4th floor reception.

Regards,

Ben A. Fu, City Planner

San Francisco Planning Department

1650 Mission Street, Suite 400

San Francisco, CA 94103

T: 415.558.6613

F: 415.558.6409

ben.fu@sfgov.org

From: Mica [mailto:supermica@gmail.com]
Sent: Wednesday, April 10, 2013 2:58 PM
To: Fu, Ben
Subject: Re: Request for all files regarding 480 Potrero Ave

Thanks for letting me know.

Per my request a week ago Monday, is it complete with all documents, in addition to any emails &/or other electronic forms of data which you have for this project?

Regards, --Mica Ringel

On Wed, Apr 10, 2013 at 2:46 PM, Fu, Ben <ben.fu@sfgov.org> wrote:

Mica,

The case file is available for public review. You are welcome to make any copies at the reception lobby.

Regards,

Ben A. Fu, City Planner

San Francisco Planning Department

1650 Mission Street, Suite 400

San Francisco, CA 94103

T: 415.558.6613

F: 415.558.6409

ben.fu@sfgov.org

---------- Forwarded message ----------
From: **Mica** <supermica@gmail.com>
Date: Wed, Apr 10, 2013 at 2:31 PM
Subject: Re: Request for all files regarding 480 Potrero Ave
To: ben.fu@sfgov.org

Second request.

From: Mica [mailto:supermica@gmail.com]
Sent: Sunday, March 31, 2013 10:22 PM
To: Fu, Ben
Cc: Hwang, Lulu; Wycko, Bill

Subject: Request for all files regarding 480 Potrero Ave

Dear Mr. Fu:

In preparation of the hearing scheduled for May 16, 2013 I am requesting a copy of the complete file for the proposed development at 480 Potrero Ave.

Please include all documents, in addition to any emails &/or other electronic forms of data which you have for this project.

Please let me know when you expect this packet of information available for pickup.

I am also requesting the same from Don Lewis.

Regards,

Mica Ringel

485 Potrero Ave

San Francisco, CA 94110

(415) 519-7523

From:	Mica
To:	Fu, Ben
Cc:	Hwang, Lulu; Wycko, Bill
Subject:	Request for all files regarding 480 Potrero Ave
Date:	Sunday, March 31, 2013 10:22:43 PM

Dear Mr. Fu:

In preparation of the hearing scheduled for May 16, 2013 I am requesting a copy of the complete file for the proposed development at 480 Potrero Ave.

Please include all documents, in addition to any emails &/or other electronic forms of data which you have for this project.

Please let me know when you expect this packet of information available for pickup.

I am also requesting the same from Don Lewis.

Regards,

Mica Ringel
485 Potrero Ave
San Francisco, CA 94110

(415) 519-7523

SUNSHINE ORDINANCE TASK FORCE
Education, Outreach and Training Committee
CITY AND COUNTY OF SAN FRANCISCO
MINUTES - DRAFT

Hearing Room 408
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

December 9, 2013 – 3:00 PM

Regular Meeting

Members: David Pilpel (Chair), Todd David,
Bruce Oka, Chris Hyland

1. **CALL TO ORDER, ROLL CALL, AND AGENDA CHANGES**

The meeting was called to order at 3:04 p.m. On the call of the roll Member David was noted absent. There was a quorum.

Chair Pilpel called Item No. 4 out of order.

2. **File No. 13024:** Hearing on the status of the Order of Determination of Mica Ringel against the Planning Department for allegedly failing to provide requested records associated with the proposed development of 480 Potrero Avenue.

Mica Ringel (Complainant); provided an update on the information submitted by the Planning Department. The Respondent did not attend the meeting.

Member Pilpel, seconded by Member Hyland, moved to continue to January meeting of the Education, Outreach and Training committee.

Speakers: None

The motion passed without object.

3. **Administrative Code Chapter 12L: Public Access to Records and Meetings of Non-Profit Organizations.**

Chair Pilpel provided a summary and discussion occurred.

David Curto (Human Services Agency) provided a overview and enforcement procedure regarding Administrative Code Chapter 12L: Public Access to Records and Meetings of Non-Profit Organizations.

Member Pilpel, seconded by Member Hyland, moved to continue to January meeting of the Education, Outreach and Training committee.

Speakers: None

The motion passed without object.

4. **Sunshine Ordinance Task Force Website.**

Chair Pilpel provided a summary and discussion occurred.

Member Pilpel, seconded by Member Hyland, moved to continue to January meeting of the Education, Outreach and Training committee.

Speakers: None

The motion passed without object.

5. **Status Update: Correspondence to the Clerk of the Board, Angela Calvillo - Public Comment 150 Summary.**

Chair Pilpel provided an update on the progress of the correspondence and discussion occurred.

Member Pilpel, seconded by Member Hyland, moved to continue to January meeting of the Education, Outreach and Training committee.

Speakers: None

The motion passed without object.

6. **Public Comment:**

Speakers: None.

7. **Announcements, Comments, Questions, and Future Agenda Items.**

8. **ADJOURNMENT**

There being no further business the meeting the Committee Adjourned at 4:47 p.m.

Website

Create a web address or link with 'SOTF' such as sfsotf.org

Move calendar to the First Page for ease of use by the public

Make all attached document searchable
Scan all documents in a searchable format
OCR Scan into PDF

Covert old HTML link that are already online into PDF

How far back do we need to keep agendas online?

Create subcategories to documents sections

New complaint sections with easy to understand how to

Add sample video of SOTF meeting to website

All submitted documents needs to be in 16 point font. (Oka in meeting issue)

Title change 'Order of Determination and Referrals

SUNSHINE ORDINANCE TASK FORCE
Education, Outreach and Training Committee
CITY AND COUNTY OF SAN FRANCISCO
AGENDA

Hearing Room 408
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

January 13, 2014 – 3:00 PM

Regular Meeting

Members: David Pilpel (Chair), Todd David, Bruce Oka, Chris Hyland

1. **CALL TO ORDER, ROLL CALL, AND AGENDA CHANGES**

2. **File No. 12013:** Hearing on the determined violation of complaint by William Clark against Howard Lazar, Arts Commission, for allegedly not providing documents of expenses charged to the Street Artist Program for FY 2010-2011. *(approximately 30 minutes) (discussion and possible action) (attachment)*

3. **File No. 13024:** Hearing on the status of the Order of Determination of Mica Ringel against the Planning Department for allegedly failing to provide requested records associated with the proposed development of 480 Potrero Avenue. *(approximately 30 minutes) (discussion and possible action) (attachment)*

4. **Planning Department Public Records, Policies and Procedures**. *(approximately 30 minutes) (discussion and possible action)*

5. **Administrative Code Chapter 12L: Public Access to Records and Meetings of Non-Profit Organizations.** *(approximately 30 minutes) (discussion and possible action) (attachment)*

6. **Public Comment:** Members of the public may address the Committee on matters that are within the Committee's jurisdiction but not on today's agenda. *(no action)*

7. **Announcements, Comments, Questions, and Future Agenda Items.**

8. **ADJOURNMENT**

Agenda Item Information

Each item on the agenda may include: 1) Department or Agency cover letter and/or report; 2) Public correspondence; 3) Other explanatory documents. For more information concerning agendas, minutes, and meeting information, such as these documents, please contact the SOTF Clerk, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.

Audio recordings of the meeting of the Sunshine Ordinance Task Force are available at: http://www.sfbos.org/index.aspx?page=9811

For information concerning Sunshine Ordinance Task Force please contact by e-mail sotf@sfgov.org or by calling (415) 554-7724.

Public Comment

Public Comment will be taken before or during the Committee's consideration of each agenda item. Speakers may address the Task Force for up to three minutes on that item. During General Public Comment, members of the public may address the Task Force on matters that are within the Task Force's jurisdiction and are not on the agenda. Any person speaking during a public comment period may supply a brief written summary of their comments, which shall, if no more than 150 words, be included in the official file.

Each member of the public will be allotted the same maximum number of minutes to speak as set by the Chair at the beginning of each item, excluding persons requested by the Task Force to make presentations.

Each member of the public who is unable to attend the public meeting or hearing may submit to the City, by the time the hearing begins, written comments regarding the subject of the meeting or hearing;. These comments will be made a part of the official public record.

Hearing Procedures

1.	Complainant presents his/her facts and evidence	5 minutes
	Other parties of Complainant present facts and evidence	Up to 3 minutes each
2.	City responds	5 minutes
	Other parties of City respond	Up to 3 minutes each
	Above total speaking times for Complainant and City to be the same.	
3.	Matter is with the Task Force for discussion and questions.	
4.	Respondent and Complainant presents clarification/rebuttal	3 minutes
5.	Matter is with the Task Force for motion and deliberation.	
6.	Public comment (Excluding Complainant & City response, witnesses)	Up to 3 minutes each
7.	Vote by Task Force (Public comment at discretion of chair on new motion and/or on new motion if vote fails.)	

Note: Time must be adhered to. If a speaker is interrupted by questions, the interruption does not count against his/her time.

Disability Access

The hearing rooms in City Hall are wheelchair accessible. Assistive listening devices for the hearing rooms are available upon request with the SOTF Clerk. The nearest accessible BART station is Civic Center (Market/Grove/Hyde Streets). Accessible MUNI Metro lines are the F, J, K, L, M, N, T (exit at Civic Center or Van Ness Stations). MUNI bus lines also serving the area are the 5, 6, 9, 19, 21, 47, 49, 71, and 71L. For more information about MUNI accessible services, call (415) 701-4485. There is accessible parking in the vicinity of City Hall at Civic Center Plaza and adjacent to Davies Hall and the War Memorial Complex. Accessible curbside parking is available on Dr. Carlton B. Goodlett Place and Grove Street.

The following services are available on request 48 hours prior to the meeting; except for Monday meetings, for which the deadline shall be 4:00 p.m. of the last business day of the preceding week: For American sign language interpreters or the use of a reader during a meeting, a sound enhancement system, and/or alternative formats of the agenda and minutes, please contact the SOTF Clerk at (415) 554-7724 to make arrangements for the accommodation. Late requests will be honored, if possible.

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City accommodate these individuals.

Know Your Rights Under the Sunshine Ordinance

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact: Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102; phone (415) 554-7724; fax (415) 554-7854; or email sotf@sfgov.org.

Citizens may obtain a free copy of the Sunshine Ordinance by printing Chapter 67 of the San Francisco Administrative Code on the Internet, at http://www.sfbos.org/sunshine.

Cell Phones, Pagers and Similar Sound-Producing Electronic Devices

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

Lobbyist Registration and Reporting Requirements

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code §2.100, et. seq] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at: 25 Van Ness Avenue, Suite 220, San Francisco, CA 94102; telephone (415) 581-3100; fax (415) 252-3112; web site www.sfgov.org/ethics.

File No. 13024 EOTC Item No. 3

SUNSHINE ORDINANCE TASK FORCE

Education, Outreach and Training Committee
AGENDA PACKET CONTENTS LIST

Education, Outreach and Training Committee **Date: January 13, 2014**

- [x] **Order of Determination**
- [x] **Memo**
- [x] **Complaint and Supporting documents**
- [x] **Respondent's Response**
- [ ] **Minutes**
- [ ]
- [ ]
- [ ]
- [ ]
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- [ ]
- [ ]
- [ ]

OTHER

- [ ] _____
- [ ] _____
- [ ] _____
- [ ] _____
- [ ] _____

Completed by: Victor Young **Date** January 9, 2014
Completed by: _____ **Date** _____

*An asterisked item represents the cover sheet to a document that exceeds 25 pages. The complete document is in the file.

CITY AND COUNTY OF SAN FRANCISCO

SUNSHINE ORDINANCE TASK FORCE

ORDER OF DETERMINATION
October 23, 2013

DATE THE DECISION ISSUED
October 2, 2013

CASE TITLE – MICA RINGEL V. PLANNING DEPARTMENT (13024)

FACTS OF THE CASE

Mica Ringel ("Complainant") complains that the Planning Department via individuals Ben Fu, Don Lewis, and Lulu Hwang ("Respondents") violated the Sunshine Ordinance by failing to provide the appropriate access to various public records.

COMPLAINT FILED

On April 26, 2013, "Complainant" filed a Complaint against "Respondents", seeking assistance from the Task Force regarding his public records request to the Planning Department on March 31, 2013. "Respondents" had provided some records to "Complainant", but "Complainant" noted the lack of certain correspondence or electronic data. The Planning Department, upon notification of the Complaint, engaged in further email correspondence with "Complainant". This correspondence culminated in a notification to the Task Force from "Complainant" on May 14, 2013, that the matter was not resolved, and included a summary of records "Complainant" continues to seek from Respondent.

HEARING ON THE COMPLAINT

On October 2, 2013, "Complainant", appeared before the Task Force claiming the Planning Department did not release the complete case file of a proposed development at 480 Potrero Avenue. Lulu Hwang, Operations and IS Administrator, Planning Department ("Respondent") presented the Planning Department's defense presenting the complete case file to the Task Force for the "Complainant" on a compact disk.

The issue in the case is whether the Planning Department violated Sections, 67.21, 67.24, 67.25, 67.26, and 67.27 of the Ordinance.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Based on the testimony and evidence presented the Task Force finds the testimony of "Complainant" to be persuasive and finds Sections 67.21(a) and 67.29-7 to be applicable in this case. The Task Force does not find the testimony provided by the Planning Department persuasive to this case.

DECISION AND ORDER OF DETERMINATION

The Task Force finds that the Planning Department violated Sections 67.21(a) and 67.29-7 of the Sunshine Ordinance for failing to make the case file accessible and not maintaining its records associated with the case file. The Planning Department shall release the records requested, if not provided on the compact disk released to "Complainant" the day of October 2, 2013, within 5 business days of the issuance of this Order and appear before the Compliance and Amendments Committee on November 19, 2013.

This Order of Determination was adopted by the Sunshine Ordinance Task Force on October 2, 2013 by the following vote: (Knee/Washburn)

Ayes: Knee, Washburn, David, Hyland, Oka, Fischer
Absent: Pilpel, Sims, Grant

Kitt Grant

Kitt Grant, Chair
Sunshine Ordinance Task Force

c: Celia Lee, Deputy City Attorney
Jerry Threet, Deputy City Attorney
Mica Ringel, Complainant
Lulu Hwang, Operations and IS Administrator, Planning Department, Respondent
Fu, Don Lewis, City Planner, Planning Department
John Rahaim, Planning Director, Planning Department
AnMarie Rodgers, Manager Legislative Affairs, Planning Department

CITY AND COUNTY OF SAN FRANCISCO

DENNIS J. HERRERA
City Attorney

OFFICE OF THE CITY ATTORNEY

CELIA W. LEE
Deputy City Attorney

DIRECT DIAL: (415) 554-3858
E-MAIL: celia.lee@sfgov.org

MEMORANDUM
PRIVILEGED & CONFIDENTIAL

TO: Sunshine Ordinance Task Force

FROM: Celia W. Lee
Deputy City Attorney

DATE: September 26, 2013

RE: Complaint No. 13024 – Ringel v. Planning Department

COMPLAINT

Mica Ringel ("Complainant") complains that the Planning Department ("Respondent," via individuals Ben Fu, Don Lewis, and Lulu Hwang) violated the Sunshine Ordinance by failing to provide the appropriate access to various public records.

COMPLAINANT FILES COMPLAINT:

On April 26, 2013, Complainant filed a Complaint against Respondent, seeking assistance from the Task Force regarding his public records request to the Planning Department on March 31, 2013. Respondent had provided some records to Complainant, but Complainant noted the lack of certain correspondence or electronic data.

The Planning Department, upon notification of the Complaint, engaged in further email correspondence with Complainant. This correspondence culminated in a notification to the Task Force from Complainant on May 14, 2013 that the matter was not resolved, and that included a summary of records Complainant continues to seek from Respondent.

JURISDICTION

Respondent Planning Department is a department under the Ordinance. The Task Force therefore generally has jurisdiction to hear a complaint of a violation of the Ordinance against Respondent. Respondent has not contested jurisdiction.

APPLICABLE STATUTORY SECTION(S)

Section 67 of the San Francisco Administrative Code (Sunshine Ordinance):

- Section 67.20 governs definitions regarding public information and public records.
- Section 67.21 governs the process for gaining access to public records
- Section 67.21.1 pertains to City policy regarding use and purchase of computer systems, particularly where applicable to public records management and disclosure.
- Section 67.24 governs public information that must be disclosed.
- Section 67.25 governs the immediacy of response and timing of production.
- Section 67.26 governs withholding of records.
- Section 67.27 governs justification of withholding of records.

Memorandum
Privileged & Confidential

TO: Sunshine Ordinance Task Force
DATE: September 27, 2013
PAGE: 2
RE: Complaint No. 13024 – Ringel v. Planning Department

APPLICABLE CASE LAW:

None.

BACKGROUND:

Complaint: Complainant submitted his complaint on April 26, 2013 regarding the Planning Department's inadequate response to his public records request on March 31, 2013.

Chronology: on March 31, 2013, Ringel had emailed a request for the complete file for the proposed development at 480 Potrero Avenue. He specifically requested "all documents, in addition to any emails and/or other electronic forms of data which they have for this project" to Environmental Planner Don Lewis and City Planner Ben Fu. He cc'd office manager Lulu Hwang on both requests.

Don Lewis's response: Mr. Lewis responded on April 1, and on April 2 Complainant reviewed his file. However, there was no electronic data and only minimal correspondence.

Ben Fu's response: Mr. Fu did not respond or acknowledge Complainant's March 31 request. On April 10, Complainant made a second request. Mr. Fu informed Complainant via email that the file was available at the front desk of the Planning Department. Complainant inquired if the file was complete, but received no response. On April 15, Complainant reviewed Mr. Fu's file and found nothing in the correspondence section of the file. Complainant himself had corresponded with Mr. Lewis and Mr. Fu regarding the proposed development at 480 Potrero, so he had expected to see that correspondence (and presumably other items of correspondence) in the file.

On April 15, Complainant emailed Lulu Hwang, the office manager for the Planning Department, stating "I humbly request access under the Sunshine Ordinance to everything held in custody by the SF Planning Dept, including emails, electronic files, phone records, meeting minute, etc related to the proposed development at 480 Potrero Ave." He did not hear back from Ms. Hwang in 10 days.

On April 25, he emailed Ms. Hwang again, copying the Task Force. According to Complainant, Ms. Hwang did not seem to understand that his latest request was made after Mr. Lewis and Mr. Fu had not been forthcoming with what he asked for. He reiterated his request for documents, including emails and electronic data. He also described how Mr. Lewis and Mr. Fu's files had been incomplete, and that he knew for a fact that there is more in the custody of the Planning Dept for the proposed project at 480 Potrero other than what was available at the front desk for Mr. Lewis and Mr. Fu's files. He also explained that the matter was coming to a hearing before the Planning Commissioners, and the custodians of records were making it difficult for him to access information. By the end of the day on April 25, Ms. Hwang provided five additional historical documents, which Complainant alleges were not pertinent to the proposed development at 480 Potrero Ave.

Memorandum
Privileged & Confidential

TO: Sunshine Ordinance Task Force
DATE: September 27, 2013
PAGE: 3
RE: Complaint No. 13024 – Ringel v. Planning Department

On April 26, Complainant emailed a complaint to the Task Force, setting out the above chronology. He stated that "I feel the Planning Dept has given me the runaround & that I am without other options but to request assistance from the SOTF." The email complaint to SOTF was the most recent email in a chain of emails that show correspondence between Complainant, Ms. Hwang, and Mr. Fu. Complainant forwarded a PDF copy of his complaint to Ms. Hwang, Mr. Fu, and Mr. Lewis.

Response: Complainant's complaint to the Task Force generated an additional chain of correspondence between Complainant and Ms. Hwang regarding Complainant's public records request. In direct response to the April 26 complaint, Ms. Hwang emailed Complainant on April 29 and recounted her actions in response to his request. She informed Complainant that she inquired with Mr. Fu as to whether there was anything else, and that Mr. Fu informed her that everything was in the file that Complainant had reviewed. She acknowledged sending Complainant some additional historical information that she had researched, and stated that they did not have any emails and/or electronic forms of data that they were not disclosing to him.

Complainant responded on April 29, and set forth specific questions related to correspondence, to wit: he inquired as to why his own correspondence was missing from Don Lewis's case files, as well as other correspondence; he inquired as to why Ben Fu's correspondence folder was completely empty; and he queried whether Ms. Hwang was unable to obtain digital correspondence/electronic files from the servers of the Planning Dept. He also reiterated his request for various documents and correspondence relating to several consulting firms regarding the proposed development at 480 Potrero (including SIA Consulting, Town Consulting, Kitchen Cabinet Consulting, and Mission Housing), interoffice correspondence, and outside agency correspondence. Finally, he reiterated four categories of documents that he continued to seek: receipts for any newspaper ads/articles published; dates or trip logs for site visits; minutes of meetings/phone calls; and electronic data, including digital photos, powerpoint presentations, word processing documents, spreadsheet files, PDF's, et al. On April 29, Ms. Hwang related Mr. Fu's response via email only to the latter four categories, and stated that she would check with Mr. Lewis again.

On May 14, 2013, Complainant emailed the Task Force to state that the matter was not resolved. He noted that Mr. Lewis and Mr. Fu had not supplied him with any other documents, that Ms. Hwang only provided with a few historical documents from the archives, and that he was still looking for "all documents, in addition to any emails &/or other electronic forms of data" held in custody by the Planning Department re 480 Potrero Ave, and not just what the planners had selected for the "public case files." Complainant set forth again the list of documents he required, which is the same list he provided to Ms. Hwang in his email to her of April 29 (set forth in the paragraph immediately above).

The Task Force file includes a PDF document entitled "Ben Fu recovered.pdf" which apparently shows emails recovered from Mr. Fu's email account, including emails to and from Complainant. It is unclear as to whether Respondent conveyed this document to Complainant, and any date of such conveyance.

Memorandum
Privileged & Confidential

TO: Sunshine Ordinance Task Force
DATE: September 27, 2013
PAGE: 4
RE: Complaint No. 13024 – Ringel v. Planning Department

QUESTIONS THAT MIGHT ASSIST IN DETERMINING FACTS:

- How did the Planning Department (Ben Fu, Don Lewis, Lulu Hwang) search for records responsive to Complainant's request for the "complete file for the proposed development at 480 Potrero Avenue"?
- When was the "Ben Fu recovered.pdf" file retrieved by Respondent?
- Was the "Ben Fu recovered.pdf" file provided to Complainant? If so, when?
- Did the Planning Department search for responsive documents as enumerated in the categories set forth by Complainant in his communications with Ms. Hwang, Mr. Fu, and Mr. Lewis?
- Why did Mr. Fu's correspondence folder for the proposed development at 480 Potrero Avenue not contain correspondence between Complainant and Mr. Fu, or other correspondence pertaining to the proposed development at 480 Potrero Ave.?

LEGAL ISSUES/LEGAL DETERMINATIONS:

- Was Respondent's search for public records in response to Complainant's request in compliance with the Sunshine Ordinance?
- Was Respondent's response and providing of documents in response to Complainant's request in compliance with the Sunshine Ordinance?

CONCLUSION

THE TASK FORCE FINDS THE FOLLOWING FACTS TO BE TRUE:

THE TASK FORCE FINDS THE ALLEGED VIOLATIONS TO BE **TRUE OR NOT TRUE.**

Memorandum
Privileged & Confidential

TO: Sunshine Ordinance Task Force
DATE: September 27, 2013
PAGE: 5
RE: Complaint No. 13024 – Ringel v. Planning Department

* * *

ATTACHED STATUTORY SECTIONS FROM CHAPTER 67 OF THE SAN FRANCISCO ADMINISTRATIVE CODE UNLESS OTHERWISE SPECIFIED (in pertinent part)

SEC. 67.20. DEFINITIONS.

Whenever in this article the following words or phrases are used, they shall mean:

(a) "Department" shall mean a department of the City and County of San Francisco.

(b) "Public Information" shall mean the content of "public records" as defined in the California Public Records Act (Government Code Section 6252), whether provided in documentary form or in an oral communication. "Public Information" shall not include "computer software" developed by the City and County of San Francisco as defined in the California Public Records Act (Government Code Section 6254.9).

(c) "Supervisor of Records" shall mean the City Attorney.

SEC. 67.21. PROCESS FOR GAINING ACCESS TO PUBLIC RECORDS; ADMINISTRATIVE APPEALS.

(a) Every person having custody of any public record or public information, as defined herein, (hereinafter referred to as a custodian of a public record) shall, at normal times and during normal and reasonable hours of operation, without unreasonable delay, and without requiring an appointment, permit the public record, or any segregable portion of a record, to be inspected and examined by any person and shall furnish one copy thereof upon payment of a reasonable copying charge, not to exceed the lesser of the actual cost or ten cents per page.

(b) A custodian of a public record shall, as soon as possible and within ten days following receipt of a request for inspection or copy of a public record, comply with such request. Such request may be delivered to the office of the custodian by the requester orally or in writing by fax, postal delivery, or e-mail. If the custodian believes the record or information requested is not a public record or is exempt, the custodian shall justify withholding any record by demonstrating, in writing as soon as possible and within ten days following receipt of a request, that the record in question is exempt under express provisions of this ordinance.

(c) A custodian of a public record shall assist a requester in identifying the existence, form, and nature of any records or information maintained by, available to, or in the custody of the custodian, whether or not the contents of those records are exempt from disclosure and shall, when requested to do so, provide in writing within seven days following receipt of a request, a statement as to the existence, quantity, form and nature of records relating to a particular subject or questions with enough specificity to enable a requester to identify records in order to make a request under (b). A custodian of any public record, when not in possession of the record requested, shall assist a requester in directing a request to the proper office or staff person.

(d) If the custodian refuses, fails to comply, or incompletely complies with a request described in (b), the person making the request may petition the supervisor of records for a determination whether the record requested is public. The supervisor of records shall inform the petitioner, as soon as possible and within 10 days, of its determination whether the record requested, or any part of the record requested, is public. Where requested by the petition, and where otherwise desirable, this determination shall be in writing. Upon the determination by the supervisor of records that the record is public, the supervisor of records shall immediately order the custodian of the public record to comply with the person's request. If the custodian refuses or fails to comply with any such order within 5 days, the supervisor of records shall notify the district attorney or the attorney general who shall take whatever measures she or he deems necessary and appropriate to insure compliance with the provisions of this ordinance.

(e) If the custodian refuses, fails to comply, or incompletely complies with a request described in (b) above or if a petition is denied or not acted on by the supervisor of public records, the person making the request may petition the Sunshine Task Force for a determination whether the record requested is public. The Sunshine Task Force shall inform the petitioner, as soon as possible and within 2 days after its next meeting but in no case later than 45 days from when a petition in writing is received, of its determination whether the record requested, or any part of the record requested, is public. Where requested by the petition, and where otherwise desirable, this determination shall be in writing. Upon the determination that the record is public, the Sunshine Task Force shall immediately order the custodian of the public record to comply with the person's request. If the custodian refuses or fails to comply with any such order within 5 days, the Sunshine Task Force shall notify the district attorney or the attorney general who may take whatever measures she or he deems necessary to insure compliance with the provisions of this ordinance. The Board of Supervisors and the City Attorney's office shall provide sufficient staff and resources to allow the Sunshine Task Force to fulfill its duties under this provision. Where requested by the petition, the Sunshine Task Force may conduct a public hearing concerning the records request denial. An authorized representative of the custodian of the public records requested shall attend any hearing and explain the basis for its decision to withhold the records requested.

(f) The administrative remedy provided under this article shall in no way limit the availability of other administrative remedies provided to any person with respect to any officer or employee of any agency, executive office, department or board; nor shall the administrative remedy provided by this section in any way limit the availability of judicial remedies otherwise available to any person requesting a public record. If a custodian of a public record refuses or fails to comply with the request of any person for inspection or copy of a public record or with an administrative order under this section, the superior court shall have jurisdiction to order compliance.

(g) In any court proceeding pursuant to this article there shall be a presumption that the record sought is public, and the burden shall be upon the custodian to prove with specificity the exemption which applies.

(h) On at least an annual basis, and as otherwise requested by the Sunshine Ordinance Task Force, the supervisor of public records shall prepare a tally and report of every petition brought before it for access to records since the time of its last tally and report. The report shall at least identify for each petition the record or records sought, the custodian of those records, the ruling of the supervisor of public records, whether any ruling was overturned by a

court and whether orders given to custodians of public records were followed. The report shall also summarize any court actions during that period regarding petitions the Supervisor has decided. At the request of the Sunshine Ordinance Task Force, the report shall also include copies of all rulings made by the supervisor of public records and all opinions issued.

(i) The San Francisco City Attorney's office shall act to protect and secure the rights of the people of San Francisco to access public information and public meetings and shall not act as legal counsel for any city employee or any person having custody of any public record for purposes of denying access to the public. The City Attorney may publish legal opinions in response to a request from any person as to whether a record or information is public. All communications with the City Attorney's Office with regard to this ordinance, including petitions, requests for opinion, and opinions shall be public records.

(j) Notwithstanding the provisions of this section, the City Attorney may defend the City or a City Employee in litigation under this ordinance that is actually filed in court to any extent required by the City Charter or California Law.

(k) Release of documentary public information, whether for inspection of the original or by providing a copy, shall be governed by the California Public Records Act (Government Code Section 6250 et seq.) in particulars not addressed by this ordinance and in accordance with the enhanced disclosure requirements provided in this ordinance.

(l) Inspection and copying of documentary public information stored in electronic form shall be made available to the person requesting the information in any form requested which is available to or easily generated by the department, its officers or employees, including disk, tape, printout or monitor at a charge no greater than the cost of the media on which it is duplicated. Inspection of documentary public information on a computer monitor need not be allowed where the information sought is necessarily and unseparably intertwined with information not subject to disclosure under this ordinance. Nothing in this section shall require a department to program or reprogram a computer to respond to a request for information or to release information where the release of that information would violate a licensing agreement or copyright law.

SEC. 67.21-1. POLICY REGARDING USE AND PURCHASE OF COMPUTER SYSTEMS.

(a) It is the policy of the City and County of San Francisco to utilize computer technology in order to reduce the cost of public records management, including the costs of collecting, maintaining, and disclosing records subject to disclosure to members of the public under this section. To the extent that it is technologically and economically feasible, departments that use computer systems to collect and store public records shall program and design these systems to ensure convenient, efficient, and economical public access to records and shall make public records easily accessible over public networks such as the Internet.

(b) Departments purchasing new computer systems shall attempt to reach the following goals as a means to achieve lower costs to the public in connection with the public disclosure of records:

(1) Implementing a computer system in which exempt information is segregated or filed separately from otherwise disclosable information.

(2) Implementing a system that permits reproduction of electronic copies of records in a format that is generally recognized as an industry standard format.

(3) Implementing a system that permits making records available through the largest non-profit, non-proprietary public computer network, consistent with the requirement for security of information.

SEC. 67.24. PUBLIC INFORMATION THAT MUST BE DISCLOSED.

Notwithstanding a department's legal discretion to withhold certain information under the California Public Records Act, the following policies shall govern specific types of documents and information and shall provide enhanced rights of public access to information and records:

(a) Drafts and Memoranda.

(1) Except as provided in subparagraph (2), no preliminary draft or department memorandum, whether in printed or electronic form, shall be exempt from disclosure under Government Code Section 6254, Subdivision (a) or any other provision. If such a document is not normally kept on file and would otherwise be disposed of, its factual content is not exempt under Subdivision (a). Only the recommendation of the author may, in such circumstances, be withheld as exempt.

(2) Draft versions of an agreement being negotiated by representatives of the City with some other party need not be disclosed immediately upon creation but must be preserved and made available for public review for 10 days prior to the presentation of the agreement for approval by a policy body, unless the body finds that and articulates how the public interest would be unavoidably and substantially harmed by compliance with this 10 day rule, provided that policy body as used in this subdivision does not include committees. In the case of negotiations for a contract, lease or other business agreement in which an agency of the City is offering to provide facilities or services in direct competition with other public or private entities that are not required by law to make their competing proposals public or do not in fact make their proposals public, the policy body may postpone public access to the final draft agreement until it is presented to it for approval.

(b) Litigation Material.

(1) Notwithstanding any exemptions otherwise provided by law, the following are public records subject to disclosure under this Ordinance:

(i) A pre-litigation claim against the City;

(ii) A record previously received or created by a department in the ordinary course of business that was not attorney/client privileged when it was previously received or created;

(iii) Advice on compliance with, analysis of, an opinion concerning liability under, or any communication otherwise concerning the California Public

Records Act, the Ralph M. Brown Act, the Political Reform Act, any San Francisco Governmental Ethics Code, or this Ordinance.

(2) Unless otherwise privileged under California law, when litigation is finally adjudicated or otherwise settled, records of all communications between the department and the adverse party shall be subject to disclosure, including the text and terms of any settlement.

(c) Personnel Information. None of the following shall be exempt from disclosure under Government Code Section 6254, subdivision (c), or any other provision of California Law where disclosure is not forbidden:

(1) The job pool characteristics and employment and education histories of all successful job applicants, including at a minimum the following information as to each successful job applicant:

(i) Sex, age and ethnic group;

(ii) Years of graduate and undergraduate study, degree(s) and major or discipline;

(iii) Years of employment in the private and/or public sector;

(iv) Whether currently employed in the same position for another public agency.

(v) Other non-identifying particulars as to experience, credentials, aptitudes, training or education entered in or attached to a standard employment application form used for the position in question.

(2) The professional biography or curriculum vitae of any employee, provided that the home address, home telephone number, social security number, age, and marital status of the employee shall be redacted.

(3) The job description of every employment classification.

(4) The exact gross salary and City-paid benefits available to every employee.

(5) Any memorandum of understanding between the City or department and a recognized employee organization.

(6) The amount, basis, and recipient of any performance-based increase in compensation, benefits, or both, or any other bonus, awarded to any employee, which shall be announced during the open session of a policy body at which the award is approved.

(7) The record of any confirmed misconduct of a public employee involving personal dishonesty, misappropriation of public funds, resources or benefits, unlawful discrimination against another on the basis of status, abuse of authority, or violence, and of any discipline imposed for such misconduct.

(d) Law Enforcement Information.

The District Attorney, Chief of Police, and Sheriff are encouraged to cooperate with the press and other members of the public in allowing access to local records pertaining to

investigations, arrests, and other law enforcement activity. However, no provision of this ordinance is intended to abrogate or interfere with the constitutional and statutory power and duties of the District Attorney and Sheriff as interpreted under Government Code section 25303, or other applicable State law or judicial decision. Records pertaining to any investigation, arrest or other law enforcement activity shall be disclosed to the public once the District Attorney or court determines that a prosecution will not be sought against the subject involved, or once the statute of limitations for filing charges has expired, whichever occurs first. Notwithstanding the occurrence of any such event, individual items of information in the following categories may be segregated and withheld if, on the particular facts, the public interest in nondisclosure clearly and substantially outweighs the public interest in disclosure:

(1) The names of juvenile witnesses (whose identities may nevertheless be indicated by substituting a number or alphabetical letter for each individual interviewed);

(2) Personal or otherwise private information related to or unrelated to the investigation if disclosure would constitute an unwarranted invasion of privacy;

(3) The identity of a confidential source;

(4) Secret investigative techniques or procedures;

(5) Information whose disclosure would endanger law enforcement personnel; or

(6) Information whose disclosure would endanger the successful completion of an investigation where the prospect of enforcement proceedings is concrete and definite.

This Subdivision shall not exempt from disclosure any portion of any record of a concluded inspection or enforcement action by an officer or department responsible for regulatory protection of the public health, safety, or welfare.

(e) Contracts, Bids and Proposals.

(1) Contracts, contractors' bids, responses to requests for proposals and all other records of communications between the department and persons or firms seeking contracts shall be open to inspection immediately after a contract has been awarded. Nothing in this provision requires the disclosure of a private person's or organization's net worth or other proprietary financial data submitted for qualification for a contract or other benefit until and unless that person or organization is awarded the contract or benefit. All bidders and contractors shall be advised that information provided which is covered by this subdivision will be made available to the public upon request. Immediately after any review or evaluation or rating of responses to a Request for Proposal ("RFP") has been completed, evaluation forms and score sheets and any other documents used by persons in the RFP evaluation or contractor selection process shall be available for public inspection. The names of scorers, graders or evaluators, along with their individual ratings, comments, and score sheets or comments on related documents, shall be made immediately available after the review or evaluation of a RFP has been completed.

(2) Notwithstanding the provisions of this Subdivision or any other provision of this ordinance, the Director of Public Health may withhold from disclosure

proposed and final rates of payment for managed health care contracts if the Director determines that public disclosure would adversely affect the ability of the City to engage in effective negotiations for managed health care contracts. The authority to withhold this information applies only to contracts pursuant to which the City (through the Department of Public Health) either pays for health care services or receives compensation for providing such services, including mental health and substance abuse services, to covered beneficiaries through a pre-arranged rate of payment. This provision also applies to rates for managed health care contracts for the University of California, San Francisco, if the contract involves beneficiaries who receive services provided jointly by the City and University. This provision shall not authorize the Director to withhold rate information from disclosure for more than three years.

(3) During the course of negotiations for:

(i) personal, professional, or other contractual services not subject to a competitive process or where such a process has arrived at a stage where there is only one qualified or responsive bidder;

(ii) leases or permits having total anticipated revenue or expense to the City and County of five hundred thousand dollars ($500,000) or more or having a term of ten years or more; or

(iii) any franchise agreements,

all documents exchanged and related to the position of the parties, including draft contracts, shall be made available for public inspection and copying upon request. In the event that no records are prepared or exchanged during negotiations in the above-mentioned categories, or the records exchanged do not provide a meaningful representation of the respective positions, the City Attorney or City representative familiar with the negotiations shall, upon a written request by a member of the public, prepare written summaries of the respective positions within five working days following the final day of negotiation of any given week. The summaries will be available for public inspection and copying. Upon completion of negotiations, the executed contract, including the dollar amount of said contract, shall be made available for inspection and copying. At the end of each fiscal year, each City department shall provide to the Board of Supervisors a list of all sole source contracts entered into during the past fiscal year. This list shall be made available for inspection and copying as provided for elsewhere in this Article.

(f) Budgets and Other Financial Information. Budgets, whether tentative, proposed or adopted, for the City or any of its departments, programs, projects or other categories, and all bills, claims, invoices, vouchers or other records of payment obligations as well as records of actual disbursements showing the amount paid, the payee and the purpose for which payment is made, other than payments for social or other services whose records are confidential by law, shall not be exempt from disclosure under any circumstances.

(g) Neither the City nor any office, employee, or agent thereof may assert California Public Records Act Section 6255 or any similar provision as the basis for withholding any documents or information requested under this ordinance.

(h) Neither the City nor any office, employee, or agent thereof may assert an exemption for withholding for any document or information based on a "deliberative process"

exemption, either as provided by California Public Records Act Section 6255 or any other provision of law that does not prohibit disclosure.

(i) Neither the City, nor any office, employee, or agent thereof, may assert an exemption for withholding for any document or information based on a finding or showing that the public interest in withholding the information outweighs the public interest in disclosure. All withholdings of documents or information must be based on an express provision of this ordinance providing for withholding of the specific type of information in question or on an express and specific exemption provided by California Public Records Act that is not forbidden by this ordinance.

SEC. 67.25. IMMEDIACY OF RESPONSE.

(a) Notwithstanding the 10-day period for response to a request permitted in Government Code Section 6256 and in this Article, a written request for information described in any category of non-exempt public information shall be satisfied no later than the close of business on the day following the day of the request. This deadline shall apply only if the words "Immediate Disclosure Request" are placed across the top of the request and on the envelope, subject line, or cover sheet in which the request is transmitted. Maximum deadlines provided in this article are appropriate for more extensive or demanding requests, but shall not be used to delay fulfilling a simple, routine or otherwise readily answerable request.

(b) If the voluminous nature of the information requested, its location in a remote storage facility or the need to consult with another interested department warrants an extension of 10 days as provided in Government Code Section 6456.1, the requester shall be notified as required by the close of business on the business day following the request.

(c) The person seeking the information need not state his or her reason for making the request or the use to which the information will be put, and requesters shall not be routinely asked to make such a disclosure. Where a record being requested contains information most of which is exempt from disclosure under the California Public Records Act and this article, however, the City Attorney or custodian of the record may inform the requester of the nature and extent of the non-exempt information and inquire as to the requester's purpose for seeking it, in order to suggest alternative sources for the information which may involve less redaction or to otherwise prepare a response to the request.

(d) Notwithstanding any provisions of California Law or this ordinance, in response to a request for information describing any category of non-exempt public information, when so requested, the City and County shall produce any and all responsive public records as soon as reasonably possible on an incremental or "rolling" basis such that responsive records are produced as soon as possible by the end of the same business day that they are reviewed and collected. This section is intended to prohibit the withholding of public records that are responsive to a records request until all potentially responsive documents have been reviewed and collected. Failure to comply with this provision is a violation of this Article.

Memorandum
Privileged & Confidential

TO: Sunshine Ordinance Task Force
DATE: September 27, 2013
PAGE: 13
RE: Complaint No. 13024 – Ringel v. Planning Department

SEC. 67.26. WITHHOLDING KEPT TO A MINIMUM.

No record shall be withheld from disclosure in its entirety unless all information contained in it is exempt from disclosure under express provisions of the California Public Records Act or of some other statute. Information that is exempt from disclosure shall be masked, deleted or otherwise segregated in order that the nonexempt portion of a requested record may be released, and keyed by footnote or other clear reference to the appropriate justification for withholding required by Section 67.27 of this Article. This work shall be done personally by the attorney or other staff member conducting the exemption review. The work of responding to a public-records request and preparing documents for disclosure shall be considered part of the regular work duties of any City employee, and no fee shall be charged to the requester to cover the personnel costs of responding to a records request.

SEC. 67.27. JUSTIFICATION OF WITHHOLDING.

Any withholding of information shall be justified, in writing, as follows:

(a) A withholding under a specific permissive exemption in the California Public Records Act, or elsewhere, which permissive exemption is not forbidden to be asserted by this ordinance, shall cite that authority.

(b) A withholding on the basis that disclosure is prohibited by law shall cite the specific statutory authority in the Public Records Act or elsewhere.

(c) A withholding on the basis that disclosure would incur civil or criminal liability shall cite any specific statutory or case law, or any other public agency's litigation experience, supporting that position.

(d) When a record being requested contains information, most of which is exempt from disclosure under the California Public Records Act and this Article, the custodian shall inform the requester of the nature and extent of the nonexempt information and suggest alternative sources for the information requested, if available.

MICA I. RINGEL
485 POTRERO AVENUE, UNIT C
SAN FRANCISCO, CA 94110
(415) 519-7523

January 8, 2014

Sunshine Ordinance Task Force
City Hall, Rm. 244
San Francisco, CA 94102

Re: Ringel v. Planning Department [480 Potrero Av]
EOTC Hearing

Dear Honorable Members of the Sunshine Ordinance Task Force:

The EOTC Chair has asked all parties (both Complainant & Respondent) to address the following issues:

1. What is the status of the complaint; are there any other documents or changes in polices, practices, or procedures sought by the Complainant?

The status of the complaint has not changed. Respondents have made no effort to cure and correct this violation despite the California Public Records Act, the City and County of San Francisco Sunshine Ordinance, the Order of Determination issued on October 2nd, 2013, as well as every other directive this task force and its committees have commanded.

The Planning Department through Environmental Planner Don Lewis, City Planner Ben Fu and IS Administrator Lulu Hwang have willfully withheld public documents that were urgently needed by myself and the Mariposa Utah Neighborhood Association (MUNA) for the administrative hearings to appeal the 480 Potrero Avenue Project.

Those documents are now urgently needed for the case pending in SF Superior Court.

2. What changes in policies, practices, or procedures have been made by the Respondent to address the complaint and attempt to avoid such a complaint in the future?

The Planning Department is fully capable of producing records when requested – if they have nothing to hide. This is an isolated incident that is deliberate in nature. The Department is willfully withholding this information for reasons that need to be investigated by the Ethics Commission.

3. What other information should the Committee know and are there any actions that the Complainant or Respondent would like to Committee to take?

I would like the Task Force to issue a new Order of Determination finding respondents individually and the Planning Department collectively guilty of the following sections of San Francisco Administrative Code Chapter 67 ("Sunshine Ordinance"):

- **§ 67.21(e).** The custodian of records has refused to comply, failed to comply, and incompletely complied with this records request.
- **§ 67.25.** In spite of the previous Order of Determination there has not been an immediacy of response.
- **§ 67.26.** Withholding has been at a maximum.
- **§ 67.27.** There is no justification for the continued withholding of these public records.
- **§ 67.34.** Their failure to comply has been willful and therefore this matter will be referred to the Ethics Commission for investigation of official misconduct.

Further, section VII of the Ethics Policy for Sunshine Complaints authorizes fines between $500 to $5000 for each willful violation and failure to comply with an Order of Determination, as well as referral to the City Attorney's office for prosecution.

This will be the fifth Hearing on this matter. I request the SOTF to use all powers available to impose the swiftest penalties possible against respondents for their repeated non-compliance.

If you have any questions or concerns, please do not hesitate to contact me.

Respectfully,

Mica I. Ringel

MICA I. RINGEL

Young, Victor

From: Mica [supermica@gmail.com]
Sent: Thursday, December 12, 2013 12:57 PM
To: SOTF
Subject: Re: SOTF - Ringel v. Planning Department (Lewis, Fu, Hwang) Request for search terms
Attachments: EOTC [Revised].pdf

Follow Up Flag: Follow up
Flag Status: Completed

Victor:

There was one small revision.

In the event you have not forwarded/printed the preceding email, then please use this attachment.

In the event you already have... then don't worry about it. It's a small correction not worthy of another printout..

Thanks, --MRingel

On Thu, Dec 12, 2013 at 12:33 PM, Mica <supermica@gmail.com> wrote:
Hi Victor:

Attached is what I prepared (In PDF to retain formatting).

Let me know if this is *not* ok-

Thanks so much.

--MRingel

On Thu, Dec 12, 2013 at 10:43 AM, SOTF <sotf@sfgov.org> wrote:

Mr. Ringel:

I am following up the EOTC request. Please provide the revised search terms so that we can provided it to Planning. Thank You.

Victor Young 415-554-7723

1. The CD presented at the hearing with the full task force on December 4 was burned on December 2, 2013 as LuLu Hwang testified, however contrary to her statement at the hearing, that *was not* immediately after DT had performed the search. Per the embedded log file, the search was performed on their Exchange Servers the third week of November.

• Start Time: 11/21/2013 9:48:40 PM • End Time: 11/22/2013 12:40:29 AM

QUESTION 1: *Why did the Planning Department wait until November 21st (the day after the Board of Appeals hearing) to finally run the search on their email servers?*

QUESTION 2: *Why did the Planning Department wait until December 2nd (the last day to file a re-hearing request with the Board of Appeals) to burn the CD?*

QUESTION 3: *Why did the Planning Department wait until December 4th to deliver to me the CD?*

2. From the embedded log file I've learned the search was done for **"480 Potrero Avenue"** in quotations, severely limiting the search results to emails containing only the exact phrase inside of the quotations.

• Keyword: "480 Potrero Avenue"

QUESTION 4: *Why didn't the Planning Department read the Sunshine complaints and execute the search accordingly?*

Effective search terms would have been for the keywords:

- 480+Potrero
- 2011.0430*

My request was for

"*all documents, In addition to any emails &/or other electronic forms of data*" held in custody by the Planning Department RE: 480 Potrero / 2011.0430 (U, X, E, !, etc.) & not just what the Planner's have selected for the "Public Case Files".

These items include:

- All Correspondence to & from anyone at the Planning Dept. (Include those CC & BCC)
  - SIA Consulting siaconsult.com
  - Town Consulting townconsulting.com
  - Kitchen Cabinet Public Affairs or SF Housing Authority
  - Mission Housing or Mariposa Gardens
  - Project Sponsor Reza Khoshnevisan reza@siaconsult.com
  - Consultant Tony Kim tony@townconsulting.org
  - Consultant Ahsha Safai ahshasafai@gmail.com
  - Inter-office emails, memos, notices, authorizations, revisions, questions, answers, clarifications
  - Outside agency emails, memos, letters
  - Public with questions or concerns
- If there were site visits I would like to know the dates or see said trip logs.
- If there were any meetings or phone calls I would like to review the minutes.
- If there's electronic data, I would like to see the
  - Photos
  - PowerPoint presentations
  - Word processing documents
  - Spreadsheet files
  - Database printouts
  - PDF's
  - Maps
  - Renderings/models
- Anything related to any studies or research. Please include drafts & authorizations (scope of work) for everything
- Any data CD's

Everything

3. From the embedded log file I've learned the search parameters were limited to only return results from August 1, 2012 forward.

- Start Date: 8/1/2012 7:00:00 AM, +0
- End Date: 11/30/2013 8:00:59 AM, +0

However, the index of emails searched shows *possible* results for Ben Fu as far back as August 2003 and Don Lewis from February 2008. Whereas LuLu Hwang testified only emails from August 2012 forward were available, there is a contradiction in that the server was able to scan through the full gamut of correspondence I had requested (and much more), but per the limitations in the query, only returned results from August 2012 forward.

QUESTION 5: *Why did the Planning Department limit the search period to August 2012 forward?*

OTHER QUESTIONS:

- *Why were there only 8 emails for Ben Fu?*
- *Why didn't the Planning Department show up for the EOTC Hearing?*
- *Is this willful non-compliance on the part of the Planning Department?*
- *Is this excusable?*

Gmail
by Google

SOTF - Ringel v. Planning Department (Lewis, Fu, Hwang)

Mica <supermica@gmail.com> Thu, Dec 5, 2013 at 10:26 AM
To: BOS SOTF <sotf@sfgov.org>
Cc: "Lewis, Don" <don.lewis@sfgov.org>, "Fu, Ben" <ben.fu@sfgov.org>, "Jones, Sarah" <sarah.b.jones@sfgov.org>, "Hwang, Lulu" <lulu.hwang@sfgov.org>
Bcc: Diane Ringel <drringel@gmail.com>

Mr. Young:

If you would forward this email to each Member of the Task Force and print a copy for the permanent record it would be most appreciated.

Dear Members of the Sunshine Ordinance Task Force:

RE: The CD that the Planning Department presented us **both** with yesterday.

The CD contains two files: one for Environmental Planner Don Lewis (which we opened at the Hearing) and the other for City Planner Ben Fu (which we did not).

The Ben Fu file contains 8 emails – **only**.

Background:

- From my opening complaint : Ben Fu's correspondence folder was **completely** empty, and remained so for several months
- From my amended complaint : The **BenFu_Recovered CD** contained only some emails with no attachments .
- At the first SOTF hearing on the complaint: I was presented with a CD containing **nothing** new. The Planning Department was found in violation of the Sunshine Ordinance and ordered to comply... and, to do so promptly.
- On Halloween: I was told to come down to the Planning Department where I was given a CD which contained an **empty** folder for Don Lewis and again, only **some** of Ben Fu's emails . A few were new, but all from the period **after** I had made my complaint and nothing prior to , prompting an Order of Determination and referral to Amendments and Compliance.
- At the Amendments and Compliance hearing: the Planning Department was given yet another opportunity to comply and the matter was brought back to the full Task Force.
- Yesterday (Wednesday, December 5, 2013): I was presented with a CD containing a total of 8 emails for Ben Fu.

When I filed my complaint, I wrote...

> "I feel the Planning Dept has given me the runaround & that I am without other options but to request assistance from the SOTF."

Now I feel the Planning Department is giving **you** (the SOTF) the runaround, too.

De minimis compliance after having exhausted every administrative appeal available (the Planning Commission, the Board of Supervisors, and the Board of Appeals) has deprived me personally and my co-appellants, the 200+ members of MUNA [Mariposa Utah Neighborhood Association], the public records which existed all along. It is a willful abuse of discretion.

The question arises... Can I, as a private citizen, refer this to Ethics?

--MRingel

From: Mica [mailto:supermica@gmail.com]
Sent: Thursday, December 05, 2013 10:27 AM
To: SOTF
Cc: Lewis, Don (CPC); Fu, Ben; Jones, Sarah; Hwang, Lulu
Subject: SOTF - Ringel v. Planning Department (Lewis, Fu, Hwang)

Mr. Young:

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Follow Up Flag: Follow up
Flag Status: Flagged

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--MRingel

Young, Victor

From: Mica [supermica@gmail.com]
Sent: Tuesday, November 26, 2013 5:50 PM
To: SOTF
Subject: Re: SOTF - NOTICE OF HEARING: December 4, 2013

Hello Victor:

Looking the distribution list, respondent of my complaint Don Lewis don.lewis@sfgov.org has been omitted.

FYI

On Thu, Nov 21, 2013 at 9:39 AM, SOTF <sotf@sfgov.org> wrote:

Good Morning,

You are receiving this notice, because you are named as a Complainant or Respondent in one of the following complaints scheduled with the Sunshine Ordinance Task Force, 1)to hear the merits of the complaint 2) issue a determination and/or 3)complaint has been referred from a Task Force Committee.

1. COMPLAINT No. 12059 Supreet Pabla, SEIU Local 1021 v Human Services Agency
2. COMPLAINT No. 13024 Mica Ringel v Planning Department
3. COMPLAINT No. 13030 Charles Pitts v Community Housing Partnership
4. COMPLAINT No. 13031 Amber Straus v Thelma Schott-Skillman, Interim Chancellor, City College of San Francisco
5. COMPLAINT No. 13033 Barry Taranto v Municipal Transportation Agency
6. COMPLAINT No. 13034 Ray Hartz Jr. v Thomas Mazzucco, Police Commission
7. COMPLAINT No. 13035 James Chaffee v Board of Supervisors, Budget and Finance Committee

Date: December 4, 2013

Location: City Hall, Room 408

Time: 4:00 p.m.

Complainants: Your attendance is required for this meeting/hearing.

Respondents/Departments: Pursuant to Section 67.21 (e) of the Ordinance, the custodian of records or a representative of your department, who can speak to the matter, is required at the meeting/hearing.

Documentation (evidence supporting/disputing complaint)

For a document to be considered, it must be received at least five (5) working days before the hearing (see attached Public Complaint Procedure).

For inclusion of the agenda packet, supplemental/supporting documents must be received by **12:00 pm, November 26, 2013.**

Victor Young
Committee Clerk
Board of Supervisors
1 Dr. Carlton B. Goodlett Pl., Room 244
San Francisco CA 94102
phone 415-554-7724
fax 415-554-5163

Complete a Board of Supervisors Customer Satisfaction form by clicking the link below.
http://www.sfbos.org/index.aspx?page=104

Young, Victor

From: Mica [supermica@gmail.com]
Sent: Friday, November 15, 2013 10:36 AM
To: SOTF
Subject: Fwd: FW: SOTF Hearing Documentation - Complaint No. 13024 - 480 Potrero

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Andrea:

I just reviewed the Case File Packet for the upcoming Compliance Hearing.

The email below has been omitted... the response form LuLu in Courier Font.

The single page PDF I submitted yesterday was in response to this email below.

--M.Ringel

415-519-7523

---------- Forwarded message ----------
From: **Hwang, Lulu** <lulu.hwang@sfgov.org>
Date: Thu, Nov 7, 2013 at 2:13 PM
Subject: RE: FW: SOTF Hearing Documentation - Complaint No. 13024 - 480 Potrero
To: Mica <supermica@gmail.com>
Cc: SOTF <sotf@sfgov.org>, "Ausberry, Andrea" <andrea.ausberry@sfgov.org>

Mr. Ringel,

We have searched our files and not identified any additional that we have on file that were not already provided to you. You have received all the documents we have on file for 480 Potrero.

Additionally, I would like to address two statements in your email. You indicate that we do not comply or want to comply with requests. This statement is not accurate. The Planning Department always responds to public records requests. You also state in your email that Don Lewis replied to you that he doesn't have to provide emails or electronic files to you. This is also inaccurate. Such statements were never made to you.

Thanks

Lulu
415-558-6318

From: Mica [supermica@gmail.com]
Sent: Wednesday, November 06, 2013 9:00 AM
To: Hwang, Lulu
Cc: SOTF; Ausberry, Andrea
Subject: Re: FW: SOTF Hearing Documentation - Complaint No. 13024 - 480 Potrero

Ms. Hwang:

Can you have an IT Admin search the Planning Department servers for 480 Potrero, including the Exchange Server?

From the Complaint Report:

> Complainant responded on April 29, and set forth specific questions related to correspondence, to wit: he inquired as to why his own correspondence was missing from Don Lewis's case files, as well as other correspondence; he inquired as to why Ben Fu's correspondence folder was completely empty; and he queried whether Ms. Hwang was unable to obtain digital correspondence/electronic files from the servers of the Planning Dept. He also reiterated his request for various documents and correspondence relating to several consulting firms regarding the proposed development at 480 Potrero (including SIA Consulting, Town Consulting, Kitchen Cabinet Consulting, and Mission Housing), interoffice correspondence, and outside agency correspondence. Finally, he reiterated four categories of documents that he continued to seek: receipts for any newspaper ads/articles published; dates or trip logs for site visits; minutes of meetings/phone calls; and electronic data, including digital photos, powerpoint presentations, word processing documents, spreadsheet files, PDF's, et al. On April 29, Ms. Hwang related Mr. Fu's response via email only to the latter four categories, and stated that she would check with Mr. Lewis again.

In Don Lewis case files there are now emails of you asking him to comply with the request and his reply that he doesn't have to provide emails or electronic files and all the additional emails from Ben Fu are recent.

I am looking for the original communications between the Planners **prior** to the Sunshine Complaint, not **since** the Sunshine Complaint.

It is clear that as much as you ask them, they will not comply, or cannot comply, and you are powerless.

So, my question is can you have an IT Admin search for emails and digital files related to 480 Potrero?

Otherwise, the Order of Determination has produced nothing new.

--M.Ringel
(415) 519-7523

On Wed, Oct 30, 2013 at 6:25 PM, Mica <supermica@gmail.com> wrote:
Sure will. Thanks. I'll come in tomorrow afternoon.

On Wed, Oct 30, 2013 at 10:05 AM, Hwang, Lulu <lulu.hwang@sfgov.org> wrote:

I have a CD of email from Ben and hard copies from Don, will Mica come to the department to review these materials?

Please advise

Thanks

Lulu

From: Kline, Heidi
To: Miller, Jr., J. Gregg; Teague, Corey
Subject: RE: 200 Paul (2013.0153CE) - Public Notice AND Newspaper Language
Date: Thursday, July 18, 2013 11:39:49 AM
Attachments: 200 Paul Ad.doc

Wouldn't it be handy if we did one notice for the neg dec and the CU hearing... attached is our NOA ad (kept succinct due to cost).

Also, a reminder to please clean up your email regarding 200 Paul with City personnel by the publication date next Wednesday as emails are subject to the Sunshine Ordinance.

Young, Victor

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Can you have an IT Admin search the Planning Department servers for 480 Potrero, including the Exchange Server?

From the Complaint Report:

> Complainant responded on April 29, and set forth specific questions related to correspondence, to wit: he inquired as to why his own correspondence was missing from Don Lewis's case files, as well as other correspondence; he inquired as to why Ben Fu's correspondence folder was completely empty; and he queried whether Ms. Hwang was unable to obtain digital correspondence/electronic files from the servers of the Planning Dept. He also reiterated his request for various documents and correspondence relating to several consulting firms regarding the proposed development at 480 Potrero (including SIA Consulting, Town Consulting, Kitchen Cabinet Consulting, and Mission Housing), interoffice correspondence, and outside agency correspondence. Finally, he reiterated four categories of documents that he continued to seek: receipts for any newspaper ads/articles published; dates or trip logs for site visits; minutes of meetings/phone calls; and electronic data, including digital photos, powerpoint presentations, word processing documents, spreadsheet files, PDF's, et al. On April 29, Ms. Hwang related Mr. Fu's response via email only to the latter four categories, and stated that she would check with Mr. Lewis again.

In Don Lewis case files there are now emails of you asking him to comply with the request and his reply that he doesn't have to provide emails or electronic files and all the additional emails from Ben Fu are recent.

I am looking for the original communications between the Planners **prior** to the Sunshine Complaint, not **since** the Sunshine Complaint.

It is clear that as much as you ask them, they will not comply, or cannot comply, and you are powerless.

So, my question is can you have an IT Admin search for emails and digital files related to 480 Potrero?

Otherwise, the Order of Determination has produced nothing new.

--M.Ringel
(415) 519-7523

On Wed, Oct 30, 2013 at 6:25 PM, Mica <supermica@gmail.com> wrote:
Sure will. Thanks. I'll come in tomorrow afternoon.

On Wed, Oct 30, 2013 at 10:05 AM, Hwang, Lulu <lulu.hwang@sfgov.org> wrote:

I have a CD of email from Ben and hard copies from Don, will Mica come to the department to review these materials?

Please advise

Thanks

Lulu

13-24

Ausberry, Andrea

From: complaints@sfgov.org
Sent: Friday, April 26, 2013 3:19 AM
To: SOTF
Subject: Sunshine Complaint

To:sotf@sfgov.org
Email:complaints@sfgov.org
DEPARTMENT:Planning Dept.
CONTACTED:Ben Fu, Don Lewis, Lulu Hwang
PUBLIC_RECORDS_VIOLATION:Yes
PUBLIC_MEETING_VIOLATION:No
MEETING_DATE:
SECTIONS_VIOLATED:Sec. 67.21. Process For Gaining Access To Public Records
DESCRIPTION:On March 31, 2013 I requested a copy of the complete file for the proposed development at 480 Potrero Ave via separate emails to both Environmental Planner Don Lewis & City Planner Ben Fu. Lulu Hwang was CC'd to both requests. I asked specifically for "all documents, in addition to any emails &/or other electronic forms of data which they have for this project". Mr. Lewis promptly responded on April 1 & I was able to go in the next day to begin reviewing his case file. There were no forms of electronic data provided. There was only minimal correspondence on record. Other documentation was either incomplete, missing, or possibly in Ben Fu's files. Mr. Fu however had not acknowledged my request for 10 day, so on April 10 I made a second. Only then did he email to let me know that the folder was avail. at the front desk of the Planning Dept. I again inquired if the folder was complete, & again he never responded. On April 15 I went in to review said files & found his Correspondence section for 480 Potrero empty = nothing. Considering I personally had previous correspondance with both Planners, I expected to see those in the record. Sensing there was a larger problem at hand... later in the day on April 15th, I wrote to Lulu Hwang "I humbly request access under the Sunshine Ordinance to everything held in custody by the SF Planning Dept, including emails, electronic files, phone records, meeting minutes, etc. related to the proposed development at 480 Potrero Ave." & 10 days later I had not heard back from Ms. Hwang. Yesterday, April 25 I emailed again, this time copying SOTF. Ms. Hwang didn't seem to understand that my Sunshine Ordinance request was only made after I had no other choice because Mr. Lewis & Mr. Fu were not forthcoming with what I had asked for. I explained to her that "I couldn't have been any clearer in my requests. I asked specifically for "all documents, in addition to any emails &/or other electronic forms of data which they have for this project". I know for a fact that there is more in the custody of the Planning Dept. RE: the proposed project at 480 Potrero Ave. than what was available at the front desk for both Don Lewis & Ben Fu's case files. I inventoried those documents & reported to you that they were incomplete. Thus, I made my formal request with you for "access under the Sunshine Ordinance to everything held in custody by the SF Planning Dept, including emails, electronic files, phone records, meeting minutes, etc. related to the proposed development at 480 Potrero Ave". This matter is coming to hearing with the Planning Commissioners and the custodians of the records at the Planning Dept. are making it more than difficult for me to access public information." By end of day yesterday all she could provide me with was 5 historical documents which were of no pertinence to the proposed project at 480 Potrero Ave. I feel the Planning Dept. has given me the runaround & that I am without other options but to request assistance from the SOTF.
HEARING:Yes
PRE-HEARING:Yes
DATE:April 26, 2013
NAME:Mica Ringel
ADDRESS:485 Potrero Ave, Unit C
CITY:San Francisco
ZIP:94110

PHONE:4155197523
CONTACT_EMAIL:supermica@gmail.com
ANONYMOUS:
CONFIDENTIALITY_REQUESTED:No

Ausberry, Andrea

From: Mica [supermica@gmail.com]
Sent: Tuesday, May 14, 2013 11:15 AM
To: SOTF
Cc: Fu, Ben; Lewis, Don (CPC); Hwang, Lulu; Ionin, Jonas; DiSanto, Thomas; Threet, Jerry; Grant, Kitt (sunshinechairgrant@gmail.com); Juan Jayo
Subject: Re: SOTF - Mediation of Complaint Filed with SOTF - Complaint No. 13024

Hello, SOTF:

This matter is not resolved.

> Mr. Lewis & Mr. Fu have not supplied with any other documents.

> Ms. Hwang has only has provided me with a few Historical Documents pulled from the Archives.

I am still looking for "*all documents, in addition to any emails &/or other electronic forms of data*" held in custody by the Plannning Department RE: 480 Potrero Ave / 2011.0430 (U, X, E, !, etc.) & not just what the Planner's have selected for the "Public Case Files".

These items include:

- All Correspondence to & from anyone at the Planning Dept. (Include those CC & BCC)
    - SIA Consulting siaconsult.com
    - Town Consulting townconsulting.com
    - Kitchen Cabinet Public Affairs or SF Housing Authority
    - Mission Housing or Mariposa Gardens
        - Project Sponsor Reza Khoshnevisan reza@siaconsult.com
        - Consultant Tony Kim tony@townconsulting.org
        - including Consultant Ahsha Safai ahshasafai@gmail.com
    - Inter-office emails, memos, notices, authorizations, revisions, questions, answers, clarifications
    - Outside agency emails, memos, letters
    - Public with questions or concerns

- If there were site visits I would like to the know the dates or see said trip logs.
- If there were any meetings or phone calls I would like to review the minutes.

- If there's electronic data, I would like to see the
    - photos
    - powerpoint presentations
    - word processing documents
    - spreadsheet files
    - database printouts
    - PDF's

- maps
- renderings/models

- Anything related to any studies or research. Please include drafts & authorizations (scope of work) for everything

- Any data CD's

Everything

I would still like to know:

- Where Don Lewis's Graphics folder is & why was it not in the case file on April 1?
- Why was Ben Fu's Correspondence folder empty on April 15?

If it's an option I would prefer Digital copies over Paper.

Thank you.

--Mica Ringel
(415) 519-7523

On Tue, May 14, 2013 at 9:20 AM, SOTF <sotf@sfgov.org> wrote:

Good Morning,

Please disregard the following email. Mr. Ringel filed this complaint twice in two different formats.

The Planning department responded to the mediation of this complaint on April 29, 2013 (see attached).

The Complainant has not responded to whether the documents/response provided by the Respondent completes the request.

Mr. Ringel - The SOTF Office will consider your case to be resolved. Unless, you provide a detailed response to whether the documents the Respondent has provided completes your request.

Thank you,

Andrea S. Ausberry
Administrator
Sunshine Ordinance Task Force
Office 415.554.7724 | Fax 415.554.5163
sotf@sfgov.org | www.sfbos.org
City Hall, 1 Dr. Carlton B. Goodlett Place, Rm. 244
San Francisco, CA 94102
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From: SOTF
Sent: Monday, May 13, 2013 2:36 PM
To: Fu, Ben; Lewis, Don (CPC); Hwang, Lulu; Ionin, Jonas; Avery, Linda
Cc: Jerry.Threet@sfgov.org; Grant, Kitt (sunshinechairgrant@gmail.com); Mica
Subject: SOTF - Mediation of Complaint Filed with SOTF - Complaint No. 13024

Good Afternoon,

You have been named as a Respondent in the following complaint submitted by Mica Ringel against Planning Department. In an attempt to mediate and stave off a hearing before the Sunshine Ordinance Task Force, please respond to the following request within five business days.

The Complainant alleges: *Complaint Attached.*

Pursuant to Section 67.21(b), If the custodian of public records believes the record or information requested is not a public record or is exempt, the custodian shall justify withholding any record by demonstrating, in writing as soon as possible and within ten days following receipt of a request, that the record in question is exempt under express provisions of the Sunshine Ordinance.

Thank you,

Andrea S. Ausberry
Administrator
Sunshine Ordinance Task Force
Office 415.554.7724 | Fax 415.554.5163
sotf@sfgov.org | www.sfbos.org
City Hall, 1 Dr. Carlton B. Goodlett Place, Rm. 244
San Francisco, CA 94102
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Ausberry, Andrea

From: Hwang, Lulu
Sent: Monday, April 29, 2013 5:47 PM
To: supermica@gmail.com
Cc: Lewis, Don (CPC); Fu, Ben; Juan Jayo (jmj8@pge.com); SOTF
Subject: RE: Sunshine Ordinance request 480 Potrero Ave
Attachments: Ben Fu recovered.pdf

This is the response from Ben and I will check with Don again tomorrow

- If anything was published in the newspaper, I would like to review the receipts or the articles/adverts.

  Nothing has been published for the large project authorization.

- If there were site visits, I would like to the know the dates or see said trip logs.

  I have also visited the site but I generally do not keep a log of the day's events.

- If there were meetings/phone calls, I would like to review the minutes.

  I generally do not keep minutes of meetings or phone calls.

- If there's electronic data, I would like to see the digital photos, powerpoint presentations, word processing documents, spreadsheet files, PDF's, et al.

  All data and materials provided by the project sponsor are in the project case file.

Thanks!
Lulu
Have a Good Day Today and a Better Day Tomorrow...

From: Mica [mailto:supermica@gmail.com]
Sent: Monday, April 29, 2013 3:11 PM
To: Hwang, Lulu
Cc: Juan Jayo
Subject: Re: Sunshine Ordinance request 480 Potrero Ave

Ms. Hwang:

I have been copied on correspondence to & from the Planning Dept RE: 480 which has not made it into the record.

- Why is my own correspondence missing fron Don Lewis's case files, as well as the correspondence from others which I personally know?

Ben told me all materials are in the case file which you already reviewed.

- Why despite several requests was Ben Fu's Correspondence folder completely empty on April 15th?

I requested from you Ms. Hwang everything held in custody.

- Are you unable to obtain digital correspondence/electronic files from the servers of the Planning Dept?

Right now I'm looking for lots of things.

Everything between the Planning Dept. & SIA Consulting (siaconsult.com), including Project Sponsor Reza Khoshnevisan, Town Consulting (townconsulting.com), including Consultant Tony Kim, Kitchen Cabinet Consulting, including Consultant Asha Safai (ahshasafai@gmail.com), Mission Housing, including Mariposa Gardens, inter-office documentation/correspondence, & outside agency documentation/correspondence RE: the proposed development at 480 Potrero Ave.

- If anything was published in the newspaper, I would like to review the receipts or the articles/adverts.
- If there were site visits, I would like to the know the dates or see said trip logs.
- If there were meetings/phone calls, I would like to review the minutes.
- If there's electronic data, I would like to see the digital photos, powerpoint presentations, word processing documents, spreadsheet files, PDF's, et al.

--Mic Ringel

On Mon, Apr 29, 2013 at 2:49 PM, Hwang, Lulu <lulu.hwang@sfgov.org> wrote:

Hello

To clarify regarding the complaint you have for Planning Department is giving you a run around..

On April 11, Ben Fu already sent you an email letting you know that the case file is ready for review. I checked with the reception desk and they told me that the file already reviewed and ready to go back to Ben.

I went to Ben and I asked if there is anything else we left that we can put out for you to review? Ben told me all materials are in the case file which you already reviewed.

I just want to do more research and went to the historical file room and see if there anything else and I found a few more pieces of paper, scanned and email to you.

We do not have any "*addition to any emails &/or other electronic forms of data* " materials that we are not disclosing to to you.

Thanks!
Lulu
Have a Good Day Today and a Better Day Tomorrow...

From: Mica [mailto:supermica@gmail.com]

Sent: Friday, April 26, 2013 4:31 PM
To: Hwang, Lulu; Fu, Ben; Lewis, Don (CPC)
Subject: Re: Sunshine Ordinance request 480 Potrero Ave

For your records is the attached PDF complaint requesting assistance from the SOTF to obtain all documents, including digital files, held within custody of the SF Planning Dept. for the proposed project at 480 Potrero Ave.

On Thu, Apr 25, 2013 at 7:40 PM, Hwang, Lulu <lulu.hwang@sfgov.org> wrote:

Besides all the materials in the case file from Ben and Don, the only thing I found in the Historical files are attached.

Thanks!
Lulu

Have a Good Day Today and a Better Day Tomorrow...

From: Mica [mailto:supermica@gmail.com]
Sent: Thursday, April 25, 2013 12:56 PM
To: Hwang, Lulu
Cc: Juan Jayo; SOTF; Diane Ringel; Fu, Ben

Subject: Re: Sunshine Ordinance request 480 Potrero Ave

I couldn't have been any clearer in my requests.

I asked specifically for "all documents, in addition to any emails &/or other electronic forms of data which they have for this project".

I know for a fact that there is more in the custody of the Planning Dept. RE: the proposed project at 480 Potrero Ave. than what was available at the front desk for both Don Lewis & Ben Fu's case files.

I inventoried those documents & reported to you that they were incomplete.

Thus, I made my formal request with you for "access under the Sunshine Ordinance to everything held in custody by the SF Planning Dept, including emails, electronic files, phone records, meeting minutes, etc. related to the proposed development at 480 Potrero Ave".

This matter is coming to hearing with the Planning Commissioners and the custodians of the records at the Planning Dept. are making it more than difficult for me to access public information.

On Thu, Apr 25, 2013 at 12:38 PM, Hwang, Lulu <lulu.hwang@sfgov.org> wrote:

Hello

On April 11, Ben sent you an email to let you know that the case file is available for you to review at the 4th floor reception desk. And our record shown that you had already come and review the case file.

May I assist you on what other files you would like to review?

Thanks!
Lulu Hwang
Planning Department
Operations & IS Administrator
1650 Mission Street #400
San Francisco CA 94103
415-558-6318 (V)
Lulu.Hwang@SFGOV.ORG
Have a Good Day Today and a Better Day Tomorrow...

From: Mica [mailto:supermica@gmail.com]
Sent: Thursday, April 25, 2013 11:59 AM
To: Hwang, Lulu
Cc: Juan Jayo; SOTF; Diane Ringel
Subject: Re: Sunshine Ordinance request 480 Potrero Ave

Dear Ms. Hwang:

Third request. Now you too have not replied for 10 days.

It appears the Planning Dept. is far out of compliance with the Sunshine Ordinance http://sfbos.org/index.aspx?page=4460

How much longer is reasonable for me to wait before filing a formal complaint with the SOTF?

Mica Ringel

485 Potrero Ave

San Francisco, CA 94110

(415) 519-7523

On Mon, Apr 15, 2013 at 3:01 PM, Mica <supermica@gmail.com> wrote:

Dear Ms. Hwang:

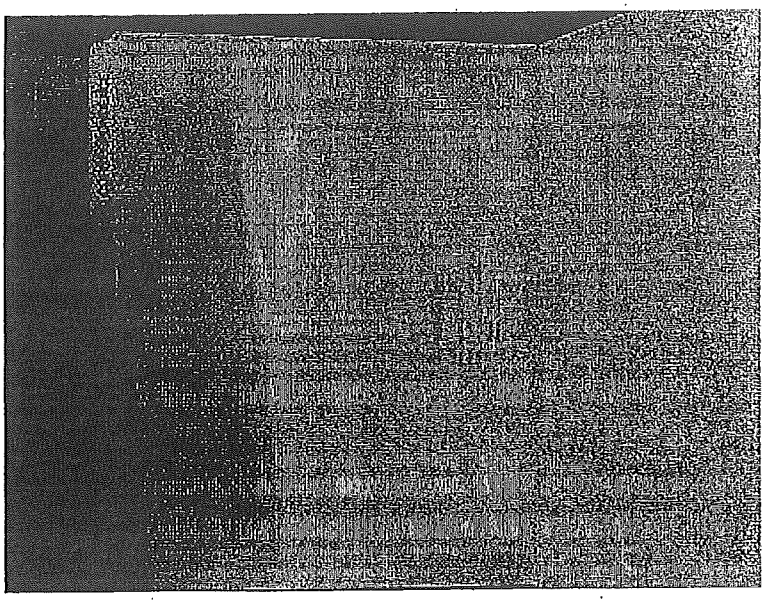
On March 31, 2013 I requested a copy of the complete file for the proposed development at 480 Potrero Ave from both Environmental Planner Don Lewis & City Planner Ben Fu.

I asked specifically for all documents, in addition to any emails &/or other electronic forms of data which they have for this project.

Whereas Mr. Lewis promptly responded on April 1, I was able to go in the next day to begin reviewing his case file.

Mr. Fu however had not acknowledged my request as of April 10, so I made a second. See emails below. He let me know the folder was avail. at the front desk. I again asked if the folder was complete, & again he never responded.

Earlier today I went in to the Planning Dept. to review said files & am perturbed to have found that the Correspondence folder for 480 Potrero is empty. Picture attached.



I've been told by Sue Hestor that you're very good with documentation... & so in preparation of the hearing scheduled for May 16, 2013, I humbly request access under the Sunshine Ordinance to everything held in custody by the SF Planning Dept, including emails, electronic files, phone records, meeting minutes, etc. related to the proposed development at 480 Potrero Ave.

Regards,

Mica Ringel

485 Potrero Ave

San Francisco, CA 94110

(415) 519-7523

---------- Forwarded message ----------
From: **Mica** <supermica@gmail.com>
Date: Mon, Apr 15, 2013 at 11:17 AM
Subject: Re: Request for all files regarding 480 Potrero Ave
To: "Fu, Ben" <ben.fu@sfgov.org>
Cc: "Hwang, Lulu" <lulu.hwang@sfgov.org>

Mr. Fu:

Thanks for getting back to me. I was told to make my request with both you & Don Lewis for all files, in addition to any emails &/or other electronic forms of data which you both have for the proposed project at 480 Potrero.

I came in two weeks ago to review the files which Mr. Lewis had made available, & would like to come in today from around 12:30-3 to begin assessment of yours.

Per your suggestion, if I need further assistance going forward regarding this documentation request I'll make it with Ms. Hwang under the Sunshine Ord.

Regards,

--Mica Ringel

On Thu, Apr 11, 2013 at 9:59 AM, Fu, Ben <ben.fu@sfgov.org> wrote:

Mica,

If you are making a request under the sunshine ordinance, please contact Lulu Hwang. Otherwise, if you wish to review the case file, it is available at the 4th floor reception.

Regards,

Ben A. Fu, City Planner

San Francisco Planning Department

1650 Mission Street, Suite 400

San Francisco, CA 94103

T: 415.558.6613

F: 415.558.6409

ben.fu@sfgov.org

From: Mica [mailto:supermica@gmail.com]
Sent: Wednesday, April 10, 2013 2:58 PM
To: Fu, Ben
Subject: Re: Request for all files regarding 480 Potrero Ave

Thanks for letting me know.

Per my request a week ago Monday, is it complete with all documents, in addition to any emails &/or other electronic forms of data which you have for this project?

Regards, --Mica Ringel

On Wed, Apr 10, 2013 at 2:46 PM, Fu, Ben <ben.fu@sfgov.org> wrote:

Mica,

The case file is available for public review. You are welcome to make any copies at the reception lobby.

Regards,

Ben A. Fu, City Planner

San Francisco Planning Department

1650 Mission Street, Suite 400

San Francisco, CA 94103

T: 415.558.6613

F: 415.558.6409

ben.fu@sfgov.org

---------- Forwarded message ----------
From: **Mica** <supermica@gmail.com>
Date: Wed, Apr 10, 2013 at 2:31 PM
Subject: Re: Request for all files regarding 480 Potrero Ave
To: ben.fu@sfgov.org

Second request.

From: Mica [mailto:supermica@gmail.com]
Sent: Sunday, March 31, 2013 10:22 PM
To: Fu, Ben
Cc: Hwang, Lulu; Wycko, Bill

Subject: Request for all files regarding 480 Potrero Ave

Dear Mr. Fu:

In preparation of the hearing scheduled for May 16, 2013 I am requesting a copy of the complete file for the proposed development at 480 Potrero Ave.

Please include all documents, in addition to any emails &/or other electronic forms of data which you have for this project.

Please let me know when you expect this packet of information available for pickup.

I am also requesting the same from Don Lewis.

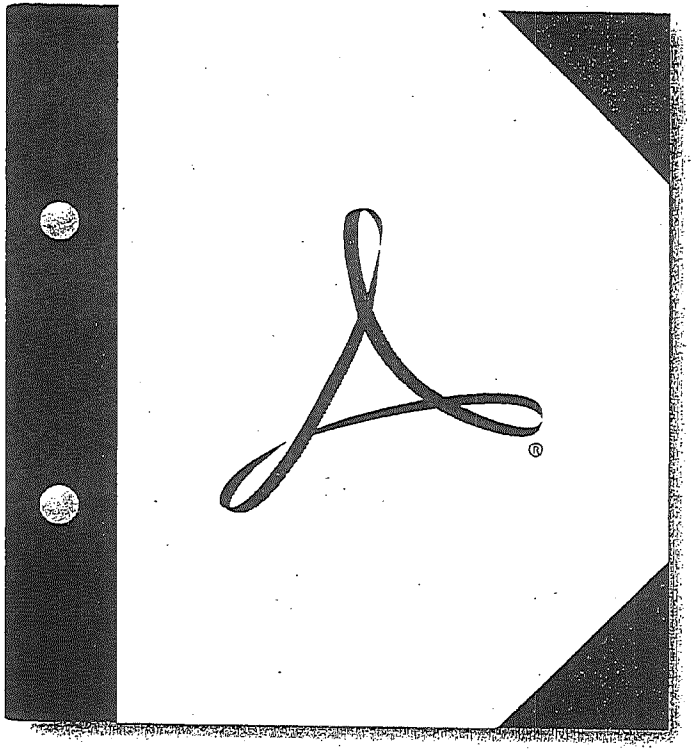
Regards,

Mica Ringel

485 Potrero Ave

San Francisco, CA 94110

(415) 519-7523



For the best experience, open this PDF portfolio in Acrobat X or Adobe Reader X, or later.

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P150

530

From:	Lewis, Don
To:	Jones, Sarah; tony@townconsulting.com; Reza Khoshnevisan (reza@slaconsult.com)
Cc:	Fu, Ben
Subject:	480 Potrero - PMND/CPE Appeal
Date:	Wednesday, October 17, 2012 10:36:12 AM
Attachments:	480 Potrero Avenue Appeal Letter.pdf

Hello all,

Attached is the appeal letter for 480 Potrero Avenue.

Ben, when were you thinking of taking the CU to the Commission?

Thanks,

Don Lewis
Environmental Planner
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco CA 94103
(415) 575 – 9095
(415) 558 – 6409 fax

From:	jean@woodwinds.net
To:	don.lewis@sfgov.org; ben.fu@sfgov.org
Subject:	480 Potrero Avenue - Case 2011.0430E
Date:	Thursday, May 31, 2012 2:12:00 PM

Hello,
I have a few questions about Case 2011.0430E which I hope one of you will be kind enough to answer.

1) Why are only 33 parking spaces planned for 78 apartments?
2) How many square feet are contained in each of the apartment layouts?
3) How many commercial sites and what type do you expect?
4) Is the housing low or medium income?
5) Is the housing to be purchased or rented?
6) Will rent control be in place if rented?
7) Who will be running the apartments if rented.. what management company?
8) Who is the construction company planning on building the apartments?
9) Will there be a benefit fee given to the Eastern Neighborhoods Benefit fund? If so, how much?
10) Is this apartments in an area considered in a Redevelopment Plan?

Thank you,
Jean Bogiages, MUNA chair
http://sfmuna.org

From:	Ron Albert
To:	reza@siaconsult.com
Cc:	don.lewis@sfgov.org; ben.fu@sfgov.org
Subject:	480 Potrero Project
Date:	Tuesday, July 31, 2012 5:12:00 PM
Attachments:	480PotreroLetter0001.pdf

Mr. Khoshnevisan:
Please confirm receipt of this email and the attached letter.

Ronald P. Albert
Albert Law Corporation
66 George Lane, Suite 101
Sausalito, CA 94965-1890
Telephone: 415-332-5600
E-mail: rpa@albertlawcorp.com

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From: Lewis, Don (CPC)
To: Reza Khoshnevisan (reza@sjaconsult.com); tony@townconsulting.com
Cc: Fu, Ben
Subject: 480 Potrero Revised Plans
Date: Monday, April 01, 2013 8:38:15 AM

When will the revised plans be ready?

There's a good amount of work I need to do once I receive these plans. The Neg Dec needs to be amended since there is now ground-floor retail, and I will also need to revise the appeal response. The sooner I get these plans the better.

Thanks,

Don Lewis
Environmental Planner
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco CA 94103
(415) 575 – 9095
(415) 558 – 6409 fax

From:	Mica
To:	Lewis, Don (CPC); Wycko, Bill
Cc:	Fu, Ben; CohenStaff; Cohen, Malia
Subject:	480 Potrero / Planning Dept. Case No. 2011.0430U
Date:	Tuesday, April 23, 2013 10:12:54 AM

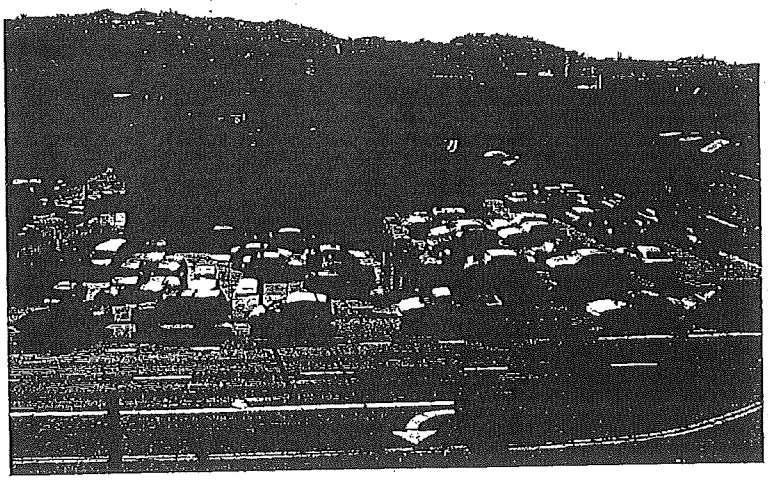
Dear Mr. Lewis:

I believe that the Preliminary Mitigated Negative Declaration is flawed on the face of it (*Prima Facie*).

480 is described in error as being "currently a vacant lot" while for more than a year it has been leased to Sunny's Auto Body for use as a "parking lot".

It speaks for itself (*Res Ipsa Loquitor*) that it is not "currently a vacant lot" when during business hours 6 days a week there are consistently 30-50 vehicles parked there.

I count 31 vehicles on site as I type this email now. Below is a picture from yesterday with again 50 cars parked there.



The inaccurate "vacant lot" site description is repeated three times throughout the PMND, it was duly advertised in newspapers, it was posted on site, & letters were sent to neighbors in a 300 ft. radius... all with this misrepresentation.

Has the Planning Dept. copy & pasted SIA Consulting's site description without fact checking first?

Following are sections of the Planning code which may be relevant:

SEC. 102.28. USE.

The purpose for which land or a structure, or both, are designed, constructed, arranged or intended, or for which they are occupied or maintained, let or leased.

SEC. 150. OFF-STREET PARKING AND LOADING REQUIREMENTS.

(d) **Spaces to be Retained.** Once any off-street parking or loading space has been provided which wholly or partially meets the requirements of this Code, such off-street parking or loading space shall not thereafter be reduced, eliminated or made unusable in any manner

SEC. 156. PARKING LOTS.

(a) A "parking lot" is hereby defined as an off-street open area or portion thereof solely for the parking of passenger automobiles. Such an area or portion shall be considered a parking lot whether or not on the same lot as another use, whether or not required by this Code for any structure or use, and whether classified as an accessory, principal or conditional use.

I would appreciate a response to my concerns at your earliest convenience.

Regards,

Mica Ringel
485 Potrero Ave
San Francisco, CA 94110

(415) 519-7523

From:	Mica
To:	Fu, Rea
Cc:	Lewis, Don (CPC); Wycko, Bill; CohenSteffy; Cohen, Mala
Subject:	480 Potrero / Planning Dept. Case No. 2011.0430X
Date:	Thursday, April 25, 2013 10:35:11 AM
Attachments:	Application - 2011.0430X - 480 Potrero Avenue.pdf

Dear Mr. Fu:

I believe the Large Project Application for 480 Potrero has been misrepresented to the Planning Dept. & that it contains errors on the face of it (*Prima Facie*).

Present or Previous Use: previously a warehouse, present use - vacant

For more than a year the owner of 480 has been leasing the property to Sunny's Auto Body for use as a parking lot.

It speaks for itself (*Res Ipsa Loquitor*) that it's "present use" is not "vacant" when during business hours 6 days a week there are consistently 30-50 vehicles parked there.

I count 34 vehicles on site as I type this email now. Below is a picture from yesterday with 45 cars parked there.

Inline image 1

The inaccuracies continue...

	[illegible]	[illegible]	[illegible]	PROJECT TOTALS
PROJECT FEATURES				
Dwelling Units	0	0	84	84
Hotel Rooms	0	0	0	0
Parking Spaces	0	0	38	38
Loading Spaces	0	0	0	0
Number of Buildings	vacant	n/a	1	1
Height of Building(s)	n/a	n/a	58'	58'
Number of Stories	n/a	n/a	6	6
Bicycle Spaces	n/a	n/a	12	12 tbd
GROSS SQUARE FOOTAGE (GSF)				
Residential	n/a		85,490 sq. ft.	85,490 sq ft
Retail	n/a		0	0
Office	n/a		0	0
Industrial/PDR Production, Distribution, & Repair	n/a		0	0
Parking	n/a		0	0
Other (Specify Use)			0	0
TOTAL GSF	0		85,490 sq. ft.	85,490 sq. ft.

Following are sections of the Planning code which may otherwise be relevant, if not for the above misrepresentations:

SEC. 102.28. USE.

The purpose for which land or a structure, or both, are designed, constructed, arranged or intended, or for which they are occupied or maintained, let or leased.

SEC. 150. OFF-STREET PARKING AND LOADING REQUIREMENTS.

(d) **Spaces to be Retained.** Once any off-street parking or loading space has been provided which wholly or partially meets the requirements of this Code, such off-street parking or loading space shall not thereafter be reduced, eliminated or made unusable in any manner

SEC. 156. PARKING LOTS.

(a) A "parking lot" is hereby defined as an off-street open area or portion thereof solely for the parking of passenger automobiles. Such an area or portion shall be considered a parking lot whether or not on the same lot as another use, whether or not required by this Code for any structure or use, and whether classified as an accessory, principal or conditional use.

The previous warehouse structure was demolished and the subject parcel is currently vacant.

Actually, the subject parcel is currently a parking lot.

It is of great concern that the Applicant's Affidavit has been signed under penalty of perjury on 10/4/12 by the Property Owner's Agent, Tony Kim of Town Consulting, who was formally employed by the SF Planning Dept.

Applicant's Affidavit

Under penalty of perjury the following declarations are made:
a: The undersigned is the owner or authorized agent of the owner of this property.
b: The information presented is true and correct to the best of my knowledge.
c: The other information or applications may be required.

Signature: See LOA Date: 10/4/12

Print name, and indicate whether owner, or authorized agent:

Owner / Authorized Agent (circle one)

LETTER OF AUTHORIZATION

I, Sia Tahbazof, as property owner(s) of the below-described property, does hereby appoint Town Consulting as authorized agent for the purpose of researching all permit history and filing any applications and obtaining any and all governmental permits/entitlements/appeals and approvals on the below-described property. The undersigned understands that the application may be denied, modified, or approved with conditions and that such conditions or modification must be complied with prior to issuance of permits or approvals.

Address: 480 Potrero Avenue

Property Owner(s)

I believe SIA Consulting, through Project Sponsor Reza Khoshnevisan, Consultant Tony Kim, & Consultant Asa Safai have misrepresented other parts of this project as well.

I would appreciate your response to my concerns at your earliest convenience as this is not the only document in your case file for 480 Potrero which appears to have not been fact checked.

Regards,

Mica Ringel
485 Potrero Ave
San Francisco, CA 94110

(415) 519-7523

From: jean boglages
To: Fu, Ben
Subject: 480 Potrero
Date: Wednesday, January 30, 2013 1:05:45 PM

Hi Ben,
Do you have any idea when the 480 Potrero project will come before the commission?
I'm trying to decide when to schedule a meeting with the developer.
Thanks,
Jean Bogiages

From: Reza Khoshnevisan
To: Fu, Ben
Subject: FW: 480 POTRERO
Date: Monday, April 01, 2013 5:26:30 PM

Hi Ben;
Here is some renderings for your review.

Thanks;
Reza Khoshnevisan
SIA Consulting Corp.
1256 Howard Street
San Francisco, Ca. 94103
Tel: 415.922.0200, ext.108
Fax: 415.922.0203

From: brad terrell [mailto:terrell.brad@gmail.com]
Sent: Monday, April 01, 2013 4:51 PM
To: Reza Khoshnevisan; Renee Lu
Subject: 480 POTRERO

Hi Reza,
Please see the attached illustrations. These additional views are rendered free of the proposed landscaping to clearly illustrate the design.
-Brad

From:	jean boglages
To:	Fu, Ben
Subject:	Large Project Authorization Application
Date:	Saturday, April 27, 2013 8:11:43 AM

Hi Ben,

I have a copy of the Application for Large Project Authorization for 480 Potrero (11.0430 X) which is dated 10/4/12.
If there is a newer version, please email me a copy.
Thanks,
Jean Boglages

From:	jean bogiages
To:	Fu, Ben
Cc:	dean@deansgaragedoors.com; Juan Jayo; supermica@gmail.com
Subject:	Meeting with members of the "Save Potrero" committee regarding the planned 480 Potrero Development
Date:	Tuesday, November 13, 2012 6:19:13 PM

Hi Ben,

Thank you for giving me multiple time slots for our neighborhood group representatives to talk to you about the 480 Potrero development plans.
After emailing the three who have been selected to represent the neighborhood group, I find that 11:30 Tuesday, 11/20 is the day and time that everyone can meet.
I'm guessing that we will find your office at 1650 Mission street, where the planning department is located.
Are you on the 4th floor?

Thanks again,
Jean Bogiages
415-305-8230

From:	jean bogiages
To:	Fu, Ben; Lewis, Don (CPC)
Subject:	Planning Commission Meeting Schedule
Date:	Tuesday, March 26, 2013 8:46:40 AM

Hi,
Has there been any date scheduled yet for the480 Potrero project?
Thanks,
Jean Bogiages

From: Aidin Massoudi
To: Fu, Ben
Cc: Reza Khoshnevisan; Siavash Tahbazof; Lewis, Don
Subject: RE: 480 Potrero Avenue (3973/002C) Shadow Analysis
Date: Thursday, August 30, 2012 9:32:31 AM

Hi Ben,

I dropped off a new Shadow Analysis pack w/fee this morning. If the old one is found, please disregard it.

Thank you

Aidin Massoudi
SIA Consulting Corp.
1256 Howard Street
San Francisco, Ca. 94103
Tel: 415.922.0200 Ext.105
Fax: 415.922.0203
www.siaconsult.com

From: Fu, Ben [mailto:ben.fu@sfgov.org]
Sent: Wednesday, August 29, 2012 10:01 AM
To: Aidin Massoudi
Cc: Reza Khoshnevisan; Siavash Tahbazof; Lewis, Don
Subject: RE: 480 Potrero Avenue (3973/002C) Shadow Analysis

If you have already submitted a shadow study, then there's no need to submit another. However, the Planning Department has no record of a previous submittal. Please submit the shadow study to the attention of Julian Banales.

Regards,

Ben A. Fu, City Planner
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103
T: 415.558.6613
F: 415.558.6409
ben.fu@sfgov.org

From: Aidin Massoudi [mailto:Aidin@siaconsult.com]
Sent: Tuesday, August 28, 2012 5:35 PM
To: Fu, Ben
Cc: Reza Khoshnevisan; Siavash Tahbazof
Subject: 480 Potrero Avenue (3973/002C) Shadow Analysis

Hi Ben,

I was told that you are requesting a new Shadow Analysis app. I submitted an application with the fee in March and the 1"=200' scale site plan (please see attached).

Please let me know if these items have been received. I will check and see if the fee check was deposited.

Thank you,

Aidin Massoudi
SIA Consulting Corp.
1256 Howard Street
San Francisco, Ca. 94103
Tel: 415.922.0200 Ext.105
Fax: 415.922.0203
www.siaconsult.com



From: Reza Khoshnevisan
To: Ron Albert
Cc: don.lewis@sfgov.org; ben.fu@sfgov.org; Tony Kim
Subject: RE: 480 Potrero Project
Date: Wednesday, August 01, 2012 4:35:00 PM

Hello Mr. Albert;
I did receive your email yesterday. I am the project designer / consultant and as you know we are working on plans to develop the subject lot. Just for clarification, I was unaware of the any attempts to reach me or any of my staff. Moreover, I contacted Mr. Phil Palileo (the property manager) this morning and he stated that he was un aware of your client trying to reach him. Since my client purchased the lot they have made sure that land is secure and have continued efforts to clean up and to paint over the gratifies at the site. In addition, I was told that the property manager did not know about any water intrusion issues effecting the adjacent properties. For any maintenance issues you can contact Phil at 415.672.8080 he is extremely easy to reach and willing to correct any issues at the site.

As for the development, we are in process of completing our traffic study and various other aspects of the environmental requirements. We were planning to hold extensive neighborhood meetings after we get the necessary environmental reports such as traffic study so that we better understand the impact of the project towards the neighborhood ourselves before presenting this to the neighborhood. As we are still fine tuning our plans, we value your input and we are very interested in knowing what your concerns may be towards our development. Please feel free to contact me if you have any questions in regards to the plan or the permit process. I am always available and willing to meet you or your client.

Kindest regards;

Reza Khoshnevisan
SIA Consulting Corp.
1256 Howard Street
San Francisco, Ca. 94103
Tel: 415.922.0200, ext.108
Fax: 415.922.0203

From: Ron Albert [mailto:rpa@albertlawcorp.com]
Sent: Tuesday, July 31, 2012 5:14 PM
To: Reza Khoshnevisan
Cc: don.lewis@sfgov.org; ben.fu@sfgov.org
Subject: 480 Potrero Project

Mr. Khoshnevisan:
Please confirm receipt of this email and the attached letter.

Ronald P. Albert
Albert Law Corporation
66 George Lane, Suite 101

Sausalito, CA 94965-1890
Telephone: 415-332-5600
E-mail: rpa@albertlawcorp.com

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To ensure compliance with requirements imposed by the Internal Revenue Service, we inform you that, unless we expressly state otherwise in this communication (including any attachments), any tax advice contained in this communication is not intended or written to be used, and cannot be used, for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or other matter addressed herein.

From:	Lewis, Don (CPC)
To:	Reza Khoshnevisan
Cc:	tony@townconsulting.com; Fu, Ben
Subject:	RE: 480 Potrero Revised Plans
Date:	Monday, April 01, 2013 8:45:13 AM

Only need 11 by 17, and you can email them to me. Thanks.

Thanks,
Don Lewis
Environmental Planner
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco CA 94103
(415) 575 – 9095
(415) 558 – 6409 fax

From: Reza Khoshnevisan [mailto:reza@siaconsult.com]
Sent: Monday, April 01, 2013 8:42 AM
To: Lewis, Don (CPC)
Cc: tony@townconsulting.com; Fu, Ben
Subject: Re: 480 Potrero Revised Plans

We are ready, would you like full size sets?

Sent from my iPhone

On Apr 1, 2013, at 8:38 AM, "Lewis, Don (CPC)" <don.lewis@sfgov.org> wrote:

> When will the revised plans be ready?
>
> There's a good amount of work I need to do once I receive these plans. The Neg Dec needs to be amended since there is now ground-floor retail, and I will also need to revise the appeal response. The sooner I get these plans the better.
>
> Thanks,
> Don Lewis
> Environmental Planner
> San Francisco Planning Department
> 1650 Mission Street, Suite 400
> San Francisco CA 94103
> (415) 575 – 9095
> (415) 558 – 6409 fax

From:	Ron Miguel
To:	"Reza Khoshnevisan"; Cohen, Malia
Cc:	jean@woodwinds.net; dean@deansgaragedoors.com; Fu, Ben
Subject:	RE: 480 Potrero
Date:	Wednesday, January 30, 2013 10:56:30 AM

Reza – Thank you for your offer of revised plans – I would appreciate seeing them. I do not know if my suggestions/comments will satisfy the neighborhood. I have advised them to meet with you, and I suggest that you do so following any revisions. If either you or they would like me to attend such a meeting, I will try to make it.

Ron Miguel
600 De Haro St.
San Francisco, CA 94107
415-601-0708

From: Reza Khoshnevisan [mailto:reza@siaconsult.com]
Sent: Wednesday, January 30, 2013 10:00 AM
To: Ron Miguel; Malia Cohen
Cc: jean@woodwinds.net; dean@deansgaragedoors.com; Ben.Fu@sfgov.org
Subject: 480 Potrero

Hi Mr. Miguel;
Thank you so much for your help with this project. Your efforts are greatly appreciated. We are in process of revising our plans to satisfy your recommendations. I will email you the revised plans as soon as they become available. Do you have any indication whether the neighborhood will be satisfied if we meet the outlined recommendations?

Kindest regards;
Reza Khoshnevisan
SIA Consulting Corp.
1256 Howard Street
San Francisco, Ca. 94103
Tel: 415.922.0200, ext.108
Fax: 415.922.0203

From: Ron Miguel [mailto:rm@well.com]
Sent: Sunday, January 27, 2013 10:13 AM
To: Malia Cohen
Cc: jean@woodwinds.net; dean@deansgaragedoors.com; Ben.Fu@sfgov.org; Reza Khoshnevisan
Subject: 480 Potrero

Supervisor Cohen – I have attached a letter outlining my efforts regarding the proposed SIA development at 480 Potrero Ave.

Please let me know if I can be of further assistance.

Sincerely,

Ron Miguel

600 De Haro St.
San Francisco, CA 94107
415-601-0708

From:	Reza Khoshnevisan
To:	Ron Miguel; Cohen, Malia
Cc:	jean@woodwinds.net; dean@deansgaragedoors.com; Fu, Ben
Subject:	RE: 480 Potrero
Date:	Friday, February 01, 2013 2:42:51 PM

Thank you, I'll keep you updated. Your input is greatly appreciated.

Thanks;
Reza

From: Ron Miguel [mailto:rm@well.com]
Sent: Wednesday, January 30, 2013 10:53 AM
To: Reza Khoshnevisan; 'Malia Cohen'
Cc: jean@woodwinds.net; dean@deansgaragedoors.com; Ben.Fu@sfgov.org
Subject: RE: 480 Potrero

Reza – Thank you for your offer of revised plans – I would appreciate seeing them. I do not know if my suggestions/comments will satisfy the neighborhood. I have advised them to meet with you, and I suggest that you do so following any revisions. If either you or they would like me to attend such a meeting, I will try to make it.

Ron Miguel
600 De Haro St.
San Francisco, CA 94107
415-601-0708

From: Reza Khoshnevisan [mailto:reza@siaconsult.com]
Sent: Wednesday, January 30, 2013 10:00 AM
To: Ron Miguel; Malia Cohen
Cc: jean@woodwinds.net; dean@deansgaragedoors.com; Ben.Fu@sfgov.org
Subject: 480 Potrero

Hi Mr. Miguel;
Thank you so much for your help with this project. Your efforts are greatly appreciated. We are in process of revising our plans to satisfy your recommendations. I will email you the revised plans as soon as they become available. Do you have any indication whether the neighborhood will be satisfied if we meet the outlined recommendations?

Kindest regards;
Reza Khoshnevisan
SIA Consulting Corp.
1256 Howard Street
San Francisco, Ca. 94103
Tel: 415.922.0200, ext.108
Fax: 415.922.0203

From: Ron Miguel [mailto:rm@well.com]
Sent: Sunday, January 27, 2013 10:13 AM
To: Malia Cohen

Cc: jean@woodwinds.net; dean@deansgaragedoors.com; Ben.Fu@sfgov.org; Reza Khoshnevisan
Subject: 480 Potrero

Supervisor Cohen – I have attached a letter outlining my efforts regarding the proposed SIA development at 480 Potrero Ave.

Please let me know if I can be of further assistance.

Sincerely,

Ron Miguel
600 De Haro St.
San Francisco, CA 94107
415-601-0708

From: George Nelson
To: Fu, Ben
Subject: RE: 480 Potrero
Date: Monday, December 10, 2012 4:27:29 PM

Many thanks.

Nelson

From: ben.fu@sfgov.org
To: nelson.george@hotmail.co.uk
Subject: RE: 480 Potrero
Date: Tue, 11 Dec 2012 00:12:54 +0000

George,

Please see below for project contact info.

Project Sponsor/Developer/Architect:
Reza Khoshnevisan
SIA Consulting Corp.
1256 Howard Street
San Francisco, Ca. 94103
Tel: 415.922.0200, ext.108
Fax: 415.922.0203

Ben A. Fu, City Planner
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103
T: 415.558.6613
F: 415.558.6409
ben.fu@sfgov.org

From: George Nelson [mailto:nelson.george@hotmail.co.uk]
Sent: Monday, December 10, 2012 4:09 AM
To: Banales, Julian
Subject: 480 Potrero

Dear Mr Banales,

I am a reporter from the Potrero View newspaper currently writing a story describing the proposed development at 480 Potrero. A letter you sent Reza Khoshnevisan came to my attention - might you be able to tell me who the architect and development company will be if the plans to develop the site are given the green light? Many thanks.

Sincerely,

Nelson George

From: Lewis, Don (CPC)
To: jean@woodwinds.net; Fu, Ben
Subject: RE: Planning Commission Meeting Schedule
Date: Tuesday, March 26, 2013 9:22:17 AM

Hello Jean,

Pushed to May 16th. Still haven't rec'd the revised plans from sponsor.

Thanks,
Don Lewis
Environmental Planner
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco CA 94103
(415) 575 – 9095
(415) 558 – 6409 fax

-----Original Message-----
From: jean bogiages [mailto:jean@woodwinds.net]
Sent: Tuesday, March 26, 2013 8:46 AM
To: Fu, Ben; Lewis, Don (CPC)
Subject: Planning Commission Meeting Schedule

Hi,
Has there been any date scheduled yet for the480 Potrero project?
Thanks,
Jean Bogiages

From:	Hwang, Lulu
To:	Mica
Cc:	Juan Jayo; SOTF; Diane Ringel; Fu, Ben; Lewis, Don (CPC)
Subject:	RE: Sunshine Ordinance request 480 Potrero Ave
Date:	Thursday, April 25, 2013 7:40:23 PM
Attachments:	480 Potrero Ave.pdf

Besides all the materials in the case file from Ben and Don, the only thing I found in the Historical files are attached.

Thanks!
Lulu
Have a Good Day Today and a Better Day Tomorrow...

From: Mica [mailto:supermica@gmail.com]
Sent: Thursday, April 25, 2013 12:56 PM
To: Hwang, Lulu
Cc: Juan Jayo; SOTF; Diane Ringel; Fu, Ben
Subject: Re: Sunshine Ordinance request 480 Potrero Ave

I couldn't have been any clearer in my requests.

I asked specifically for "all documents, in addition to any emails &/or other electronic forms of data which they have for this project".

I know for a fact that there is more in the custody of the Planning Dept. RE: the proposed project at 480 Potrero Ave. than what was available at the front desk for both Don Lewis & Ben Fu's case files.

I inventoried those documents & reported to you that they were incomplete.

Thus, I made my formal request with you for "access under the Sunshine Ordinance to everything held in custody by the SF Planning Dept, including emails, electronic files, phone records, meeting minutes, etc. related to the proposed development at 480 Potrero Ave".

This matter is coming to hearing with the Planning Commissioners and the custodians of the records at the Planning Dept. are making it more than difficult for me to access public information.

On Thu, Apr 25, 2013 at 12:38 PM, Hwang, Lulu <lulu.hwang@sfgov.org> wrote:
Hello

On April 11, Ben sent you an email to let you know that the case file is available for you to review at the 4th floor reception desk. And our record shown that you had already come and

review the case file.

May I assist you on what other files you would like to review?

Thanks!
Lulu Hwang
Planning Department
Operations & IS Administrator
1650 Mission Street #400
San Francisco CA 94103
415-558-6318 (V)
Lulu.Hwang@SFGOV.ORG
Have a Good Day Today and a Better Day Tomorrow...

From: Mica [mailto:supermica@gmail.com]
Sent: Thursday, April 25, 2013 11:59 AM
To: Hwang, Lulu
Cc: Juan Jayo; SOTF; Diane Ringel
Subject: Re: Sunshine Ordinance request 480 Potrero Ave

Dear Ms. Hwang:

Third request. Now you too have not replied for 10 days.

It appears the Planning Dept. is far out of compliance with the Sunshine Ordinance http://sfbos.org/index.aspx?page=4460

How much longer is reasonable for me to wait before filing a formal complaint with the SOTF?

Mica Ringel
485 Potrero Ave
San Francisco, CA 94110

(415) 519-7523

On Mon, Apr 15, 2013 at 3:01 PM, Mica <supermica@gmail.com> wrote:
Dear Ms. Hwang:

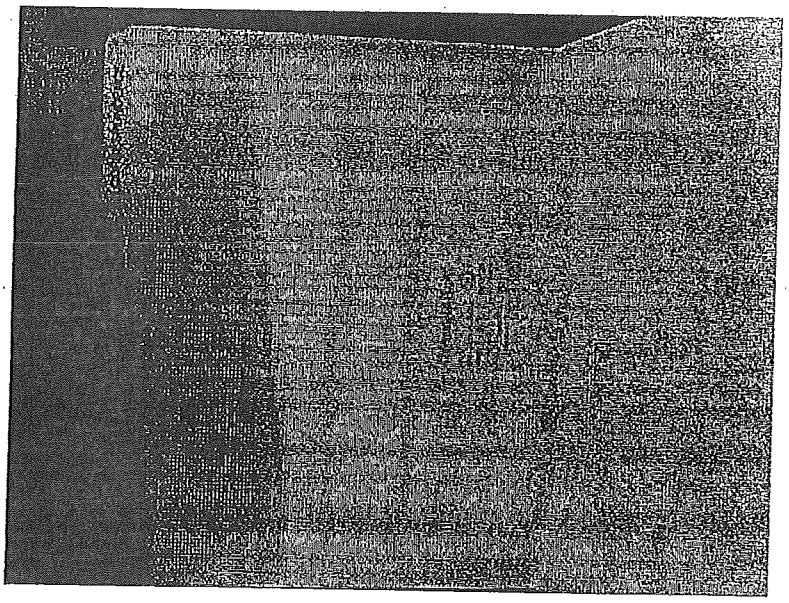
On March 31, 2013 I requested a copy of the complete file for the proposed development at 480 Potrero Ave from both Environmental Planner Don Lewis & City Planner Ben Fu.

I asked specifically for all documents, in addition to any emails &/or other electronic forms of data which they have for this project.

Whereas Mr. Lewis promptly responded on April 1, I was able to go in the next day to begin reviewing his case file.

Mr. Fu however had not acknowledged my request as of April 10, so I made a second. See emails below. He let me know the folder was avail. at the front desk. I again asked if the folder was complete, & again he never responded.

Earlier today I went in to the Planning Dept. to review said files & am perturbed to have found that the Correspondence folder for 480 Potrero is empty. Picture attached.



I've been told by Sue Hestor that you're very good with documentation... & so in preparation of the hearing scheduled for May 16, 2013, I humbly request access under the Sunshine Ordinance to everything held in custody by the SF Planning Dept, including emails, electronic files, phone records, meeting minutes, etc. related to the proposed development at 480 Potrero Ave.

Regards,

Mica Ringel
485 Potrero Ave
San Francisco, CA 94110

(415) 519-7523

---------- Forwarded message ----------
From: **Mica** <supermica@gmail.com>
Date: Mon, Apr 15, 2013 at 11:17 AM
Subject: Re: Request for all files regarding 480 Potrero Ave
To: "Fu, Ben" <ben.fu@sfgov.org>
Cc: "Hwang, Lulu" <lulu.hwang@sfgov.org>

Mr. Fu:

Thanks for getting back to me. I was told to make my request with both you & Don Lewis for all files, in addition to any emails &/or other electronic forms of data which you both have for the proposed project at 480 Potrero.

I came in two weeks ago to review the files which Mr. Lewis had made available, & would like to come in today from around 12:30-3 to begin assessment of yours.

Per your suggestion, if I need further assistance going forward regarding this documentation request I'll make it with Ms. Hwang under the Sunshine Ord.

Regards,

--Mica Ringel

On Thu, Apr 11, 2013 at 9:59 AM, Fu, Ben <ben.fu@sfgov.org> wrote:
Mica,

If you are making a request under the sunshine ordinance, please contact Lulu Hwang. Otherwise, if you wish to review the case file, it is available at the 4th floor reception.

Regards,

Ben A. Fu, City Planner
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103
T: 415.558.6613
F: 415.558.6409
ben.fu@sfgov.org

From: Mica [mailto:supermica@gmail.com]
Sent: Wednesday, April 10, 2013 2:58 PM
To: Fu, Ben

Subject: Re: Request for all files regarding 480 Potrero Ave

Thanks for letting me know.

Per my request a week ago Monday, is it complete with all documents, in addition to any emails &/or other electronic forms of data which you have for this project?

Regards, --Mica Ringel

On Wed, Apr 10, 2013 at 2:46 PM, Fu, Ben <ben.fu@sfgov.org> wrote:
Mica,

The case file is available for public review. You are welcome to make any copies at the reception lobby.

Regards,

Ben A. Fu, City Planner
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103
T: 415.558.6613
F: 415.558.6409
ben.fu@sfgov.org

---------- Forwarded message ----------
From: **Mica** <supermica@gmail.com>
Date: Wed, Apr 10, 2013 at 2:31 PM
Subject: Re: Request for all files regarding 480 Potrero Ave
To: ben.fu@sfgov.org

Second request.

From: Mica [mailto:supermica@gmail.com]
Sent: Sunday, March 31, 2013 10:22 PM
To: Fu, Ben
Cc: Hwang, Lulu; Wycko, Bill

Subject: Request for all files regarding 480 Potrero Ave

Dear Mr. Fu:

In preparation of the hearing scheduled for May 16, 2013 I am requesting a copy of the complete file for the proposed development at 480 Potrero Ave.

Please include all documents, in addition to any emails &/or other

electronic forms of data which you have for this project.

Please let me know when you expect this packet of information available for pickup.

I am also requesting the same from Don Lewis.

Regards,

Mica Ringel
485 Potrero Ave
San Francisco, CA 94110

(415) 519-7523

From: Hwang, Lulu
To: Mica
Cc: Fu, Ben; Lewis, Don (CPC); SOTF; DCP, Reception
Subject: RE: Sunshine Ordinance request 480 Potrero Ave
Date: Monday, April 29, 2013 2:49:04 PM

Hello

To clarify regarding the complaint you have for Planning Department is giving you a run around..

On April 11, Ben Fu already sent you an email letting you know that the case file is ready for review. I checked with the reception desk and they told me that the file already reviewed and ready to go back to Ben.

I went to Ben and I asked if there is anything else we left that we can put out for you to review? Ben told me all materials are in the case file which you already reviewed.

I just want to do more research and went to the historical file room and see if there anything else and I found a few more pieces of paper, scanned and email to you.

We do not have any "*addition to any emails &/or other electronic forms of data* " materials that we are not disclosing to to you.

Thanks!
Lulu
Have a Good Day Today and a Better Day Tomorrow...

From: Mica [mailto:supermica@gmail.com]
Sent: Friday, April 26, 2013 4:31 PM
To: Hwang, Lulu; Fu, Ben; Lewis, Don (CPC)
Subject: Re: Sunshine Ordinance request 480 Potrero Ave

For your records is the attached PDF complaint requesting assistance from the SOTF to obtain all documents, including digital files, held within custody of the SF Planning Dept. for the proposed project at 480 Potrero Ave.

On Thu, Apr 25, 2013 at 7:40 PM, Hwang, Lulu <lulu.hwang@sfgov.org> wrote:
Besides all the materials in the case file from Ben and Don, the only thing I found in the Historical files are attached.

Thanks!
Lulu
Have a Good Day Today and a Better Day Tomorrow...

From: Mica [mailto:supermica@gmail.com]
Sent: Thursday, April 25, 2013 12:56 PM
To: Hwang, Lulu
Cc: Juan Jayo; SOTF; Diane Ringel; Fu, Ben

Subject: Re: Sunshine Ordinance request 480 Potrero Ave

I couldn't have been any clearer in my requests.

I asked specifically for "all documents, in addition to any emails &/or other electronic forms of data which they have for this project".

I know for a fact that there is more in the custody of the Planning Dept. RE: the proposed project at 480 Potrero Ave. than what was available at the front desk for both Don Lewis & Ben Fu's case files.

I inventoried those documents & reported to you that they were incomplete.

Thus, I made my formal request with you for "access under the Sunshine Ordinance to everything held in custody by the SF Planning Dept, including emails, electronic files, phone records, meeting minutes, etc. related to the proposed development at 480 Potrero Ave".

This matter is coming to hearing with the Planning Commissioners and the custodians of the records at the Planning Dept. are making it more than difficult for me to access public information.

On Thu, Apr 25, 2013 at 12:38 PM, Hwang, Lulu <lulu.hwang@sfgov.org> wrote:
Hello

On April 11, Ben sent you an email to let you know that the case file is available for you to review at the 4th floor reception desk. And our record shown that you had already come and review the case file.

May I assist you on what other files you would like to review?

Thanks!
Lulu Hwang
Planning Department
Operations & IS Administrator
1650 Mission Street #400
San Francisco CA 94103
415-558-6318 (V)
Lulu.Hwang@SFGOV.ORG
Have a Good Day Today and a Better Day Tomorrow...

From: Mica [mailto:supermica@gmail.com]
Sent: Thursday, April 25, 2013 11:59 AM
To: Hwang, Lulu
Cc: Juan Jayo; SOTF; Diane Ringel
Subject: Re: Sunshine Ordinance request 480 Potrero Ave

Dear Ms. Hwang:

Third request. Now you too have not replied for 10 days.

It appears the Planning Dept. is far out of compliance with the Sunshine Ordinance http://sfbos.org/index.aspx?page=4460

How much longer is reasonable for me to wait before filing a formal complaint with the SOTF?

Mica Ringel
485 Potrero Ave
San Francisco, CA 94110

(415) 519-7523

On Mon, Apr 15, 2013 at 3:01 PM, Mica <supermica@gmail.com> wrote:
Dear Ms. Hwang:

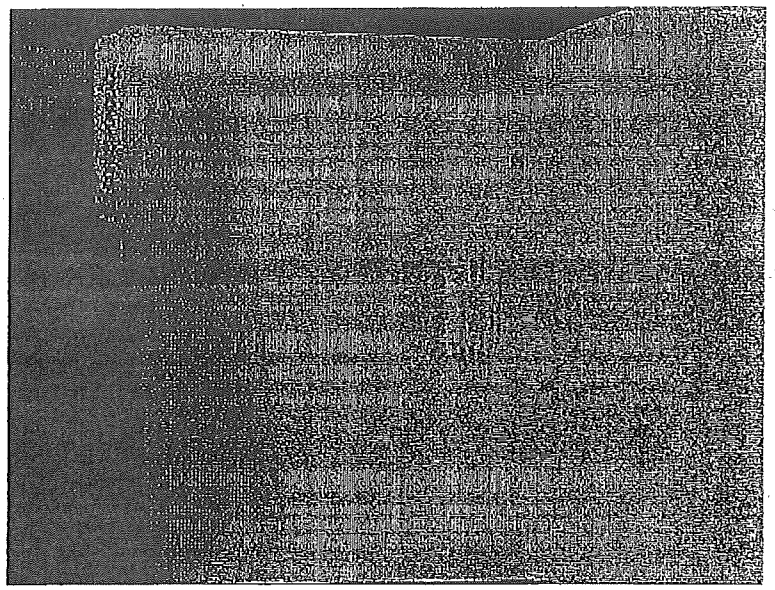
On March 31, 2013 I requested a copy of the complete file for the proposed development at 480 Potrero Ave from both Environmental Planner Don Lewis & City Planner Ben Fu.

I asked specifically for all documents, in addition to any emails &/or other electronic forms of data which they have for this project.

Whereas Mr. Lewis promptly responded on April 1, I was able to go in the next day to begin reviewing his case file.

Mr. Fu however had not acknowledged my request as of April 10, so I made a second. See emails below. He let me know the folder was avail. at the front desk. I again asked if the folder was complete, & again he never responded.

Earlier today I went in to the Planning Dept. to review said files & am perturbed to have found that the Correspondence folder for 480 Potrero is empty. Picture attached.



I've been told by Sue Hestor that you're very good with documentation... & so in preparation of the hearing scheduled for May 16, 2013, I humbly request access under the Sunshine Ordinance to everything held in custody by the SF Planning Dept, including emails, electronic files, phone records, meeting minutes, etc. related to the proposed development at 480 Potrero Ave.

Regards,

Mica Ringel
485 Potrero Ave
San Francisco, CA 94110

(415) 519-7523

---------- Forwarded message ----------
From: **Mica** <supermica@gmail.com>
Date: Mon, Apr 15, 2013 at 11:17 AM
Subject: Re: Request for all files regarding 480 Potrero Ave
To: "Fu, Ben" <ben.fu@sfgov.org>
Cc: "Hwang, Lulu" <lulu.hwang@sfgov.org>

Mr. Fu:

Thanks for getting back to me. I was told to make my request with both you & Don Lewis for all files, in addition to any emails &/or other

electronic forms of data which you both have for the proposed project at 480 Potrero.

I came in two weeks ago to review the files which Mr. Lewis had made available, & would like to come in today from around 12:30-3 to begin assessment of yours.

Per your suggestion, if I need further assistance going forward regarding this documentation request I'll make it with Ms. Hwang under the Sunshine Ord.

Regards,

--Mica Ringel

On Thu, Apr 11, 2013 at 9:59 AM, Fu, Ben <ben.fu@sfgov.org> wrote:
Mica,

If you are making a request under the sunshine ordinance, please contact Lulu Hwang. Otherwise, if you wish to review the case file, it is available at the 4th floor reception.

Regards,

Ben A. Fu, City Planner
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103
T: 415.558.6613
F: 415.558.6409
ben.fu@sfgov.org

From: Mica [mailto:supermica@gmail.com]
Sent: Wednesday, April 10, 2013 2:58 PM
To: Fu, Ben
Subject: Re: Request for all files regarding 480 Potrero Ave

Thanks for letting me know.

Per my request a week ago Monday, is it complete with all documents, in addition to any emails &/or other electronic forms of data which you have for this project?

Regards, --Mica Ringel

On Wed, Apr 10, 2013 at 2:46 PM, Fu, Ben <ben.fu@sfgov.org> wrote:
Mica,

The case file is available for public review. You are welcome to make any copies at the reception lobby.

Regards,.

Ben A. Fu, City Planner
San Francisco Planning Department
1650 Mission Street, Suite 400
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T: 415.558.6613
F: 415.558.6409
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---------- Forwarded message ----------
From: **Mica** <supermica@gmail.com>
Date: Wed, Apr 10, 2013 at 2:31 PM
Subject: Re: Request for all files regarding 480 Potrero Ave
To: ben.fu@sfgov.org

Second request.

From: Mica [mailto:supermica@gmail.com]
Sent: Sunday, March 31, 2013 10:22 PM
To: Fu, Ben
Cc: Hwang, Lulu; Wycko, Bill

Subject: Request for all files regarding 480 Potrero Ave

Dear Mr. Fu:

In preparation of the hearing scheduled for May 16, 2013 I am requesting a copy of the complete file for the proposed development at 480 Potrero Ave.

Please include all documents, in addition to any emails &/or other electronic forms of data which you have for this project.

Please let me know when you expect this packet of information available for pickup.

I am also requesting the same from Don Lewis.

Regards,

Mica Ringel
485 Potrero Ave
San Francisco, CA 94110

(415) 519-7523

From: Hwang, Lulu
To: Mica
Cc: Juan Jayo; SOTF; Diane Ringel; Fu, Ben
Subject: RE: Sunshine Ordinance request 480 Potrero Ave
Date: Thursday, April 25, 2013 12:39:01 PM

Hello

On April 11, Ben sent you an email to let you know that the case file is available for you to review at the 4th floor reception desk. And our record shown that you had already come and review the case file.

May I assist you on what other files you would like to review?

Thanks!
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Planning Department
Operations & IS Administrator
1650 Mission Street #400
San Francisco CA 94103
415-558-6318 (V)
Lulu.Hwang@SFGOV.ORG
Have a Good Day Today and a Better Day Tomorrow...

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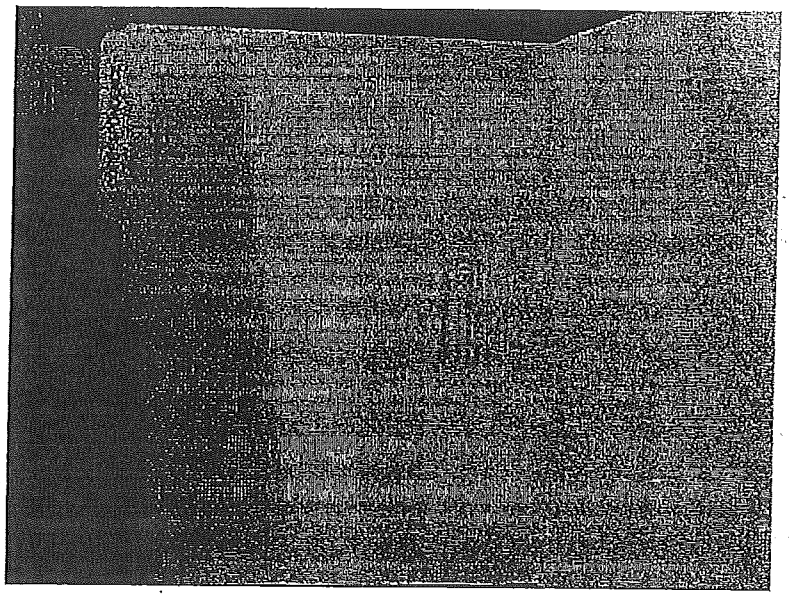

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To: ben.fu@sfgov.org

Second request.

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Sent: Sunday, March 31, 2013 10:22 PM
To: Fu, Ben
Cc: Hwang, Lulu; Wycko, Bill

Subject: Request for all files regarding 480 Potrero Ave

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Please let me know when you expect this packet of information available for pickup.

I am also requesting the same from Don Lewis.

Regards,

Mica Ringel
485 Potrero Ave
San Francisco, CA 94110

(415) 519-7523

From: Reza Khoshnevisan
To: Lewis, Don (CPC)
Cc: Tony Kim; Fu, Ben
Subject: Re: 1/17/13 PC AGENDA
Date: Monday, March 04, 2013 4:33:24 PM

Hi Don
Can we do this late April?

Sent from my iPhone

On Mar 4, 2013, at 2:42 PM, "Lewis, Don (CPC)" <don.lewis@sfgov.org> wrote:

> So we should continue hearing to late April/early May?
>
> Don Lewis
> Environmental Planner
> San Francisco Planning Department
> 1650 Mission Street, Suite 400
> San Francisco CA 94103
> (415) 575 – 9095
> (415) 558 – 6409 fax
>
> ---
>
> **From:** Tony Kim [mailto:tony@townconsulting.com]
> **Sent:** Monday, March 04, 2013 2:31 PM
> **To:** Lewis, Don (CPC)
> **Cc:** Fu, Ben; Reza Khoshnevisan
> **Subject:** Re: 1/17/13 PC AGENDA
>
> Not yet. We are incorporating ground floor commercial and setbacks per staff comments. It's in the works
>
> On Mar 4, 2013, at 11:42 AM, "Lewis, Don (CPC)" <don.lewis@sfgov.org> wrote:
>
> > What's the status of 480 Potrero? Is there now ground floor commercial? Has the design been finalized?
> >
> > Don Lewis
> > Environmental Planner
> > San Francisco Planning Department
> > 1650 Mission Street, Suite 400
> > San Francisco CA 94103
> > (415) 575 – 9095
> > (415) 558 – 6409 fax
> >
> > ---
> >
> > **From:** Fu, Ben
> > **Sent:** Tuesday, February 12, 2013 11:29 AM
> > **To:** Lewis, Don (CPC)
> > **Cc:** tony@townconsulting.com

Subject: RE: 1/17/13 PC AGENDA

Not likely. Revision was received on Jan 7 and UDAT meeting is scheduled for this week. Senior management meeting the last week of Feb. Depends on what comments we have on the project, perhaps April may be more realistic right now.

Ben A. Fu, City Planner
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103
T: 415.558.6613
F: 415.558.6409
ben.fu@sfgov.org

From: Lewis, Don (CPC)
Sent: Monday, February 11, 2013 9:18 AM
To: Fu, Ben
Cc: tony@townconsulting.com
Subject: FW: 1/17/13 PC AGENDA

Hello Ben,

Is March 21st still looking realistic?

Thanks,

Don Lewis
Environmental Planner
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco CA 94103
(415) 575 – 9095
(415) 558 – 6409 fax

From: Lewis, Don (CPC)
Sent: Tuesday, January 08, 2013 9:14 AM
To: tony@townconsulting.com
Subject: FW: 1/17/13 PC AGENDA

Continuing 480 Potrero Avenue to March 21st per my conversation with Ben Fu.

Don Lewis
Environmental Planner
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco CA 94103
(415) 575 – 9095
(415) 558 – 6409 fax

From: Gerber, Patricia
Sent: Tuesday, January 08, 2013 9:06 AM
To: Young, Sharon (CPC); DiSanto, Thomas; DeMartini, Keith; McGee, Kate;

Lewis, Don (CPC); Watty, Elizabeth; Sucre, Richard; Alumbaugh, David; Amdur, Kelley; Banales, Julian; Campos, Jose (CPC); Cooper, Rick; Dennis-Phillips, Sarah; Gibson, Lisa; Lindsay, David; Luellen, Mark; Rahaim, John; Sanchez, Scott; Washington, Delvin; Wycko, Bill
Cc: Ionin, Jonas
Subject: 1/17/13 PC AGENDA

From: Tony Kim
To: Fu, Ben
Cc: Jones, Sarah; Reza Khoshnevisan (reza@slaconsult.com); Lewis, Don; Banales, Julian
Subject: Re: 480 Potrero - PMND/CPE Appeal
Date: Wednesday, October 17, 2012 12:20:36 PM

Hi Ben,

In response to the appeal of the PMND the project sponsor would like to meet with the appellants and other neighbors. We would like to meet with you in advance to prepare for our upcoming meetings with the neighbors.

Outside of the core environmental issues it appears that the neighbors are opposed to the overall building envelope. Since this parcel was recently rezoned as part of Eastern Neighborhoods we would like to meet with you to discuss the overall building envelope and and how the new zoning controls would be applied to this particular parcel.

I would appreciate it if you would let us know if you would be available to meet next week. The "X" has been submitted.

Thanks

Tony Kim
415 246 8855

On Oct 17, 2012, at 10:36 AM, Lewis, Don wrote:

> Hello all,
>
> Attached is the appeal letter for 480 Potrero Avenue.
>
> Ben, when were you thinking of taking the CU to the Commission?
>
> Thanks,
> Don Lewis
> Environmental Planner
> San Francisco Planning Department
> 1650 Mission Street, Suite 400
> San Francisco CA 94103
> (415) 575 – 9095
> (415) 558 – 6409 fax
>
> <480 Potrero Avenue Appeal Letter.pdf>

From:	Yvonne Ko
To:	Tony Kim
Cc:	Ben Fu; Julian Banales; Evamarie Atjera; Scott Sanchez
Subject:	Re: 480 Potrero Avenue - PPA & project review meeting
Date:	Tuesday, July 17, 2012 9:56:00 AM

Hi Tony,

According to our record, the project sponsor filed their PPA application in 4/27/2011and the assigned planner was Ben Fu. He closed out this application in 2/24/2012 and the project review meeting application (ID#10464) that was paid for with ck#1841 dated 5/31/2012 was filed 3 months after the PPA was completed and closed out?

I will need to discuss with my supervisor if you want to proceed on with the refund. Please let me know.

Yvonne Ko
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103
(415) 558-6386 phone
(415) 558-6409 fax
e-mail: Yvonne.Ko@sfgov.org

Tony Kim <tony@townconsulting.com>

Tony Kim
<tony@townconsulting.com>

07/16/2012 04:22 PM

Toyvonne.ko@sfgov.org
cc
Subject480 Potrero Avenue - PPA & project review meeting

Hi Yvonne,

My client submitted a PPA application for 480 Potrero Avenue. I followed up with a project review meeting to discuss the exact project. I was required to pay a fee for the project review meeting. I understand that the PPA includes on project review meeting? May I ask for a refund for the project review meeting?

Thanks

Tony Kim

Town Consulting
100 Clement Street 3rd floor
San Francisco CA 94118
(415) 246-8855

From:	Yvonne Ko
To:	Tony Kim
Cc:	Ben Fu; Julian Banales
Subject:	Re: 480 Potrero Avenue - PPA & project review meeting
Date:	Tuesday, July 17, 2012 1:16:00 PM

Tony,

I have checked with Ben Fu and he has verified that your project review meeting should be free. We will process your project review refund.

Yvonne Ko
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103
(415) 558-6386 phone
(415) 558-6409 fax
e-mail: Yvonne.Ko@sfgov.org

Tony Kim <tony@townconsulting.com>

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07/16/2012 04:22 PM	cc	
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Thanks

Tony Kim

Town Consulting
100 Clement Street 3rd floor
San Francisco CA 94118
(415) 246-8855

From:	Reza Khoshnevisan
To:	Lewis, Don (CPC)
Cc:	tony@townconsulting.com; Fu, Ben
Subject:	Re: 480 Potrero Revised Plans
Date:	Monday, April 01, 2013 8:43:00 AM

We are ready, would you like full size sets?

Sent from my iPhone

On Apr 1, 2013, at 8:38 AM, "Lewis, Don (CPC)" <don.lewis@sfgov.org> wrote:

> When will the revised plans be ready?
>
> There's a good amount of work I need to do once I receive these plans. The Neg Dec needs to be amended since there is now ground-floor retail, and I will also need to revise the appeal response. The sooner I get these plans the better.
>
> Thanks,
> Don Lewis
> Environmental Planner
> San Francisco Planning Department
> 1650 Mission Street, Suite 400
> San Francisco CA 94103
> (415) 575 – 9095
> (415) 558 – 6409 fax

From: jean bogiages
To: Fu, Ben
Subject: Re: 480 Potrero
Date: Wednesday, January 30, 2013 1:19:56 PM

When is the soonest you think it might happen?
Thanks,

On 1/30/2013 1:09 PM, Fu, Ben wrote:
> No hearing date has been confirmed for this project.
>
> Thanks,
>
> Ben A. Fu, City Planner
> San Francisco Planning Department
> 1650 Mission Street, Suite 400
> San Francisco, CA 94103
> T: 415.558.6613
> F: 415.558.6409
> ben.fu@sfgov.org
>
>
> -----Original Message-----
> From: jean bogiages [mailto:jean@woodwinds.net]
> Sent: Wednesday, January 30, 2013 1:05 PM
> To: Fu, Ben
> Subject: 480 Potrero
>
> Hi Ben,
> Do you have any idea when the 480 Potrero project will come before the commission?
> I'm trying to decide when to schedule a meeting with the developer.
> Thanks,
> Jean Bogiages
>
>
>
>
>

From: jean bogiages
To: Fu, Ben
Cc: dean@deansgaragedoors.com; Juan Jayo; supermica@gmail.com
Subject: Re: Meeting with members of the "Save Potrero" committee regarding the planned 480 Potrero Development
Date: Wednesday, November 14, 2012 9:20:47 AM

Hi Ben,

Please jot us down on your calendar for 10:30-11 on Tuesday, November 20.
We will meet you at 1650 Mission Street Suite 400. Please let me know
if there is a location change.

Thanks,
Jean Bogiages

On 11/13/2012 6:36 PM, Fu, Ben wrote:
> Jean,
>
> I apologize for the misunderstanding, the Tuesday morning slot is for 10:30am as I already have meetings immediately before and after (9:30-10:30 and 11-12). Please pick from the following slots:
>
> 11/19: 10:30-11am or 4-4:30pm.
> 11/20: 10:30-11am or 5-5:30pm (please arrive a few minutes before 5pm).
>
> Alternatively, you are welcome to visit me at the Planning Information Center (PIC) on 11/20 between 2:45 and 5pm. If you do decide to meet me at the PIC, please take a number and wait for me. I will be available to speak to you for 15 minutes there.
>
> Thank you.
>
> Ben A. Fu, City Planner
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>
>
> -----Original Message-----
> From: jean bogiages [mailto:jean@woodwinds.net]
> Sent: Tuesday, November 13, 2012 6:19 PM
> To: Fu, Ben
> Cc: dean@deansgaragedoors.com; Juan Jayo; supermica@gmail.com
> Subject: Meeting with members of the "Save Potrero" committee regarding the planned 480 Potrero Development
>
> Hi Ben,
>
> Thank you for giving me multiple time slots for our neighborhood group representatives to talk to you about the 480 Potrero development plans.
> After emailing the three who have been selected to represent the neighborhood group, I find that 11:30 Tuesday, 11/20 is the day and time that everyone can meet.
> I'm guessing that we will find your office at 1650 Mission street, where the planning department is located.
> Are you on the 4th floor?
>
> Thanks again,

> Jean Bogiages
> 415-305-8230
> >
> >
> >
> >
> >

From: Mica
To: Fu, Ben
Subject: Re: Request for all files regarding 480 Potrero Ave
Date: Wednesday, April 10, 2013 2:58:41 PM

Thanks for letting me know.

Per my request a week ago Monday, is it complete with all documents, in addition to any emails &/or other electronic forms of data which you have for this project?

Regards, --Mica Ringel

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Regards,

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I am also requesting the same from Don Lewis.

Regards,

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485 Potrero Ave

San Francisco, CA 94110

(415) 519-7523

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Subject: Re: Request for all files regarding 480 Potrero Ave
Date: Wednesday, April 10, 2013 2:31:47 PM

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485 Potrero Ave
San Francisco, CA 94110

(415) 519-7523

From:	Mica
To:	Hwang, Lulu; Fu, Ben; Lewis, Don (CPC)
Subject:	Re: Sunshine Ordinance request 480 Potrero Ave
Date:	Friday, April 26, 2013 4:31:34 PM
Attachments:	SOTF Complaint - Planning Dept.pdf

For your records is the attached PDF complaint requesting assistance from the SOTF to obtain all documents, including digital files, held within custody of the SF Planning Dept. for the proposed project at 480 Potrero Ave.

On Thu, Apr 25, 2013 at 7:40 PM, Hwang, Lulu <lulu.hwang@sfgov.org> wrote:

> Besides all the materials in the case file from Ben and Don, the only thing I found in the Historical files are attached.
>
> Thanks!
> Lulu
>
> Have a Good Day Today and a Better Day Tomorrow...

From: Mica [mailto:supermica@gmail.com]
Sent: Thursday, April 25, 2013 12:56 PM
To: Hwang, Lulu
Cc: Juan Jayo; SOTF; Diane Ringel; Fu, Ben

Subject: Re: Sunshine Ordinance request 480 Potrero Ave

I couldn't have been any clearer in my requests.

I asked specifically for "all documents, in addition to any emails &/or other electronic forms of data which they have for this project".

I know for a fact that there is more in the custody of the Planning Dept. RE: the proposed project at 480 Potrero Ave. than what was available at the front desk for both Don Lewis & Ben Fu's case files.

I inventoried those documents & reported to you that they were incomplete.

Thus, I made my formal request with you for "access under the Sunshine Ordinance to everything held in custody by the SF Planning Dept, including emails, electronic files, phone records, meeting minutes, etc. related to the proposed development at 480 Potrero Ave".

This matter is coming to hearing with the Planning Commissioners and the custodians of the records at the Planning Dept. are making it more than difficult for me to access public information.

On Thu, Apr 25, 2013 at 12:38 PM, Hwang, Lulu <lulu.hwang@sfgov.org> wrote:

Hello

On April 11, Ben sent you an email to let you know that the case file is available for you to review at the 4th floor reception desk. And our record shown that you had already come and review the case file.

May I assist you on what other files you would like to review?

Thanks!
Lulu Hwang
Planning Department
Operations & IS Administrator
1650 Mission Street #400
San Francisco CA 94103
415-558-6318 (V)
Lulu.Hwang@SFGOV.ORG
Have a Good Day Today and a Better Day Tomorrow...

From: Mica [mailto:supermica@gmail.com]
Sent: Thursday, April 25, 2013 11:59 AM
To: Hwang, Lulu
Cc: Juan Jayo; SOTF; Diane Ringel
Subject: Re: Sunshine Ordinance request 480 Potrero Ave

Dear Ms. Hwang:

Third request. Now you too have not replied for 10 days.

It appears the Planning Dept. is far out of compliance with the Sunshine Ordinance http://sfbos.org/index.aspx?page=4460

How much longer is reasonable for me to wait before filing a formal complaint with the SOTF?

Mica Ringel

485 Potrero Ave

San Francisco, CA 94110

(415) 519-7523

On Mon, Apr 15, 2013 at 3:01 PM, Mica <supermica@gmail.com> wrote:

Dear Ms. Hwang:

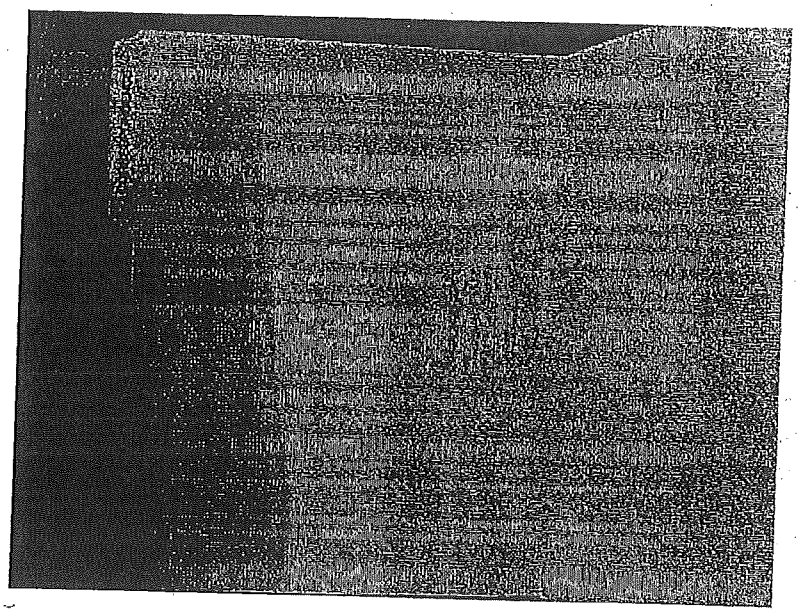
On March 31, 2013 I requested a copy of the complete file for the proposed development at 480 Potrero Ave from both Environmental Planner Don Lewis & City Planner Ben Fu.

I asked specifically for all documents, in addition to any emails &/or other electronic forms of data which they have for this project.

Whereas Mr. Lewis promptly responded on April 1, I was able to go in the next day to begin reviewing his case file.

Mr. Fu however had not acknowledged my request as of April 10, so I made a second. See emails below. He let me know the folder was avail. at the front desk. I again asked if the folder was complete, & again he never responded.

Earlier today I went in to the Planning Dept. to review said files & am perturbed to have found that the Correspondence folder for 480 Potrero is empty. Picture attached.



I've been told by Sue Hestor that you're very good with documentation... & so in preparation of the hearing scheduled for May 16, 2013, I humbly request access under the Sunshine Ordinance to everything held in custody by the SF Planning Dept, including emails, electronic files, phone records, meeting minutes, etc. related to the proposed development at 480 Potrero Ave.

Regards,

Mica Ringel

485 Potrero Ave

San Francisco, CA 94110

(415) 519-7523

---------- Forwarded message ----------
From: **Mica** <supermica@gmail.com>
Date: Mon, Apr 15, 2013 at 11:17 AM
Subject: Re: Request for all files regarding 480 Potrero Ave
To: "Fu, Ben" <ben.fu@sfgov.org>
Cc: "Hwang, Lulu" <lulu.hwang@sfgov.org>

Mr. Fu:

Thanks for getting back to me. I was told to make my request with both you & Don Lewis for all files, in addition to any emails &/or other electronic forms of data which you both have for the proposed project at 480 Potrero.

I came in two weeks ago to review the files which Mr. Lewis had made available, & would like to come in today from around 12:30-3 to begin assessment of yours.

Per your suggestion, if I need further assistance going forward regarding this documentation request I'll make it with Ms. Hwang under the Sunshine Ord.

Regards,

--Mica Ringel

On Thu, Apr 11, 2013 at 9:59 AM, Fu, Ben <ben.fu@sfgov.org> wrote:

Mica,

If you are making a request under the sunshine ordinance, please contact Lulu Hwang. Otherwise, if you wish to review the case file, it is available at the 4th floor reception.

Regards,

Ben A. Fu, City Planner

San Francisco Planning Department

1650 Mission Street, Suite 400

San Francisco, CA 94103

T: 415.558.6613

F: 415.558.6409

ben.fu@sfgov.org

From: Mica [mailto:supermica@gmail.com]
Sent: Wednesday, April 10, 2013 2:58 PM
To: Fu, Ben
Subject: Re: Request for all files regarding 480 Potrero Ave

Thanks for letting me know.

Per my request a week ago Monday, is it complete with all documents, in addition to any emails &/or other electronic forms of data which you have for this project?

Regards, --Mica Ringel

On Wed, Apr 10, 2013 at 2:46 PM, Fu, Ben <ben.fu@sfgov.org> wrote:

Mica,

The case file is available for public review. You are welcome to make any copies at the reception lobby.

Regards,

Ben A. Fu, City Planner

San Francisco Planning Department

1650 Mission Street, Suite 400

San Francisco, CA 94103

T: 415.558.6613

F: 415.558.6409

ben.fu@sfgov.org

---------- Forwarded message ----------
From: **Mica** <supermica@gmail.com>
Date: Wed, Apr 10, 2013 at 2:31 PM
Subject: Re: Request for all files regarding 480 Potrero Ave
To: ben.fu@sfgov.org

Second request.

From: Mica [mailto:supermica@gmail.com]
Sent: Sunday, March 31, 2013 10:22 PM
To: Fu, Ben
Cc: Hwang, Lulu; Wycko, Bill

Subject: Request for all files regarding 480 Potrero Ave

Dear Mr. Fu:

In preparation of the hearing scheduled for May 16, 2013 I am requesting a copy of the complete file for the proposed development at 480 Potrero Ave.

Please include all documents, in addition to any emails &/or other electronic forms of data which you have for this project.

Please let me know when you expect this packet of information available for pickup.

I am also requesting the same from Don Lewis.

Regards,

Mica Ringel

485 Potrero Ave

San Francisco, CA 94110

(415) 519-7523

[redacted]

Mr. Fu:

Don Lewis says he has not reviewed the Large Project Application.

Have you?

—Nick Ringel

On Mon, Apr 29, 2013 at 2:45 PM, Lewis, Don (CPC) <don.lewis@sfgov.org> wrote:

[redacted]

Mr. Fu:

Don Lewis

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

To: Lewis, Don (CPC)
Cc: Xiao Jeng
Subject: Re: Sunshine Ordinance request 480 Potrero Ave

Your environmental review case files are for the Large Project Application.

Is anyone addressing my concerns that the Project Site has been misrepresented starting with the Large Project Application?

The property's current use is described as vacant with 0 parking when it is clearly a parking lot, & it has been for some time.

On Mon, Apr 29, 2013 at 2:18 PM, Lewis, Don (CPC) <don.lewis@sfgov.org> wrote:

Nick,

An ad was published in the newspaper twice: once for the publication of the PMND and then for the appeal of the PMND.

I visited the site once but I did not keep a log of the day's events.

We don't keep minutes of meetings or phone calls.

Electronic data provided by the project sponsor is in hard copy in the project file. The attached photos I believe were taken by the project sponsor and were submitted as part of the application.

The project site is a vacant lot—there are no buildings or development on the lot. I will read it into the record at the appeal hearing that the project sponsor withdrew his request for a parking lot. We will not be presenting the PMND again for this.

I will read the PMND and CPE to Supervisor Cohen on Friday.

I don't presume with your last two sentences that you have not brought forth any substantial evidence to refute that the PMND and CPE is invalid. We will have to wait for the appeal hearing for resolution.

Thanks,

Don Lewis

Environmental Planner

San Francisco Planning Department

1650 Mission Street, Suite 400

San Francisco CA 94103

[redacted]

[redacted]

From: Nick [mailto:[redacted]]
Sent: Monday, April 29, 2013 12:21 PM
To: Lewis, Don (CPC)
Cc: Xiao Jeng

Subject: Re: Sunshine Ordinance request 480 Potrero Ave

Mr. Lewis:

Also, what exactly are you looking for? All environmental documents sent to the ZA for whom you reviewed in favor of my not requested documents were to the project file.

Right now I'm looking for lots of things.

Everything between the Planning Dept. & SIA Consulting ([redacted]), including Project Sponsor Reza Khoshnevisan, Town Consulting ([redacted]), including Consultant Tony Kim, Kitchen Cabinet Consulting, including Consultant Asha Safai ([redacted]), Mission Housing, including Mariposa Gardens, Inter-office documentation/correspondence, & outside agency documentation/correspondence RE: the proposed development at 480 Potrero Ave.

- If anything was published in the newspaper, I would like to review the receipts or the articles/adverts.
- If there were site visits, I would like to the know the dates or see said trip logs.
- If there were meetings/phone calls, I would like to review the minutes.
- If there's electronic data, I would like to see the digital photos, powerpoint presentations, word processing documents, spreadsheet files, PDF's, et al.

Everything

While there may not be environmental documents in Ben Fu's files, there most definitely are design documents in yours.

One item specifically known to be missing from your files; one which I brought to your attention in October 2012, is the following inaccuracy of the PMND

cc: Reza Khoshnevisan, Project Sponsor; Supervisor David Campos, District 9; Ben Fu, Current Planning
[redacted]

It is of concern that you have since revised the PMND (April 2013) & this error still has not been corrected. This project is in District 10 (Supervisor Malia Cohen).

> I am left to ask why is this not part of the record?

You have previously stated "Our findings and conclusions will not change."

In my opinion the following documents in your case file are invalid:

- Transportation Study Determination Request [8-11-2011]
  - Inline image 1
- Community Plan Exemption Eligibility Determination Long Range Planning [8-18-2011]
  - Inline image 4
- Air Quality Screening Analysis [2-1-2012]

Inline image 3

- HEA Preliminary Archaeological Review [8-11-2011]

  Inline image 5

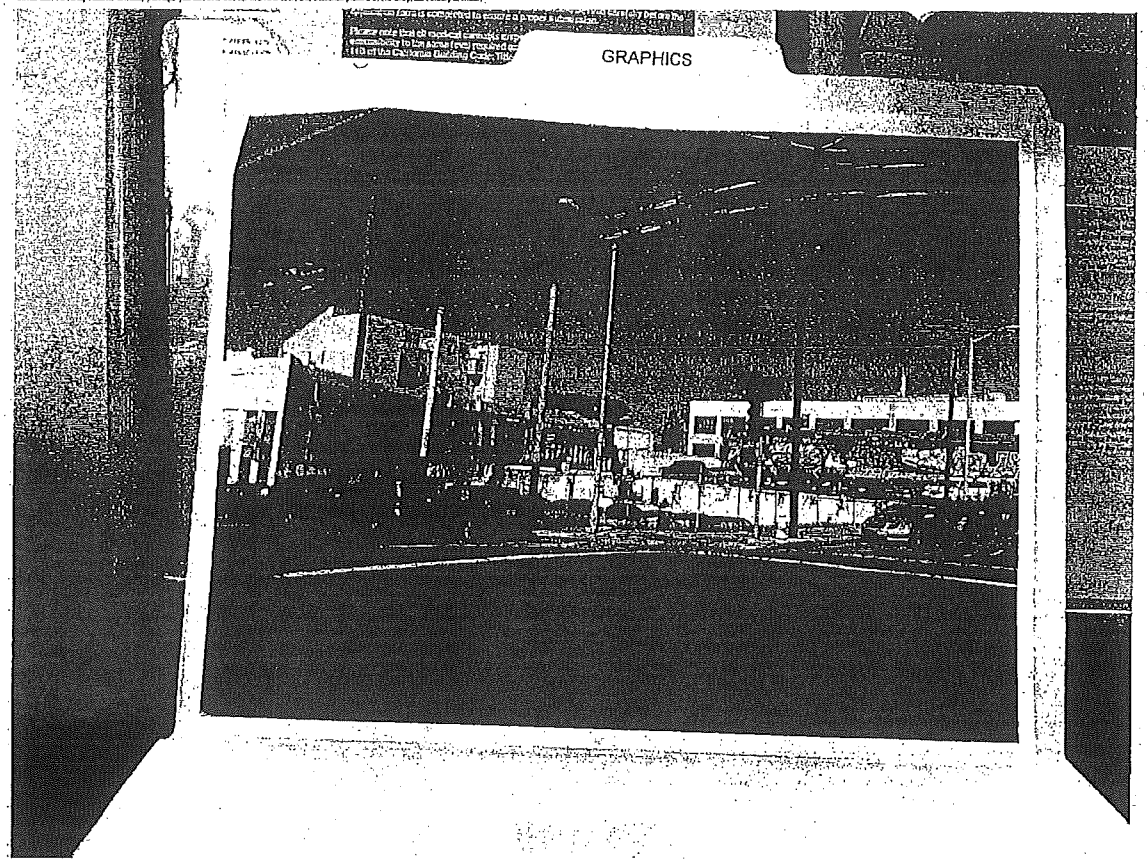
- Notice of Avail. & Intent to Adopt a Mitigated Neg Dec [9-26-2012]

- Revised FMND [4-18-2013]
  - 17 lines "vacant lot" is listed

Urgs Project Application [10-4-2012]

- Twice is the use described as vacant when it is a Parking Lot
- + the table below

Since Ben Fu rarely returns emails, perhaps you can find out for me who took the attached picture in his Graphics Folder, & when?



--Mitzengel

On Mon, Apr 29, 2013 at 10:07 AM, Lewis, Don (CPC) <don.lewis@sfgov.org> wrote:

"Mr. Lewis promptly responded on April 1 & I was able to go in the next day to begin reviewing his case file. There were no forms of electronic data provided. There was only minimal correspondence on record. Other documentation was either incomplete, missing, or possibly in Ben Fu's files."

"I know for a fact that there is more in the custody of the Planning Dept. Re the proposed project at 480 Potrero Ave, than what was available at the front desk for both Don Lewis & Ben Fu's case files"

Now, what exactly are you looking for? All our [illegible] documents were in the folder when you reviewed it. In one of my [illegible] the sample were in Ben's project folders.

Don Lewis

[illegible]

Subject: Re: Sunshine Ordinance request 480 Potrero Ave

For your records is the attached PDF complaint requesting assistance from the SOTF to obtain all documents, including digital files, held within custody of the SF Planning Dept. for the proposed project at 480 Potrero Ave.

On Thu, Apr 25, 2013 at 7:40 PM, Hwang, Lulu <[illegible]> wrote:
Besides all the materials in the case file from Ben and Don, the only thing I found in the Historical files are attached.

Thanks!
Lulu

Have a Good Day Today and a Better Day Tomorrow...

From: Mica [illegible]
Sent: Thursday, April 25, 2013 12:04 PM
To: Hwang, Lulu
Cc: Juan Jose, SOTF; Diane Ringel; Fu, Ben

Subject: Re: Sunshine Ordinance request 480 Potrero Ave

I couldn't have been any clearer in my response.

I asked specifically for "all documents, in addition to any emails &/or other electronic forms of data which they have for this project".

I know for a fact that there is more in the custody of the Planning Dept. RE: the proposed project at 480 Potrero Ave. than what was available at the front desk for both Don Lewis & Ben Fu's case files.

I investigated these documents & reported to you that they were incomplete.

Thus, I made my formal request with you for "access under the Sunshine Ordinance to everything held in custody by the SF Planning Dept. including emails, electronic files, phone records, meeting minutes, etc. related to the proposed development at 480 Potrero Ave".

This matter is coming to hearing with the Planning Commissioners and the custodians of the records at the Planning Dept. are making it more than difficult for me to access public information.

On Thu, Apr 25, 2013 at 12:39 PM, Hwang, Lulu <[illegible]> wrote:
Hello

On April 11, Ben sent you an email to let you know that the case file is available for you to review at the 4th floor reception desk. And our record shown that you had already came and review the case file.

May I assist you on what other files you would like to review?

Thanks!
Lulu Hwang
Planning Department
Operations & IT Administrator
1650 Mission Street #400
San Francisco CA 94103
415.558.6318 (V)
[illegible]
Have a Good Day Today and a Better Day Tomorrow...

From: Mica [illegible]
Sent: Thursday, April 25, 2013 11:24 AM
To: Hwang, Lulu
Cc: Juan Jose, SOTF; Diane Ringel
Subject: Re: Sunshine Ordinance request 480 Potrero Ave

Dear Ms. Hwang:

Third request. Now you too have not replied for 10 days.

It appears the Planning Dept. is far out of compliance with the Sunshine Ordinance http://sfbos.org/index.aspx?page=4660

How much longer is reasonable for me to wait before filing a formal complaint with the SOTF?

Mica Ringel
485 Potrero Ave
San Francisco, CA 94110

(415) 518-2523

On Mon, Apr 15, 2013 at 3:01 PM, Mica <[illegible]> wrote:
Dear Ms. Hwang:

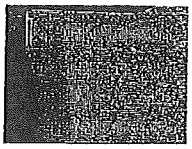
On March 31, 2013 I requested a copy of the complete file for the proposed development at 480 Potrero Ave from both Environmental Planner Don Lewis & City Planner Ben Fu.

I asked specifically for all documents, in addition to any emails &/or other electronic forms of data which they have for this project.

Whereas Mr. Lewis promptly responded on April 1, I was able to go in the next day to begin reviewing his case file.

Mr. Fu however had not acknowledged my request as of April 10, so I made a second. See emails below. He let me know the folder was avail. at the front desk. I again asked if the folder was complete, & again he never responded.

Earlier today I went in to the Planning Dept. to review said files & am perturbed to have found that the Correspondence folder for 480 Potrero is empty. Picture attached.



I've been told by Sue Hester that you're very good with documentation... & so in preparation of the hearing scheduled for May 16, 2013, I humbly request access under the Sunshine Ordinance to everything held in custody by the SF Planning Dept. including emails, electronic files, phone records, meeting minutes, etc. related to the proposed development at 480 Potrero Ave.

Regards,

Mica Ringel
485 Potrero Ave
San Francisco, CA 94110

(415) 518-2523

------ Forwarded message ------
From: Mica <[illegible]>
Date: Mon, Apr 15, 2013 at 11:17 AM
Subject: Re: Request for all files regarding 480 Potrero Ave
To: "Fu, Ben" <[illegible]>
Cc: "Hwang, Lulu" <[illegible]>

Mr. Fu:

Thanks for getting back to me. I was told to make my request with both you & Don Lewis for all files, in addition to any emails &/or other electronic forms of data which you both have for the proposed project at 480 Potrero.

I came in two weeks ago to review the files which Mr. Lewis had made available, & would like to come in today from around 12:30-3 to begin assessment of yours.

Per your suggestion, if I need further assistance going forward regarding this documentation request I'll make it with Mr. Hwang under the Sunshine Ord.

Regards,

—Mica Ringel

On Thu, Apr 11, 2013 at 9:59 AM, Fu, Ben <ben.fu@sfgov.org> wrote:
Mica,

If you are making a request under the sunshine ordinance, please contact Luis Hwang. Otherwise, if you wish to review the case file, it is available at the 1st floor reception.

Regards,

Ben A. Fu, City Planner
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103
T: 415.558.6413
F: 415.558.6409
ben.fu@sfgov.org

Forwarded message
From: Mica <[illegible]>
Date: Wed, Apr 10, 2013 2:58 PM
To: Fu, Ben
Subject: Re: Request for all files regarding 450 Potrero Ave

Thanks for letting me know.

Per my request a week ago Monday, is it complete with all documents, in addition to any emails &/or other electronic forms of data which you have for this project?

Regards, —Mica Ringel

On Wed, Apr 10, 2013 at 2:46 PM, Fu, Ben <ben.fu@sfgov.org> wrote:
Mica,

The case file is available for public review. You are welcome to make any copies at the reception lobby.

Regards,

Ben A. Fu, City Planner
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103
T: 415.558.6413
F: 415.558.6409
ben.fu@sfgov.org

Forwarded message
From: Mica <[illegible]>
Date: Wed, Apr 10, 2013 at 2:31 PM
Subject: Re: Request for all files regarding 450 Potrero Ave
To: ben.fu@sfgov.org

Second request.

Forwarded message
From: Mica [illegible]
Date: Sunday, March 31, 2013 10:22 PM
To: Fu, Ben
Cc: Hwang, Luis Hydin, MF

Subject: Request for all files regarding 450 Potrero Ave

Dear Mr. Fu:

In preparation of the hearing scheduled for May 16, 2013 I am requesting a copy of the complete file for the proposed development at 450 Potrero Ave.

Please include all documents, in addition to any emails &/or other electronic forms of data which you have for this project.

Please let me know when you expect this packet of information available for pickup.

I am also requesting the same from Don Lewis.

Regards,

Mica Ringel
485 Potrero Ave
San Francisco, CA 94110

(415) 519-2573

[redacted]

The answer would be because there are misrepresentations which I have alerted you to.

That question is for Ben Fu.

Mr. Fu:

Don Lewis says he has not reviewed the Large Project Application.

Have you?

--Mica Ringel

On Mon, Apr 29, 2013 at 2:57 PM, Lewis, Don (CPC) <don.lewis@sfgov.org> wrote:

Mica,

[redacted]

Don Lewis

[redacted]

Mica Ringel [mailto:[redacted]]
Sent: Monday, April 29, 2013 2:51 PM
To: Lewis, Don (CPC); Fu, Ben
Cc: Juan Joya
Subject: Re: Sunshine Ordinance request 450 Potrero Ave

Mr. Fu:

Don Lewis says he has not reviewed the Large Project Application.

Have you?

--Mica Ringel

On Mon, Apr 29, 2013 at 2:45 PM, Lewis, Don (CPC) <don.lewis@sfgov.org> wrote:

I don't remember with you that the CEQA Analysis which presented existing conditions which would include the use as such. Please file a memo to that the PMND and CPE are valid. This can be obtained at the Planning Information

I have not reviewed the Large Project Application.

Thanks,

Don Lewis

[redacted]

Mica Ringel [mailto:[redacted]]
Sent: Monday, April 29, 2013 2:38 PM

To: Lewis, Don (CPC)
Cc: Juan Joya
Subject: Re: Sunshine Ordinance request 450 Potrero Ave

Your environmental review case files are for the Large Project Application.

Is anyone addressing my concerns that the Project Site has been misrepresented starting with the Large Project Application?

The property's current use is described as vacant with 9 parking when it is clearly a parking lot, & it has been for some time.

On Mon, Apr 29, 2013 at 2:18 PM, Lewis, Don (CPC) <don.lewis@sfgov.org> wrote:

Mica,

An ad was published in the newspaper noting areas for the publication of the PMND and then for the appeal of the PMND.

I visited the site once but I did not keep a log of the day's events.

We don't keep minutes of meetings or phone calls.

Electronic data provided by the project sponsor is in hard copy in the project file. The attached photo I believe was taken by the project sponsor and was submitted as part of their application.

The project site is a vacant lot – there are no buildings or development on the lot. I will need to take the matter of the appeal hearing that the subject vacant, undeveloped lot is currently being used as a parking lot. We will not be amending the PMND to say it for this.

I will need the PMND and CPE in Supervisor Cohen's hands.

I don't remember with you and you have not brought forth any substantial evidence to refute that the PMND and CPE is invalid. We will have to wait for the appeal hearing for resolution.

Thanks,

Don Lewis

Environmental Review

San Francisco Planning Department

1650 Mission Street, Suite 400

San Francisco, CA 94103

[redacted]

[redacted]

Mica Ringel [mailto:[redacted]]
Sent: Monday, April 29, 2013 12:31 PM
To: Lewis, Don (CPC)
Cc: Juan Joya

Subject: Re: Sunshine Ordinance request 450 Potrero Ave

Mr. Lewis:

[redacted]

Right now I'm looking for lots of things.

Everything, between the Planning Dept. & SIA Consulting ([redacted]), including Project Sponsor Reza Khoshnevisan, Town Consulting ([redacted]), including Consultant Tony Kim, Kitchen Cabinet Consulting, including Consultant Asha Safai ([redacted]), Mission Housing, including Mariposa Gardens, Inter-office documentation/correspondence, & outside agency documentation/correspondence RE: the proposed development at 450 Potrero Ave.

- If anything was published in the newspaper, I would like to review the receipts or the articles/adverts.
- If there were site visits, I would like to the know the dates or see said trip logs.
- If there were meeting/phone calls, I would like to review the minutes.
- If there's electronic data, I would like to see the digital photos, powerpoint presentations, word processing documents, spreadsheet files, PDF's, et al.

Everything.

While there may not be environmental documents in Ben Fu's files, there most definitely are design documents in yours.

One item specifically known to be missing from your files; one which I brought to your attention in October 2012, is the following inaccuracy of the PMND

cc: Reza Khoshnevisan, Project Sponsor/ Supervisor David Campos, District 9/ Ben Fu, Current Planning
Dolores; Exemption/Exclusion File; Vina Kyra, M.D.F.

It is of concern that you have since revised the FMND (April 2012) & this error still has not been corrected. This project is in District 10 (Supervisor Malia Cohen).

> I am left to ask why is this not part of the record?

You have previously stated "Our findings and conclusions will not change"

In my opinion the following documents in your case file are invalid:

- Transportation Study Determination Request [8-11-2011]
  Inline image 1
- Community Plan Exemption Eligibility Determination Long Range Planning [6-16-2011]
  Inline image 4
- Air Quality Screening Analysis [2-2-2012]
  Inline image 3
- MEA Preliminary Archeological Review [8-11-2011]
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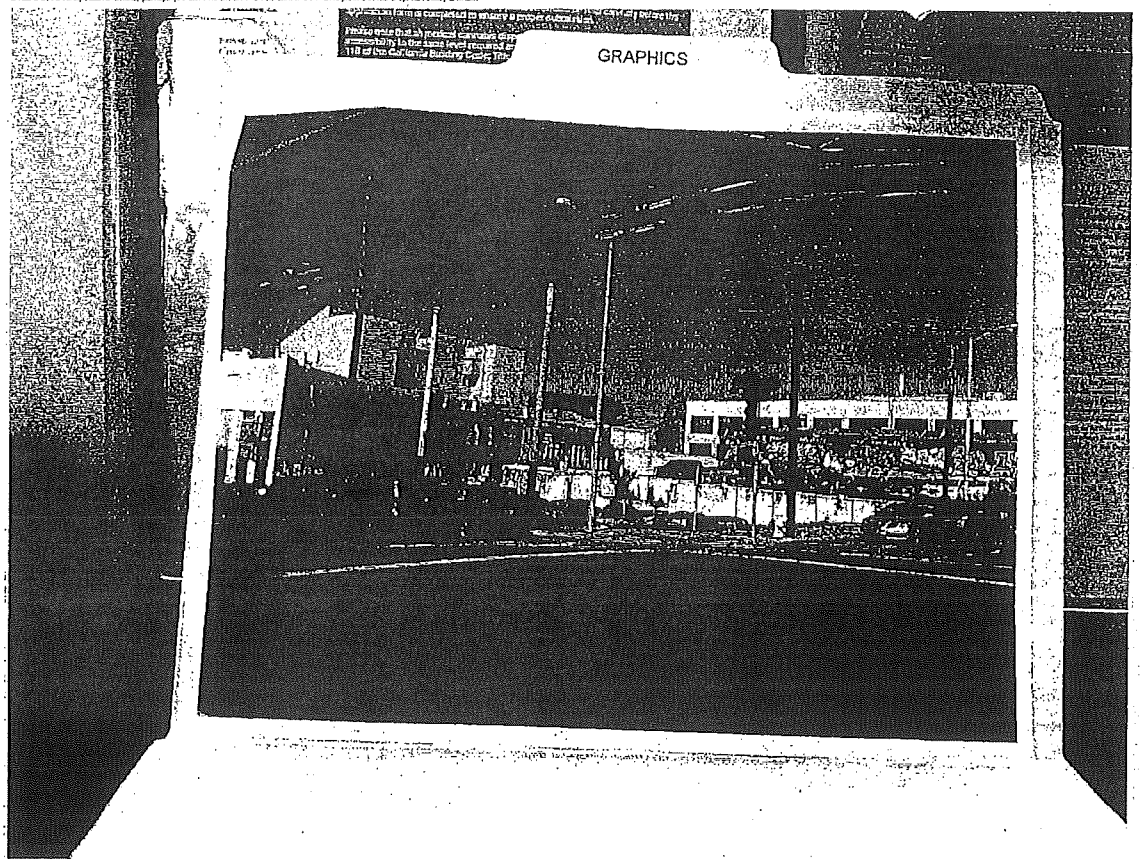
- Revised FMND [4-18-2012]
  - 17 times "vacant lot" is listed

Large Project Application [11-4-2012]

- Twice is the use described as vacant when it is a Parking Lot
- + the table below

Since Ben Au rarely returns emails, perhaps you can find out for me who took the attached picture in his Graphics Folder, & when?



—MAngel

On Mon, Apr 29, 2013 at 10:07 AM, Lewis, Don (CPC) <don.lewis@sfgov.org> wrote:

"Mr. Lewis promptly responded on April 1 & I was able to go in the next day to begin reviewing his case file. There were no forms of electronic data provided. There was only minimal correspondence on record. Other documentation was either incomplete, missing, or possibly in Ben Fu's files."

"I know for a fact that there is more in the custody of the Planning Dept. Re: the proposed project at 480 Potrero Ave, than what was available at the front desk for both Don Lewis & Ben Fu's case files"

[illegible]

Don Lewis

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

Prevent Mice [illegible]
Sunday, April 28, 2013 4:31 PM
Tim Hwang, Lulu; Fu, Ben; Lewis, Don (CPC)

Subject: Re: Sunshine Ordinance request 480 Potrero Ave

For your records is the attached PDF complaint requesting assistance from the SOTF to obtain all documents, including digital files, held within custody of the SF Planning Dept. for the proposed project at 480 Potrero Ave.

On Thu, Apr 25, 2013 at 7:40 PM, Hwang, Lulu <lulu.hwang@sfgov.org> wrote:

Besides all the materials in the case file from Ben and Don, the only thing I found in the Historical files are attached.

Thanks!
Lulu

Have a Good Day Today and a Better Day Tomorrow...

Prevent Mice [illegible]
Sunday, April 28, 2013 12:54 PM
Tim Hwang, Lulu
Cat Jones Joyce SOTF; Diane Ringel; Fu, Ben

Subject: Re: Sunshine Ordinance request 480 Potrero Ave

I couldn't have been any clearer in my request.

I asked specifically for "All documents, in addition to any emails &/or other electronic forms of data which they have for this project".

I know for a fact that there is more in the custody of the Planning Dept. Re: the proposed project at 480 Potrero Ave, than what was available at the front desk for both Don Lewis & Ben Fu's case files.

I mentioned these documents & reported to you that they were incomplete.

Thus, I made my formal request with you for "access under the Sunshine Ordinance to everything held in custody by the SF Planning Dept, including emails, electronic files, phone records, meeting minutes, etc. related to the proposed development at 480 Potrero Ave".

This matter is coming to hearing with the Planning Commissioners and the custodians of the records at the Planning Dept. are making it more than difficult for me to access public information.

On Thu, Apr 25, 2013 at 12:38 PM, Hwang, Lulu <lulu.hwang@sfgov.org> wrote:

Hello

On April 11, Ben sent you an email to let you know that the case file is available for you to review at the 4th floor reception desk. And our record shows that you had already come and review the case file.

May I assist you on what other files you would like to review?

Thanks!
Lulu Hwang
Planning Department
Operations & IT Administrator
1650 Mission Street #400
San Francisco CA 94103
415.558.6311 (M)
lulu.hwang@SFGOV.ORG
Have a Good Day Today and a Better Day Tomorrow...

Prevent Mice [illegible]
Sunday, April 28, 2013 12:54 AM
Tim Hwang, Lulu
Cat Jones Joyce SOTF; Diane Ringel
Subject: Re: Sunshine Ordinance request 480 Potrero Ave

Dear Ms. Hwang:

Third request. Now you too have not replied for 10 days.

It appears the Planning Dept. is far out of compliance with the Sunshine Ordinance http://sfgov.org/sotf/sunshine-ordinance-4480

How much longer is reasonable for me to wait before filing a formal complaint with the SOTF?

Nica Ringel
485 Potrero Ave
San Francisco, CA 94110

(415) 319-7573

On Mon, Apr 15, 2013 at 3:23 PM, Nica <nicomicafromel.com> wrote:

Dear Ms. Hwang:

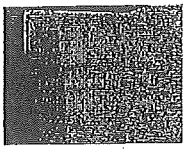
On March 31, 2013 I requested a copy of the complete file for the proposed development at 480 Potrero Ave from both Environmental Planner Don Lewis & City Planner Ben Fu.

I asked specifically for all documents, in addition to any emails &/or other electronic forms of data which they have for this project.

Whereas Mr. Lewis promptly responded on April 1, I was able to go in the next day to begin reviewing his case file.

Mr. Fu however had not acknowledged my request as of April 10, so I made a second. See emails below. He let me know the folder was avail. at the front desk. I again asked if the folder was complete, & again he never responded.

Earlier today I went in to the Planning Dept. to review said files & am perturbed to have found that the Correspondence folder for 480 Potrero is empty. Picture attached.



I've been told by Sue Hestor that you're very good with documentation... & so in preparation of the hearing scheduled for May 16, 2013, I humbly request access under the Sunshine Ordinance to everything held in custody by the SF Planning Dept, including emails, electronic files, phone records, meeting minutes, etc. related to the proposed development at 400 Potrero Ave.

Regards,

Mica Ringel
485 Potrero Ave
San Francisco, CA 94110

(415) 319-7523

---------- Forwarded message ----------
From: Mica <[illegible]>
Date: Mon, Apr 15, 2013 at 11:17 AM
Subject: Re: Request for all files regarding 400 Potrero Ave
To: "Fu, Ben" <[illegible]>
Cc: "Hwang, Lisa" <[illegible]>

Mr. Fu:

Thanks for getting back to me. I was told to make my request with both you & Don Lewis for all files, in addition to any emails &/or other electronic forms of data which you both have for the proposed project at 400 Potrero.

I came in two weeks ago to review the files which Mr. Lewis had made available, & would like to come in today from around 12:30-3 to begin assessment of yours.

Per your suggestion, if I need further assistance going forward regarding this documentation request I'll make it with Ms. Hwang under the Sunshine Ord.

Regards,

--Mica Ringel

On Thu, Apr 11, 2013 at 9:59 AM, Fu, Ben <[illegible]> wrote:

Mica,

If you are making a request under the sunshine ordinance, please contact Lisa Hwang. Otherwise, if you wish to review the case file, it is available at the 4th floor reception.

Regards,

Ben A. Fu, City Planner
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103
T: [illegible]
F: [illegible]
[illegible]

From: Mica [[illegible]]
Sent: Wednesday, April 10, 2013 3:58 PM
To: Fu, Ben
Subject: Re: Request for all files regarding 400 Potrero Ave

Thanks for letting me know.

Per my request a week ago Monday, is it complete with all documents, in addition to any emails &/or other electronic forms of data which you have for this project?

Regards, --Mica Ringel

On Wed, Apr 10, 2013 at 2:56 PM, Fu, Ben <[illegible]> wrote:

Mica,

The case file is available for public review. You are welcome to make any copies at the reception lobby.

Regards,

Ben A. Fu, City Planner
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103
T: [illegible]
F: [illegible]
[illegible]

---------- Forwarded message ----------
From: Mica <[illegible]>
Date: Wed, Apr 10, 2013 at 2:31 PM
Subject: Re: Request for all files regarding 400 Potrero Ave
To: [illegible]

Second request.

From: Mica [[illegible]]
Sent: Monday, March 11, 2013 10:22 PM
To: Fu, Ben
Cc: Hwang, Lisa; Mycka, Ed

Subject: Request for all files regarding 400 Potrero Ave

Dear Mr. Fu:

In preparation of the hearing scheduled for May 16, 2013 I am requesting a copy of the complete file for the proposed development at 400 Potrero Ave.

Please include all documents, in addition to any emails &/or other electronic forms of data which you have for this project.

Please let me know when you expect this packet of information available for pickup.

I am also requesting the same from Don Lewis.

Regards,

Mica Ringel
485 Potrero Ave
San Francisco, CA 94110

(415) 319-7523

From: Mica
To: Hwang, Lulu
Cc: Juan Jayo; SOTF; Diane Ringel; Fu, Ben
Subject: Re: Sunshine Ordinance request 480 Potrero Ave
Date: Thursday, April 25, 2013 12:56:37 PM

I couldn't have been any clearer in my requests.

I asked specifically for "all documents, in addition to any emails &/or other electronic forms of data which they have for this project".

I know for a fact that there is more in the custody of the Planning Dept. RE: the proposed project at 480 Potrero Ave. than what was available at the front desk for both Don Lewis & Ben Fu's case files.

I inventoried those documents & reported to you that they were incomplete.

Thus, I made my formal request with you for "access under the Sunshine Ordinance to everything held in custody by the SF Planning Dept, including emails, electronic files, phone records, meeting minutes, etc. related to the proposed development at 480 Potrero Ave".

This matter is coming to hearing with the Planning Commissioners and the custodians of the records at the Planning Dept. are making it more than difficult for me to access public information.

On Thu, Apr 25, 2013 at 12:38 PM, Hwang, Lulu <lulu.hwang@sfgov.org> wrote:

Hello

On April 11, Ben sent you an email to let you know that the case file is available for you to review at the 4th floor reception desk. And our record shown that you had already come and review the case file.

May I assist you on what other files you would like to review?

Thanks!
Lulu Hwang
Planning Department
Operations & IS Administrator
1650 Mission Street #400
San Francisco CA 94103
415-558-6318 (V)

Lulu.Hwang@SFGOV.ORG
Have a Good Day Today and a Better Day Tomorrow...

From: Mica [mailto:supermica@gmail.com]
Sent: Thursday, April 25, 2013 11:59 AM
To: Hwang, Lulu
Cc: Juan Jayo; SOTF; Diane Ringel
Subject: Re: Sunshine Ordinance request 480 Potrero Ave

Dear Ms. Hwang:

Third request. Now you too have not replied for 10 days.

It appears the Planning Dept. is far out of compliance with the Sunshine Ordinance http://sfbos.org/index.aspx?page=4460

How much longer is reasonable for me to wait before filing a formal complaint with the SOTF?

Mica Ringel

485 Potrero Ave

San Francisco, CA 94110

(415) 519-7523

On Mon, Apr 15, 2013 at 3:01 PM, Mica <supermica@gmail.com> wrote:

Dear Ms. Hwang:

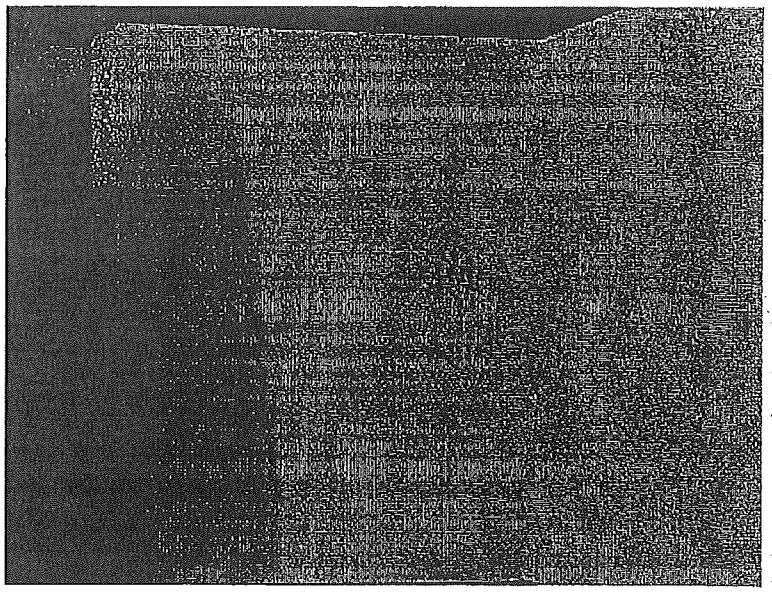
On March 31, 2013 I requested a copy of the complete file for the proposed development at 480 Potrero Ave from both Environmental Planner Don Lewis & City Planner Ben Fu.

I asked specifically for all documents, in addition to any emails &/or other electronic forms of data which they have for this project.

Whereas Mr. Lewis promptly responded on April 1, I was able to go in the next day to begin reviewing his case file.

Mr. Fu however had not acknowledged my request as of April 10, so I made a second. See emails below. He let me know the folder was avail. at the front desk. I again asked if the folder was complete, & again he never responded.

Earlier today I went in to the Planning Dept. to review said files & am perturbed to have found that the Correspondence folder for 480 Potrero is empty. Picture attached.



I've been told by Sue Hestor that you're very good with documentation... & so in preparation of the hearing scheduled for May 16, 2013, I humbly request access under the Sunshine Ordinance to everything held in custody by the SF Planning Dept, including emails, electronic files, phone records, meeting minutes, etc. related to the proposed development at 480 Potrero Ave.

Regards,

Mica Ringel

485 Potrero Ave

San Francisco, CA 94110

(415) 519-7523

---------- Forwarded message ----------
From: **Mica** <supermica@gmail.com>
Date: Mon, Apr 15, 2013 at 11:17 AM
Subject: Re: Request for all files regarding 480 Potrero Ave
To: "Fu, Ben" <ben.fu@sfgov.org>
Cc: "Hwang, Lulu" <lulu.hwang@sfgov.org>

Mr. Fu:

Thanks for getting back to me. I was told to make my request with both you & Don Lewis for all files, in addition to any emails &/or other electronic forms of data which you both have for the proposed project at 480 Potrero.

I came in two weeks ago to review the files which Mr. Lewis had made available, & would like to come in today from around 12:30-3 to begin assessment of yours.

Per your suggestion, if I need further assistance going forward regarding this documentation request I'll make it with Ms. Hwang under the Sunshine Ord.

Regards,

--Mica Ringel

On Thu, Apr 11, 2013 at 9:59 AM, Fu, Ben <ben.fu@sfgov.org> wrote:

Mica,

If you are making a request under the sunshine ordinance, please contact Lulu Hwang. Otherwise, if you wish to review the case file, it is available at the 4th floor reception.

Regards,

Ben A. Fu, City Planner

San Francisco Planning Department

1650 Mission Street, Suite 400

San Francisco, CA 94103

T: 415.558.6613

F: 415.558.6409

ben.fu@sfgov.org

From: Mica [mailto:supermica@gmail.com]
Sent: Wednesday, April 10, 2013 2:58 PM
To: Fu, Ben
Subject: Re: Request for all files regarding 480 Potrero Ave

Thanks for letting me know.

Per my request a week ago Monday, is it complete with all documents, in addition to any emails &/or other electronic forms of data which you have for this project?

Regards, --Mica Ringel

On Wed, Apr 10, 2013 at 2:46 PM, Fu, Ben <ben.fu@sfgov.org> wrote:

Mica,

The case file is available for public review. You are welcome to make any copies at the reception lobby.

Regards,

Ben A. Fu, City Planner

San Francisco Planning Department

1650 Mission Street, Suite 400

San Francisco, CA 94103

T: 415.558.6613

F: 415.558.6409

ben.fu@sfgov.org

---------- Forwarded message ----------
From: **Mica** <supermica@gmail.com>
Date: Wed, Apr 10, 2013 at 2:31 PM
Subject: Re: Request for all files regarding 480 Potrero Ave
To: ben.fu@sfgov.org

Second request.

From: Mica [mailto:supermica@gmail.com]
Sent: Sunday, March 31, 2013 10:22 PM
To: Fu, Ben
Cc: Hwang, Lulu; Wycko, Bill

Subject: Request for all files regarding 480 Potrero Ave

Dear Mr. Fu:

In preparation of the hearing scheduled for May 16, 2013 I am requesting a copy of the complete file for the proposed development at 480 Potrero Ave.

Please include all documents, in addition to any emails &/or other electronic forms of data which you have for this project.

Please let me know when you expect this packet of information available for pickup.

I am also requesting the same from Don Lewis.

Regards,

Mica Ringel

485 Potrero Ave

San Francisco, CA 94110

(415) 519-7523

From:	Mica
To:	Fu, Ben
Cc:	Hwang, Lulu; Wycko, Bill
Subject:	Request for all files regarding 480 Potrero Ave
Date:	Sunday, March 31, 2013 10:22:43 PM

Dear Mr. Fu:

In preparation of the hearing scheduled for May 16, 2013 I am requesting a copy of the complete file for the proposed development at 480 Potrero Ave.

Please include all documents, in addition to any emails &/or other electronic forms of data which you have for this project.

Please let me know when you expect this packet of information available for pickup.

I am also requesting the same from Don Lewis.

Regards,

Mica Ringel
485 Potrero Ave
San Francisco, CA 94110

(415) 519-7523

SUNSHINE ORDINANCE TASK FORCE
Education, Outreach and Training Committee
CITY AND COUNTY OF SAN FRANCISCO
MINUTES - DRAFT

Hearing Room 408
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

January 13, 2014 – 3:00 PM

Regular Meeting

Members: David Pilpel (Chair), Todd David,
Bruce Oka, Chris Hyland

1. **CALL TO ORDER, ROLL CALL, AND AGENDA CHANGES**

Louise Fischer was appointed to the Education, Outreach and Training Committee meeting of January 13, 2014.

The meeting was called to order at 3:02 p.m. On the call of the roll Members Hyland and Oka were noted absent. There was a quorum.

2. **File No. 12013:** Hearing on the determined violation of complaint by William Clark against Howard Lazar, Arts Commission, for allegedly not providing documents of expenses charged to the Street Artist Program for FY 2010-2011.

William Clark (Complainant) provided an overview of the status of the records requested. Robert Clark and Paula Datesh present facts and evidence in support of the Complainant. Howard Lazar and Kate Paterson-Murphy, Arts Commission (Respondent) provided the Arts Commission's defense and provided an update on the Arts Commission's compliance with the Order of Determination. Complainant and Respondent responded to questions raised throughout the discussion. Respondent provided a rebuttal. Complainant provided a rebuttal.

Member David, seconded by Member Fischer, moved to authorize the Chair of the Education, Outreach and Training Committee to compose and transmit a letter to the City Attorney's Office requesting advice as to whether conversations (verbal and written) between departments and the City Attorney's Office regarding public documents and the Sunshine Ordinance is considered public information. (Divided into File No. 14002)

Speakers: Thomas Picarello expressed concern over the long delay in the complaint process and suggested that the complaint be referred back to the Task Force for determination of official misconduct.

The motion passed by the following vote:
Ayes: 3 – Pilpel, David, Fischer
Absent: 2 – Hyland, Oka

Due to a lack of an additional motion, the MATTER CONCLUDED.

3. **File No. 13024:** Hearing on the status of the Order of Determination of Mica Ringel against the Planning Department for allegedly failing to provide requested records associated with the proposed development of 480 Potrero Avenue.

Mica Ringel (Complainant); provided an update on the information submitted by the Planning Department. There were no speakers in support of the Complainant. Jonas Ionin, Custodian of Records, Planning Department, (Respondent); provided an overview of the Planning Department's defense. There were no speakers in support of the Respondent. Complainant and Respondent responded to questions raised throughout the discussion. Respondent provided a rebuttal. Complainant provided a rebuttal.

Member Fischer, seconded by Member David, moved to refer the matter back to the Task Force.

The Committee requested the Planning Department to perform an additional email database search for '480 + Portrero" and "2011.0430".

Speakers: Thomas Picarello expressed various concern and suggestion that the matter be referred to the Task Force for determination of willful violation; Charles Pitts expressed various concerns.

The Motion passed by the following vote:
Ayes: 3 – Pilpel, David, Fischer
Absent: 2 – Hyland, Oka

4. **Planning Department Public Records, Policies and Procedures.**

Jonas Ionin, Custodian of Records, Planning Department, provided a summary of the Planning Department's public records policies and procedures. A question and answer period followed.

Member Pilpel, seconded by Member David, moved to CONTINUED TO THE CALL OF THE CHAIR.

Speakers: Thomas Picarello expressed concerns over the Sunshine training of Planners and requests a timeline of implementation; Charles Pitts expressed various concerns.

The motion passed without objection.

5. **Administrative Code Chapter 12L: Public Access to Records and Meetings of Non-Profit Organizations.**

Chair Pilpel provided a summary and discussion occurred.

Member David, seconded by Member Fisher, moved to request comments from CCSF Departments in regards to the SOTF draft letter concerning Administrative Code Chapter 12L.

Speakers: Thomas Picarello expressed concerns that a draft letter was not available for public review and stated that non-profits should not be exempt from public information laws; Charles Pitts expressed various concerns over non-profits meeting procedures.

6. **Public Comment:**

Speakers: Thomas Picarello expressed concerns in regarding public comment of the city's budget.

7. **Announcements, Comments, Questions, and Future Agenda Items.**

Pending items before the Education, Outreach and Training Committee: SOTF website and Chaffee v. Budget and Finance Committee.

Speakers: Charles Pitts request that information concerning public comment at meetings be transmitted to other agencies in the city.

8. **ADJOURNMENT**

There being no further business the meeting the Committee Adjourned at 5:28 p.m.

Agenda Item Information

Each item on the agenda may include: 1) Department or Agency cover letter and/or report; 2) Public correspondence; 3) Other explanatory documents. For more information concerning agendas, minutes, and meeting information, such as these documents, please contact the SOTF Clerk, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.

Audio recordings of the meeting of the Sunshine Ordinance Task Force are available at: http://www.sfbos.org/index.aspx?page=9811

For information concerning Sunshine Ordinance Task Force please contact by e-mail sotf@sfgov.org or by calling (415) 554-7724.

Public Comment

Public Comment will be taken before or during the Committee's consideration of each agenda item. Speakers may address the Task Force for up to three minutes on that item. During General Public Comment, members of the public may address the Task Force on matters that are within the Task Force's jurisdiction and are not on the agenda. Any person speaking during a public comment period may supply a brief written summary of their comments, which shall, if no more than 150 words, be included in the official file.

Each member of the public will be allotted the same maximum number of minutes to speak as set by the Chair at the beginning of each item, excluding persons requested by the Task Force to make presentations.

Each member of the public who is unable to attend the public meeting or hearing may submit to the City, by the time the hearing begins, written comments regarding the subject of the meeting or hearing;. These comments will be made a part of the official public record.

Hearing Procedures

1.	Complainant presents his/her facts and evidence	5 minutes
	Other parties of Complainant present facts and evidence	Up to 3 minutes each
2.	City responds	5 minutes
	Other parties of City respond	Up to 3 minutes each
	Above total speaking times for Complainant and City to be the same.	
3.	Matter is with the Task Force for discussion and questions.	
4.	Respondent and Complainant presents clarification/rebuttal	3 minutes
5.	Matter is with the Task Force for motion and deliberation.	
6.	Public comment (Excluding Complainant & City response, witnesses)	Up to 3 minutes each
7.	Vote by Task Force (Public comment at discretion of chair on new motion and/or on new motion if vote fails.)	

Note: Time must be adhered to. If a speaker is interrupted by questions, the interruption does not count against his/her time.

Disability Access

The hearing rooms in City Hall are wheelchair accessible. Assistive listening devices for the hearing rooms are available upon request with the SOTF Clerk. The nearest accessible BART station is Civic Center (Market/Grove/Hyde Streets). Accessible MUNI Metro lines are the F, J, K, L, M, N, T (exit at Civic Center or Van Ness Stations). MUNI bus lines also serving the area are the 5, 6, 9, 19, 21, 47, 49, 71, and 71L. For more information about MUNI accessible services, call (415) 701-4485. There is accessible parking in the vicinity of City Hall at Civic Center Plaza and adjacent to Davies Hall and the War Memorial Complex. Accessible curbside parking is available on Dr. Carlton B. Goodlett Place and Grove Street.

The following services are available on request 48 hours prior to the meeting; except for Monday meetings, for which the deadline shall be 4:00 p.m. of the last business day of the preceding week: For American sign language interpreters or the use of a reader during a meeting, a sound enhancement system, and/or alternative formats of the agenda and minutes, please contact the SOTF Clerk at (415) 554-7724 to make arrangements for the accommodation. Late requests will be honored, if possible.

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City accommodate these individuals.

Know Your Rights Under the Sunshine Ordinance

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact: Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102; phone (415) 554-7724; fax (415) 554-7854; or email sotf@sfgov.org.

Citizens may obtain a free copy of the Sunshine Ordinance by printing Chapter 67 of the San Francisco Administrative Code on the Internet, at http://www.sfbos.org/sunshine.

Cell Phones, Pagers and Similar Sound-Producing Electronic Devices

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

Lobbyist Registration and Reporting Requirements

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code §2.100, et. seq] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at: 25 Van Ness Avenue, Suite 220, San Francisco, CA 94102; telephone (415) 581-3100; fax (415) 252-3112; web site www.sfgov.org/ethics.

SUNSHINE ORDINANCE TASK FORCE
CITY AND COUNTY OF SAN FRANCISCO
AGENDA

Hearing Room 408
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

February 5, 2014 – 4:00 PM

Regular Meeting

1. **CALL TO ORDER, ROLL CALL, AND AGENDA CHANGES**

Seat 1	*(Vacant)*	Seat 8	Todd David
Seat 2	Richard Knee *(Hold Over)*	Seat 9	Chris Hyland
Seat 3	Kitt Grant – **Chair**	Seat 10	Louise Fischer – **Vice Chair**
Seat 4	*(Vacant)*	Seat 11	Bruce Oka *(Hold Over)*
Seat 5	Allyson Washburn *(Hold Over)*		
Seat 6	David Pilpel	Ex-officio	Angela Calvillo
Seat 7	David Sims	Ex-officio	*(Vacant)*

2. **File No. 13024:** The Education, Outreach and Training Committee has referred File No. 13024, Mica Ringel against the Planning Department for allegedly failing to provide requested records associated with the proposed development of 480 Potrero Avenue. (Discussion and Action) *(attachment) (approximately 30 minutes)*

3. **Public Comment:** Members of the public may address the Sunshine Ordinance Task Force (SOTF) on matters that are within SOTF's jurisdiction, but not on today's agenda. *(No Action)* ***Public comment shall be taken at 5:00 pm or as soon thereafter as possible.***

4. **File No. 13030:** Complaint filed by Charles Pitts, against the Community Housing Partnership for allegedly failing to comply with an Immediate Disclosure Request for tenant's budget of 650 Eddy St. *(attachment)*

   (a) Determination of jurisdiction on complaint filed by Charles Pitts, against the Community Housing Partnership for allegedly failing to comply with an Immediate Disclosure Request for tenant's budget of 650 Eddy St. *(approximately 5 minutes) (Discussion and Action)*

   (b) Hearing on complaint filed by Charles Pitts, against the Community Housing Partnership for allegedly failing to comply with an Immediate Disclosure Request for tenant's budget of 650 Eddy St. *(approximately 45 minutes) (Discussion and Action)*

5. **File No. 13043:** Complaint filed by Cecilia Hairston-Omondi, against the San Francisco Municipal Transportation Agency for allegedly violating Sunshine Ordinance Sections 67.24(c), 67.25(a)(c) and 67.26 for failure to respond to a request for information on May 6, 2013, and June 24, 2013. *(attachment)*

   (a) Determination of jurisdiction on complaint filed by Cecilia Hairston-Omondi, against the San Francisco Municipal Transportation Agency for allegedly violating Sunshine Ordinance Sections 67.24(c), 67.25(a)(c) and 67.26 for failure to respond to a request for information on May 6, 2013, and June 24, 2013. *(approximately 5 minutes) (Discussion and Action)*

   (b) Hearing on complaint filed by Cecilia Hairston-Omondi, against the San Francisco Municipal Transportation Agency for allegedly violating Sunshine Ordinance Sections 67.24(c), 67.25(a)(c) and 67.26 for failure to respond to a request for information on May 6, 2013, and June 24, 2013. *(approximately 45 minutes) (Discussion and Action)*

6. **File No. 13051:** Complaint filed by Paula Datesh, against Howard Lazar, Arts Commission for allegedly violating Sunshine Ordinance §67.25 Immediacy of Response thereby failing to respond to an Immediate Disclosure Request on August 18, 2013. *(attachment)*

   (a) Determination of jurisdiction on complaint filed by Paula Datesh, against Howard Lazar, Arts Commission for allegedly violating Sunshine Ordinance §67.25 Immediacy of Response thereby failing to respond to an Immediate Disclosure Request on August 18, 2013. *(approximately 5 minutes) (Discussion and Action)*

   (b) Hearing on complaint filed by Paula Datesh, against Howard Lazar, Arts Commission for allegedly violating Sunshine Ordinance §67.25 Immediacy of Response thereby failing to respond to an Immediate Disclosure Request on August 18, 2013. *(approximately 45 minutes) (Discussion and Action)*

7. **File No. 13052:** Complaint filed by Paula Datesh, against Howard Lazar, Arts Commission for allegedly violating Sunshine Ordinance §67.25 Immediacy of Response thereby failing to respond to an Immediate Disclosure Request on August 28, 2013. *(attachment)*

   (a) Determination of jurisdiction on complaint filed by Paula Datesh, against Howard Lazar, Arts Commission for allegedly violating Sunshine Ordinance §67.25 Immediacy of Response thereby failing to respond to an Immediate Disclosure Request on August 28, 2013. *(approximately 5 minutes) (Discussion and Action)*

   (b) Hearing on complaint filed by Paula Datesh, against Howard Lazar, Arts Commission for allegedly violating Sunshine Ordinance §67.25 Immediacy of Response thereby failing to respond to an Immediate Disclosure Request on August 28, 2013. *(approximately 45 minutes) (Discussion and Action)*

8. **Approval of Minutes from the March 6, 2013, Regular Meeting.** *(approximately 5 minutes) (Action) (attachment)*

9. **Approval of Minutes from the April 3, 2013, Regular Meeting.** *(approximately 5 minutes) (Action) (attachment)*

10. **Approval of Minutes from the May 1, 2013, Regular Meeting.** *(approximately 5 minutes) (Action) (attachment)*

11. **Approval of Minutes from the June 5, 2013, Regular Meeting.** *(approximately 5 minutes) (Action) (attachment)*

12. **Approval of Minutes from the July 9, 2013, Special Meeting.** *(approximately 5 minutes) (Action) (attachment)*

13. **Approval of Minutes from the August 7, 2013, Regular Meeting.** *(approximately 5 minutes) (Action) (attachment)*

14. **Approval of Minutes from the September 4, 2013, Regular Meeting.** *(approximately 5 minutes) (Action) (attachment)*

15. **Approval of Minutes from the October 2, 2013, Regular Meeting.** *(approximately 5 minutes) (Action) (attachment)*

16. **Approval of Minutes from the November 6, 2013, Regular Meeting.** *(approximately 5 minutes) (Action) (attachment)*

17. **Approval of Minutes from the December 4, 2013, Regular Meeting.** *(approximately 5 minutes) (Action) (attachment)*

18. **Sunshine Ordinance Task Force Meeting Schedule - Conflict with Sunshine and Ethics Training Program – February 25, 2014.** *(approximately 10 minutes) (Discussion and Action)*

19. **Report: Compliance and Amendments Committee meeting of December 17, 2013.** *(approximately 5 minutes) (Discussion)*

20. **Report: Education, Outreach and Training Committee meetings of December 9, 2013, and January 13, 2014.** *(approximately 5 minutes) (Discussion)*

21. **Administrator's Report.** *(approximately 5 minutes) (Discussion)*

22. **Announcements, Comments, Questions, and Future Agenda Items.** *(approximately 10 minutes) (Discussion and Action)*

23. **ADJOURNMENT**

Agenda Item Information

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Public Comment

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Hearing Procedures

1.	Complainant presents his/her facts and evidence	5 minutes
	Other parties of Complainant present facts and evidence	Up to 3 minutes each
2.	City responds	5 minutes
	Other parties of City respond	Up to 3 minutes each
	Above total speaking times for Complainant and City to be the same.	
3.	Matter is with the Task Force for discussion and questions.	
4.	Respondent and Complainant presents clarification/rebuttal	3 minutes
5.	Matter is with the Task Force for motion and deliberation.	
6.	Public comment (Excluding Complainant & City response, witnesses)	Up to 3 minutes each
7.	Vote by Task Force (Public comment at discretion of chair on new motion and/or on new motion if vote fails.)	

Note: Time must be adhered to. If a speaker is interrupted by questions, the interruption does not count against his/her time.

Disability Access

The hearing rooms in City Hall are wheelchair accessible. Assistive listening devices for the hearing rooms are available upon request with the SOTF Clerk. The nearest accessible BART station is Civic Center (Market/Grove/Hyde Streets). Accessible MUNI Metro lines are the F, J, K, L, M, N, T (exit at Civic Center or Van Ness Stations). MUNI bus lines also serving the area are the 5, 6, 9, 19, 21, 47, 49, 71, and 71L. For more information about MUNI accessible services, call (415) 701-4485. There is accessible parking in the vicinity of City Hall at Civic Center Plaza and adjacent to Davies Hall and the War Memorial Complex. Accessible curbside parking is available on Dr. Carlton B. Goodlett Place and Grove Street.

The following services are available on request 48 hours prior to the meeting; except for Monday meetings, for which the deadline shall be 4:00 p.m. of the last business day of the preceding week: For American sign language interpreters or the use of a reader during a meeting, a sound enhancement system, and/or alternative formats of the agenda and minutes, please contact the SOTF Clerk at (415) 554-7724 to make arrangements for the accommodation. Late requests will be honored, if possible.

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City accommodate these individuals.

Know Your Rights Under the Sunshine Ordinance

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact: Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102; phone (415) 554-7724; fax (415) 554-7854; or email sotf@sfgov.org.

Citizens may obtain a free copy of the Sunshine Ordinance by printing Chapter 67 of the San Francisco Administrative Code on the Internet, at http://www.sfbos.org/sunshine.

Cell Phones, Pagers and Similar Sound-Producing Electronic Devices

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices (Chapter 67A of the San Francisco Administrative Code).

Lobbyist Registration and Reporting Requirements

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code §2.100, et. seq] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at: 25 Van Ness Avenue, Suite 220, San Francisco, CA 94102; telephone (415) 581-3100; fax (415) 252-3112; web site www.sfgov.org/ethics

File No. 13024

SOTF Item No. 2
CAC Item No. _____

SUNSHINE ORDINANCE TASK FORCE
AGENDA PACKET CONTENTS LIST

Sunshine Ordinance Task Force (SOTF) **Date:** February 5, 2014

Compliance and Amendments Committee (CAC) **Date:** _____

CAC/SOTF

☐	☒	**Memorandum**
☐	☒	**Order of Determination**
☐	☒	**Complaint and Supporting documents** *
☐	☒	**Respondent's Response** *
☐	☐	**Minutes**
☐	☐	
☐	☐	
☐	☐	
☐	☐	
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OTHER

☐	☐	_____
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☐	☐	_____
☐	☐	_____

Completed by: V. Young **Date** 01/31/14
Completed by: _____ **Date** _____

*An asterisked item represents the cover sheet to a document that exceeds 75 pages. The complete document is in the file.

CITY AND COUNTY OF SAN FRANCISCO

SUNSHINE ORDINANCE TASK FORCE

ORDER OF DETERMINATION
October 23, 2013

DATE THE DECISION ISSUED
October 2, 2013

CASE TITLE – MICA RINGEL V. PLANNING DEPARTMENT (13024)

FACTS OF THE CASE

Mica Ringel ("Complainant") complains that the Planning Department via individuals Ben Fu, Don Lewis, and Lulu Hwang ("Respondents") violated the Sunshine Ordinance by failing to provide the appropriate access to various public records.

COMPLAINT FILED

On April 26, 2013, "Complainant" filed a Complaint against "Respondents", seeking assistance from the Task Force regarding his public records request to the Planning Department on March 31, 2013. "Respondents" had provided some records to "Complainant", but "Complainant" noted the lack of certain correspondence or electronic data. The Planning Department, upon notification of the Complaint, engaged in further email correspondence with "Complainant". This correspondence culminated in a notification to the Task Force from "Complainant" on May 14, 2013, that the matter was not resolved, and included a summary of records "Complainant" continues to seek from Respondent.

HEARING ON THE COMPLAINT

On October 2, 2013, "Complainant", appeared before the Task Force claiming the Planning Department did not release the complete case file of a proposed development at 480 Potrero Avenue. Lulu Hwang, Operations and IS Administrator, Planning Department ("Respondent") presented the Planning Department's defense presenting the complete case file to the Task Force for the "Complainant" on a compact disk.

The issue in the case is whether the Planning Department violated Sections, 67.21, 67.24, 67.25, 67.26, and 67.27 of the Ordinance.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Based on the testimony and evidence presented the Task Force finds the testimony of "Complainant" to be persuasive and finds Sections 67.21(a) and 67.29-7 to be applicable in this case. The Task Force does not find the testimony provided by the Planning Department persuasive to this case.

DECISION AND ORDER OF DETERMINATION

The Task Force finds that the Planning Department violated Sections 67.21(a) and 67.29-7 of the Sunshine Ordinance for failing to make the case file accessible and not maintaining its records associated with the case file. The Planning Department shall release the records requested, if not provided on the compact disk released to "Complainant" the day of October 2, 2013, within 5 business days of the issuance of this Order and appear before the Compliance and Amendments Committee on November 19, 2013.

This Order of Determination was adopted by the Sunshine Ordinance Task Force on October 2, 2013 by the following vote: (Knee/Washburn)

Ayes: Knee, Washburn, David, Hyland, Oka, Fischer
Absent: Pilpel, Sims, Grant

Kitt Grant

Kitt Grant, Chair
Sunshine Ordinance Task Force

c: Celia Lee, Deputy City Attorney
Jerry Threet, Deputy City Attorney
Mica Ringel, Complainant
Lulu Hwang, Operations and IS Administrator, Planning Department, Respondent
Fu, Don Lewis, City Planner, Planning Department
John Rahaim, Planning Director, Planning Department
AnMarie Rodgers, Manager Legislative Affairs, Planning Department

CITY AND COUNTY OF SAN FRANCISCO

DENNIS J. HERRERA
City Attorney

OFFICE OF THE CITY ATTORNEY

CELIA W. LEE
Deputy City Attorney

DIRECT DIAL: (415) 554-3858
E-MAIL: celia.lee@sfgov.org

MEMORANDUM

TO: Sunshine Ordinance Task Force

FROM: Celia W. Lee
Deputy City Attorney

DATE: September 26, 2013

RE: Complaint No. 13024 – Ringel v. Planning Department

COMPLAINT

Mica Ringel ("Complainant") complains that the Planning Department ("Respondent," via individuals Ben Fu, Don Lewis, and Lulu Hwang) violated the Sunshine Ordinance by failing to provide the appropriate access to various public records.

COMPLAINANT FILES COMPLAINT:

On April 26, 2013, Complainant filed a Complaint against Respondent, seeking assistance from the Task Force regarding his public records request to the Planning Department on March 31, 2013. Respondent had provided some records to Complainant, but Complainant noted the lack of certain correspondence or electronic data.

The Planning Department, upon notification of the Complaint, engaged in further email correspondence with Complainant. This correspondence culminated in a notification to the Task Force from Complainant on May 14, 2013 that the matter was not resolved, and that included a summary of records Complainant continues to seek from Respondent.

JURISDICTION

Respondent Planning Department is a department under the Ordinance. The Task Force therefore generally has jurisdiction to hear a complaint of a violation of the Ordinance against Respondent. Respondent has not contested jurisdiction.

APPLICABLE STATUTORY SECTION(S)

Section 67 of the San Francisco Administrative Code (Sunshine Ordinance):

- Section 67.20 governs definitions regarding public information and public records.
- Section 67.21 governs the process for gaining access to public records
- Section 67.21.1 pertains to City policy regarding use and purchase of computer systems, particularly where applicable to public records management and disclosure.
- Section 67.24 governs public information that must be disclosed.
- Section 67.25 governs the immediacy of response and timing of production.
- Section 67.26 governs withholding of records.
- Section 67.27 governs justification of withholding of records.

Memorandum

TO: Sunshine Ordinance Task Force
DATE: January 29, 2014
PAGE: 2
RE: Complaint No. 13024 – Ringel v. Planning Department

APPLICABLE CASE LAW:

None.

BACKGROUND:

Complaint: Complainant submitted his complaint on April 26, 2013 regarding the Planning Department's inadequate response to his public records request on March 31, 2013.

Chronology: on March 31, 2013, Ringel had emailed a request for the complete file for the proposed development at 480 Potrero Avenue. He specifically requested "all documents, in addition to any emails and/or other electronic forms of data which they have for this project" to Environmental Planner Don Lewis and City Planner Ben Fu. He cc'd office manager Lulu Hwang on both requests.

Don Lewis's response: Mr. Lewis responded on April 1, and on April 2 Complainant reviewed his file. However, there was no electronic data and only minimal correspondence.

Ben Fu's response: Mr. Fu did not respond or acknowledge Complainant's March 31 request. On April 10, Complainant made a second request. Mr. Fu informed Complainant via email that the file was available at the front desk of the Planning Department. Complainant inquired if the file was complete, but received no response. On April 15, Complainant reviewed Mr. Fu's file and found nothing in the correspondence section of the file. Complainant himself had corresponded with Mr. Lewis and Mr. Fu regarding the proposed development at 480 Potrero, so he had expected to see that correspondence (and presumably other items of correspondence) in the file.

On April 15, Complainant emailed Lulu Hwang, the office manager for the Planning Department, stating "I humbly request access under the Sunshine Ordinance to everything held in custody by the SF Planning Dept, including emails, electronic files, phone records, meeting minute, etc related to the proposed development at 480 Potrero Ave." He did not hear back from Ms. Hwang in 10 days.

On April 25, he emailed Ms. Hwang again, copying the Task Force. According to Complainant, Ms. Hwang did not seem to understand that his latest request was made after Mr. Lewis and Mr. Fu had not been forthcoming with what he asked for. He reiterated his request for documents, including emails and electronic data. He also described how Mr. Lewis and Mr. Fu's files had been incomplete, and that he knew for a fact that there is more in the custody of the Planning Dept for the proposed project at 480 Potrero other than what was available at the front desk for Mr. Lewis and Mr. Fu's files. He also explained that the matter was coming to a hearing before the Planning Commissioners, and the custodians of records were making it difficult for him to access information. By the end of the day on April 25, Ms. Hwang provided five additional historical documents, which Complainant alleges were not pertinent to the proposed development at 480 Potrero Ave.

Memorandum

TO: Sunshine Ordinance Task Force
DATE: January 29, 2014
PAGE: 3
RE: Complaint No. 13024 – Ringel v. Planning Department

On April 26, Complainant emailed a complaint to the Task Force, setting out the above chronology. He stated that "I feel the Planning Dept has given me the runaround & that I am without other options but to request assistance from the SOTF." The email complaint to SOTF was the most recent email in a chain of emails that show correspondence between Complainant, Ms. Hwang, and Mr. Fu. Complainant forwarded a PDF copy of his complaint to Ms. Hwang, Mr. Fu, and Mr. Lewis.

Response: Complainant's complaint to the Task Force generated an additional chain of correspondence between Complainant and Ms. Hwang regarding Complainant's public records request. In direct response to the April 26 complaint, Ms. Hwang emailed Complainant on April 29 and recounted her actions in response to his request. She informed Complainant that she inquired with Mr. Fu as to whether there was anything else, and that Mr. Fu informed her that everything was in the file that Complainant had reviewed. She acknowledged sending Complainant some additional historical information that she had researched, and stated that they did not have any emails and/or electronic forms of data that they were not disclosing to him.

Complainant responded on April 29, and set forth specific questions related to correspondence, to wit: he inquired as to why his own correspondence was missing from Don Lewis's case files, as well as other correspondence; he inquired as to why Ben Fu's correspondence folder was completely empty; and he queried whether Ms. Hwang was unable to obtain digital correspondence/electronic files from the servers of the Planning Dept. He also reiterated his request for various documents and correspondence relating to several consulting firms regarding the proposed development at 480 Potrero (including SIA Consulting, Town Consulting, Kitchen Cabinet Consulting, and Mission Housing), interoffice correspondence, and outside agency correspondence. Finally, he reiterated four categories of documents that he continued to seek: receipts for any newspaper ads/articles published; dates or trip logs for site visits; minutes of meetings/phone calls; and electronic data, including digital photos, powerpoint presentations, word processing documents, spreadsheet files, PDF's, et al. On April 29, Ms. Hwang related Mr. Fu's response via email only to the latter four categories, and stated that she would check with Mr. Lewis again.

On May 14, 2013, Complainant emailed the Task Force to state that the matter was not resolved. He noted that Mr. Lewis and Mr. Fu had not supplied him with any other documents, that Ms. Hwang only provided with a few historical documents from the archives, and that he was still looking for "all documents, in addition to any emails &/or other electronic forms of data" held in custody by the Planning Department re 480 Potrero Ave, and not just what the planners had selected for the "public case files." Complainant set forth again the list of documents he required, which is the same list he provided to Ms. Hwang in his email to her of April 29 (set forth in the paragraph immediately above).

The Task Force file includes a PDF document entitled "Ben Fu recovered.pdf" which apparently shows emails recovered from Mr. Fu's email account, including emails to and from Complainant. It is unclear as to whether Respondent conveyed this document to Complainant, and any date of such conveyance.

QUESTIONS THAT MIGHT ASSIST IN DETERMINING FACTS:

- How did the Planning Department (Ben Fu, Don Lewis, Lulu Hwang) search for records responsive to Complainant's request for the "complete file for the proposed development at 480 Potrero Avenue"?
- When was the "Ben Fu recovered.pdf" file retrieved by Respondent?
- Was the "Ben Fu recovered.pdf" file provided to Complainant? If so, when?
- Did the Planning Department search for responsive documents as enumerated in the categories set forth by Complainant in his communications with Ms. Hwang, Mr. Fu, and Mr. Lewis?
- Why did Mr. Fu's correspondence folder for the proposed development at 480 Potrero Avenue not contain correspondence between Complainant and Mr. Fu, or other correspondence pertaining to the proposed development at 480 Potrero Ave.?

LEGAL ISSUES/LEGAL DETERMINATIONS:

- Was Respondent's search for public records in response to Complainant's request in compliance with the Sunshine Ordinance?
- Was Respondent's response and providing of documents in response to Complainant's request in compliance with the Sunshine Ordinance?

CONCLUSION

THE TASK FORCE FINDS THE FOLLOWING FACTS TO BE TRUE:

THE TASK FORCE FINDS THE ALLEGED VIOLATIONS TO BE **TRUE OR NOT TRUE.**

* * *

ATTACHED STATUTORY SECTIONS FROM CHAPTER 67 OF THE SAN FRANCISCO ADMINISTRATIVE CODE UNLESS OTHERWISE SPECIFIED (in pertinent part)

SEC. 67.20. DEFINITIONS.

Whenever in this article the following words or phrases are used, they shall mean:

(a) "Department" shall mean a department of the City and County of San Francisco.

(b) "Public Information" shall mean the content of "public records" as defined in the California Public Records Act (Government Code Section 6252), whether provided in documentary form or in an oral communication. "Public Information" shall not include "computer software" developed by the City and County of San Francisco as defined in the California Public Records Act (Government Code Section 6254.9).

(c) "Supervisor of Records" shall mean the City Attorney.

SEC. 67.21. PROCESS FOR GAINING ACCESS TO PUBLIC RECORDS; ADMINISTRATIVE APPEALS.

(a) Every person having custody of any public record or public information, as defined herein, (hereinafter referred to as a custodian of a public record) shall, at normal times and during normal and reasonable hours of operation, without unreasonable delay, and without requiring an appointment, permit the public record, or any segregable portion of a record, to be inspected and examined by any person and shall furnish one copy thereof upon payment of a reasonable copying charge, not to exceed the lesser of the actual cost or ten cents per page.

(b) A custodian of a public record shall, as soon as possible and within ten days following receipt of a request for inspection or copy of a public record, comply with such request. Such request may be delivered to the office of the custodian by the requester orally or in writing by fax, postal delivery, or e-mail. If the custodian believes the record or information requested is not a public record or is exempt, the custodian shall justify withholding any record by demonstrating, in writing as soon as possible and within ten days following receipt of a request, that the record in question is exempt under express provisions of this ordinance.

(c) A custodian of a public record shall assist a requester in identifying the existence, form, and nature of any records or information maintained by, available to, or in the custody of the custodian, whether or not the contents of those records are exempt from disclosure and shall, when requested to do so, provide in writing within seven days following receipt of a request, a statement as to the existence, quantity, form and nature of records relating to a particular subject or questions with enough specificity to enable a requester to identify records in order to make a request under (b). A custodian of any public record, when not in possession of the record requested, shall assist a requester in directing a request to the proper office or staff person.

(d) If the custodian refuses, fails to comply, or incompletely complies with a request described in (b), the person making the request may petition the supervisor of records for a determination whether the record requested is public. The supervisor of records shall inform the petitioner, as soon as possible and within 10 days, of its determination whether the record requested, or any part of the record requested, is public. Where requested by the petition, and where otherwise desirable, this determination shall be in writing. Upon the determination by the supervisor of records that the record is public, the supervisor of records shall immediately order the custodian of the public record to comply with the person's request. If the custodian refuses or fails to comply with any such order within 5 days, the supervisor of records shall notify the district attorney or the attorney general who shall take whatever measures she or he deems necessary and appropriate to insure compliance with the provisions of this ordinance.

(e) If the custodian refuses, fails to comply, or incompletely complies with a request described in (b) above or if a petition is denied or not acted on by the supervisor of public records, the person making the request may petition the Sunshine Task Force for a determination whether the record requested is public. The Sunshine Task Force shall inform the petitioner, as soon as possible and within 2 days after its next meeting but in no case later than 45 days from when a petition in writing is received, of its determination whether the record requested, or any part of the record requested, is public. Where requested by the petition, and where otherwise desirable, this determination shall be in writing. Upon the determination that the record is public, the Sunshine Task Force shall immediately order the custodian of the public record to comply with the person's request. If the custodian refuses or fails to comply with any such order within 5 days, the Sunshine Task Force shall notify the district attorney or the attorney general who may take whatever measures she or he deems necessary to insure compliance with the provisions of this ordinance. The Board of Supervisors and the City Attorney's office shall provide sufficient staff and resources to allow the Sunshine Task Force to fulfill its duties under this provision. Where requested by the petition, the Sunshine Task Force may conduct a public hearing concerning the records request denial. An authorized representative of the custodian of the public records requested shall attend any hearing and explain the basis for its decision to withhold the records requested.

(f) The administrative remedy provided under this article shall in no way limit the availability of other administrative remedies provided to any person with respect to any officer or employee of any agency, executive office, department or board; nor shall the administrative remedy provided by this section in any way limit the availability of judicial remedies otherwise available to any person requesting a public record. If a custodian of a public record refuses or fails to comply with the request of any person for inspection or copy of a public record or with an administrative order under this section, the superior court shall have jurisdiction to order compliance.

(g) In any court proceeding pursuant to this article there shall be a presumption that the record sought is public, and the burden shall be upon the custodian to prove with specificity the exemption which applies.

(h) On at least an annual basis, and as otherwise requested by the Sunshine Ordinance Task Force, the supervisor of public records shall prepare a tally and report of every petition brought before it for access to records since the time of its last tally and report. The report shall at least identify for each petition the record or records sought, the custodian of those records, the ruling of the supervisor of public records, whether any ruling was overturned by a

court and whether orders given to custodians of public records were followed. The report shall also summarize any court actions during that period regarding petitions the Supervisor has decided. At the request of the Sunshine Ordinance Task Force, the report shall also include copies of all rulings made by the supervisor of public records and all opinions issued.

(i) The San Francisco City Attorney's office shall act to protect and secure the rights of the people of San Francisco to access public information and public meetings and shall not act as legal counsel for any city employee or any person having custody of any public record for purposes of denying access to the public. The City Attorney may publish legal opinions in response to a request from any person as to whether a record or information is public. All communications with the City Attorney's Office with regard to this ordinance, including petitions, requests for opinion, and opinions shall be public records.

(j) Notwithstanding the provisions of this section, the City Attorney may defend the City or a City Employee in litigation under this ordinance that is actually filed in court to any extent required by the City Charter or California Law.

(k) Release of documentary public information, whether for inspection of the original or by providing a copy, shall be governed by the California Public Records Act (Government Code Section 6250 et seq.) in particulars not addressed by this ordinance and in accordance with the enhanced disclosure requirements provided in this ordinance.

(l) Inspection and copying of documentary public information stored in electronic form shall be made available to the person requesting the information in any form requested which is available to or easily generated by the department, its officers or employees, including disk, tape, printout or monitor at a charge no greater than the cost of the media on which it is duplicated. Inspection of documentary public information on a computer monitor need not be allowed where the information sought is necessarily and unseparably intertwined with information not subject to disclosure under this ordinance. Nothing in this section shall require a department to program or reprogram a computer to respond to a request for information or to release information where the release of that information would violate a licensing agreement or copyright law.

SEC. 67.21-1. POLICY REGARDING USE AND PURCHASE OF COMPUTER SYSTEMS.

(a) It is the policy of the City and County of San Francisco to utilize computer technology in order to reduce the cost of public records management, including the costs of collecting, maintaining, and disclosing records subject to disclosure to members of the public under this section. To the extent that it is technologically and economically feasible, departments that use computer systems to collect and store public records shall program and design these systems to ensure convenient, efficient, and economical public access to records and shall make public records easily accessible over public networks such as the Internet.

(b) Departments purchasing new computer systems shall attempt to reach the following goals as a means to achieve lower costs to the public in connection with the public disclosure of records:

(1) Implementing a computer system in which exempt information is segregated or filed separately from otherwise disclosable information.

(2) Implementing a system that permits reproduction of electronic copies of records in a format that is generally recognized as an industry standard format.

(3) Implementing a system that permits making records available through the largest non-profit, non-proprietary public computer network, consistent with the requirement for security of information.

SEC. 67.24. PUBLIC INFORMATION THAT MUST BE DISCLOSED.

Notwithstanding a department's legal discretion to withhold certain information under the California Public Records Act, the following policies shall govern specific types of documents and information and shall provide enhanced rights of public access to information and records:

(a) Drafts and Memoranda.

(1) Except as provided in subparagraph (2), no preliminary draft or department memorandum, whether in printed or electronic form, shall be exempt from disclosure under Government Code Section 6254, Subdivision (a) or any other provision. If such a document is not normally kept on file and would otherwise be disposed of, its factual content is not exempt under Subdivision (a). Only the recommendation of the author may, in such circumstances, be withheld as exempt.

(2) Draft versions of an agreement being negotiated by representatives of the City with some other party need not be disclosed immediately upon creation but must be preserved and made available for public review for 10 days prior to the presentation of the agreement for approval by a policy body, unless the body finds that and articulates how the public interest would be unavoidably and substantially harmed by compliance with this 10 day rule, provided that policy body as used in this subdivision does not include committees. In the case of negotiations for a contract, lease or other business agreement in which an agency of the City is offering to provide facilities or services in direct competition with other public or private entities that are not required by law to make their competing proposals public or do not in fact make their proposals public, the policy body may postpone public access to the final draft agreement until it is presented to it for approval.

(b) Litigation Material.

(1) Notwithstanding any exemptions otherwise provided by law, the following are public records subject to disclosure under this Ordinance:

(i) A pre-litigation claim against the City;

(ii) A record previously received or created by a department in the ordinary course of business that was not attorney/client privileged when it was previously received or created;

(iii) Advice on compliance with, analysis of, an opinion concerning liability under, or any communication otherwise concerning the California Public

Records Act, the Ralph M. Brown Act, the Political Reform Act, any San Francisco Governmental Ethics Code, or this Ordinance.

(2) Unless otherwise privileged under California law, when litigation is finally adjudicated or otherwise settled, records of all communications between the department and the adverse party shall be subject to disclosure, including the text and terms of any settlement.

(c) Personnel Information. None of the following shall be exempt from disclosure under Government Code Section 6254, subdivision (c), or any other provision of California Law where disclosure is not forbidden:

(1) The job pool characteristics and employment and education histories of all successful job applicants, including at a minimum the following information as to each successful job applicant:

(i) Sex, age and ethnic group;

(ii) Years of graduate and undergraduate study, degree(s) and major or discipline;

(iii) Years of employment in the private and/or public sector;

(iv) Whether currently employed in the same position for another public agency.

(v) Other non-identifying particulars as to experience, credentials, aptitudes, training or education entered in or attached to a standard employment application form used for the position in question.

(2) The professional biography or curriculum vitae of any employee, provided that the home address, home telephone number, social security number, age, and marital status of the employee shall be redacted.

(3) The job description of every employment classification.

(4) The exact gross salary and City-paid benefits available to every employee.

(5) Any memorandum of understanding between the City or department and a recognized employee organization.

(6) The amount, basis, and recipient of any performance-based increase in compensation, benefits, or both, or any other bonus, awarded to any employee, which shall be announced during the open session of a policy body at which the award is approved.

(7) The record of any confirmed misconduct of a public employee involving personal dishonesty, misappropriation of public funds, resources or benefits, unlawful discrimination against another on the basis of status, abuse of authority, or violence, and of any discipline imposed for such misconduct.

(d) Law Enforcement Information.

The District Attorney, Chief of Police, and Sheriff are encouraged to cooperate with the press and other members of the public in allowing access to local records pertaining to

investigations, arrests, and other law enforcement activity. However, no provision of this ordinance is intended to abrogate or interfere with the constitutional and statutory power and duties of the District Attorney and Sheriff as interpreted under Government Code section 25303, or other applicable State law or judicial decision. Records pertaining to any investigation, arrest or other law enforcement activity shall be disclosed to the public once the District Attorney or court determines that a prosecution will not be sought against the subject involved, or once the statute of limitations for filing charges has expired, whichever occurs first. Notwithstanding the occurrence of any such event, individual items of information in the following categories may be segregated and withheld if, on the particular facts, the public interest in nondisclosure clearly and substantially outweighs the public interest in disclosure:

(1) The names of juvenile witnesses (whose identities may nevertheless be indicated by substituting a number or alphabetical letter for each individual interviewed);

(2) Personal or otherwise private information related to or unrelated to the investigation if disclosure would constitute an unwarranted invasion of privacy;

(3) The identity of a confidential source;

(4) Secret investigative techniques or procedures;

(5) Information whose disclosure would endanger law enforcement personnel; or

(6) Information whose disclosure would endanger the successful completion of an investigation where the prospect of enforcement proceedings is concrete and definite.

This Subdivision shall not exempt from disclosure any portion of any record of a concluded inspection or enforcement action by an officer or department responsible for regulatory protection of the public health, safety, or welfare.

(e) Contracts, Bids and Proposals.

(1) Contracts, contractors' bids, responses to requests for proposals and all other records of communications between the department and persons or firms seeking contracts shall be open to inspection immediately after a contract has been awarded. Nothing in this provision requires the disclosure of a private person's or organization's net worth or other proprietary financial data submitted for qualification for a contract or other benefit until and unless that person or organization is awarded the contract or benefit. All bidders and contractors shall be advised that information provided which is covered by this subdivision will be made available to the public upon request. Immediately after any review or evaluation or rating of responses to a Request for Proposal ("RFP") has been completed, evaluation forms and score sheets and any other documents used by persons in the RFP evaluation or contractor selection process shall be available for public inspection. The names of scorers, graders or evaluators, along with their individual ratings, comments, and score sheets or comments on related documents, shall be made immediately available after the review or evaluation of a RFP has been completed.

(2) Notwithstanding the provisions of this Subdivision or any other provision of this ordinance, the Director of Public Health may withhold from disclosure

proposed and final rates of payment for managed health care contracts if the Director determines that public disclosure would adversely affect the ability of the City to engage in effective negotiations for managed health care contracts. The authority to withhold this information applies only to contracts pursuant to which the City (through the Department of Public Health) either pays for health care services or receives compensation for providing such services, including mental health and substance abuse services, to covered beneficiaries through a pre-arranged rate of payment. This provision also applies to rates for managed health care contracts for the University of California, San Francisco, if the contract involves beneficiaries who receive services provided jointly by the City and University. This provision shall not authorize the Director to withhold rate information from disclosure for more than three years.

(3) During the course of negotiations for:

(i) personal, professional, or other contractual services not subject to a competitive process or where such a process has arrived at a stage where there is only one qualified or responsive bidder;

(ii) leases or permits having total anticipated revenue or expense to the City and County of five hundred thousand dollars ($500,000) or more or having a term of ten years or more; or

(iii) any franchise agreements,

all documents exchanged and related to the position of the parties, including draft contracts, shall be made available for public inspection and copying upon request. In the event that no records are prepared or exchanged during negotiations in the above-mentioned categories, or the records exchanged do not provide a meaningful representation of the respective positions, the City Attorney or City representative familiar with the negotiations shall, upon a written request by a member of the public, prepare written summaries of the respective positions within five working days following the final day of negotiation of any given week. The summaries will be available for public inspection and copying. Upon completion of negotiations, the executed contract, including the dollar amount of said contract, shall be made available for inspection and copying. At the end of each fiscal year, each City department shall provide to the Board of Supervisors a list of all sole source contracts entered into during the past fiscal year. This list shall be made available for inspection and copying as provided for elsewhere in this Article.

(f) Budgets and Other Financial Information. Budgets, whether tentative, proposed or adopted, for the City or any of its departments, programs, projects or other categories, and all bills, claims, invoices, vouchers or other records of payment obligations as well as records of actual disbursements showing the amount paid, the payee and the purpose for which payment is made, other than payments for social or other services whose records are confidential by law, shall not be exempt from disclosure under any circumstances.

(g) Neither the City nor any office, employee, or agent thereof may assert California Public Records Act Section 6255 or any similar provision as the basis for withholding any documents or information requested under this ordinance.

(h) Neither the City nor any office, employee, or agent thereof may assert an exemption for withholding for any document or information based on a "deliberative process"

exemption, either as provided by California Public Records Act Section 6255 or any other provision of law that does not prohibit disclosure.

(i) Neither the City, nor any office, employee, or agent thereof, may assert an exemption for withholding for any document or information based on a finding or showing that the public interest in withholding the information outweighs the public interest in disclosure. All withholdings of documents or information must be based on an express provision of this ordinance providing for withholding of the specific type of information in question or on an express and specific exemption provided by California Public Records Act that is not forbidden by this ordinance.

SEC. 67.25. IMMEDIACY OF RESPONSE.

(a) Notwithstanding the 10-day period for response to a request permitted in Government Code Section 6256 and in this Article, a written request for information described in any category of non-exempt public information shall be satisfied no later than the close of business on the day following the day of the request. This deadline shall apply only if the words "Immediate Disclosure Request" are placed across the top of the request and on the envelope, subject line, or cover sheet in which the request is transmitted. Maximum deadlines provided in this article are appropriate for more extensive or demanding requests, but shall not be used to delay fulfilling a simple, routine or otherwise readily answerable request.

(b) If the voluminous nature of the information requested, its location in a remote storage facility or the need to consult with another interested department warrants an extension of 10 days as provided in Government Code Section 6456.1, the requester shall be notified as required by the close of business on the business day following the request.

(c) The person seeking the information need not state his or her reason for making the request or the use to which the information will be put, and requesters shall not be routinely asked to make such a disclosure. Where a record being requested contains information most of which is exempt from disclosure under the California Public Records Act and this article, however, the City Attorney or custodian of the record may inform the requester of the nature and extent of the non-exempt information and inquire as to the requester's purpose for seeking it, in order to suggest alternative sources for the information which may involve less redaction or to otherwise prepare a response to the request.

(d) Notwithstanding any provisions of California Law or this ordinance, in response to a request for information describing any category of non-exempt public information, when so requested, the City and County shall produce any and all responsive public records as soon as reasonably possible on an incremental or "rolling" basis such that responsive records are produced as soon as possible by the end of the same business day that they are reviewed and collected. This section is intended to prohibit the withholding of public records that are responsive to a records request until all potentially responsive documents have been reviewed and collected. Failure to comply with this provision is a violation of this Article.

Memorandum

TO: Sunshine Ordinance Task Force
DATE: January 29, 2014
PAGE: 13
RE: Complaint No. 13024 – Ringel v. Planning Department

SEC. 67.26. WITHHOLDING KEPT TO A MINIMUM.

No record shall be withheld from disclosure in its entirety unless all information contained in it is exempt from disclosure under express provisions of the California Public Records Act or of some other statute. Information that is exempt from disclosure shall be masked, deleted or otherwise segregated in order that the nonexempt portion of a requested record may be released, and keyed by footnote or other clear reference to the appropriate justification for withholding required by Section 67.27 of this Article. This work shall be done personally by the attorney or other staff member conducting the exemption review. The work of responding to a public-records request and preparing documents for disclosure shall be considered part of the regular work duties of any City employee, and no fee shall be charged to the requester to cover the personnel costs of responding to a records request.

SEC. 67.27. JUSTIFICATION OF WITHHOLDING.

Any withholding of information shall be justified, in writing, as follows:

(a) A withholding under a specific permissive exemption in the California Public Records Act, or elsewhere, which permissive exemption is not forbidden to be asserted by this ordinance, shall cite that authority.

(b) A withholding on the basis that disclosure is prohibited by law shall cite the specific statutory authority in the Public Records Act or elsewhere.

(c) A withholding on the basis that disclosure would incur civil or criminal liability shall cite any specific statutory or case law, or any other public agency's litigation experience, supporting that position.

(d) When a record being requested contains information, most of which is exempt from disclosure under the California Public Records Act and this Article, the custodian shall inform the requester of the nature and extent of the nonexempt information and suggest alternative sources for the information requested, if available.

MICA I. RINGEL
485 POTRERO AVENUE, UNIT C
SAN FRANCISCO, CA 94110
(415) 519-7523

January 30, 2014

BY ELECTRONIC MAIL

Sunshine Ordinance Task Force
City Hall, Rm. 244
San Francisco, CA 94102

Re: Ringel v. Planning Department [480 Potrero Av]
February 5th Full Taskforce Hearing

Dear Honorable Members of the Sunshine Ordinance Task Force:

The status of the complaint has not changed. Respondents have made no effort to cure and correct this violation despite the California Public Records Act, the City and County of San Francisco Sunshine Ordinance, the Order of Determination issued on October 2nd, 2013, as well as every other directive this task force and its committees have commanded.

The Planning Department through Environmental Planner Don Lewis, City Planner Ben Fu and IS Administrator Lulu Hwang have willfully withheld public documents that were urgently needed by myself and the Mariposa Utah Neighborhood Association (MUNA) for the administrative hearings to appeal the 480 Potrero Avenue Project.

This will be the sixth Hearing on this matter. I request the SOTF to use all powers available to impose the swiftest penalties possible against respondents for their repeated non-compliance. I would like the Task Force to issue a new Order of Determination finding respondents individually and the Planning Department collectively guilty of the following sections of San Francisco Administrative Code Chapter 67 ("Sunshine Ordinance"):

- **§ 67.21(e).** The custodian of records has refused to comply, failed to comply, and incompletely complied with this records request.
- **§ 67.25.** In spite of the previous Order of Determination there has not been an immediacy of response.
- **§ 67.26.** Withholding has been at a maximum.

- § 67.27. There is no justification for the continued withholding of these public records.
- § 67.34. Their failure to comply has been willful and therefore this matter will be referred to the Ethics Commission for investigation of official misconduct.

Our faith in government is that there be *transparency* and *accountability* in all branches, and in all agencies, of government. I'm asking all Board members to make use of, what I believe to be, your most extreme powers which you collectively have available, to exercise your discretion for a referral of respondents to the Ethics Commission *and* to the Office of the City Attorney, so that there can be some accountability of those at the Planning Department responsible for such offensive conduct.

The acts of the Planning Department repeatedly withholding access to critical information directly related to the 480 Potrero Avenue Project, while simultaneously pushing the project through the approval process, is deplorable. They have withheld failed technical studies, critical documents, and kept correspondence regarding the cover-up cloaked from sunlight throughout two administrative hearings with the Planning Commission, the CEQA appeal to the Board of Supervisors, and the Large Project appeal to the Board of Appeals. Their actions are not representative of good government or open government.

To Honorable Board Member Pilpel: From your interview with the BOS Rules Committee for seat six in May of 2012, one of the changes you wanted for the Task Force was "[...] to strengthen the procedures related to [the] handling of complaints, advisory opinions, and determinations, so that the Task Force hears fewer complaints, and hears those that matter, and only refers those matters to Ethics, and elsewhere, that truly matter [.]" This truly matters. Their repeated non-compliance has proved reliable and predictable, for which there is no excuse. **It is willful.**

The Public Records Act was enacted "for the purpose of increasing freedom of information by giving members of the public access to information in the possession of public agencies." (*Filarsky v. Superior Court* (2002) 28 Cal.4th 419, 425.) The Legislature expressly declared "that access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in this state." (Gov. Code, § 6250.) (Emphasis added.) To implement this policy, Government Code section 6253 provides persons with the right to inspect public records and the right to request copies. (*Id.* at subds. (a) & (b).) In addition, Government Code section 6253, subdivision (c) provides that an "agency, upon a request for a copy of records, *shall*, within 10 days from receipt of the request, determine

whether the request, in whole or in part, seeks copies of disclosable public records in the possession of the agency and *shall* promptly notify the person making the request of the determination and the reasons therefor." (Emphasis added.) The time limit may be extended if there is a "need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request." (Gov. Code, § 6253, subd. (c)(1).) For purposes of applying the foregoing provisions, the term "public records" includes "any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by any state or local agency." (Gov. Code, § 6252, subd. (e).)

If you have any questions or concerns, please do not hesitate to contact me.

Respectfully,

Mica I. Ringel

Young, Victor

From: Mica [supermica@gmail.com]
Sent: Thursday, January 30, 2014 3:26 PM
To: Young, Victor
Subject: Re: Wed, Feb 5, 2014 Hearing Schedule Request

Thanks very much, Victor. Allow me to express that I am truly sorry for the "trouble" I am causing.

With that said, I request that you convey to Member Pilpel, as well as all Members of the Task Force, that metaphorically speaking, *"I am at the end of my rope".*

There is no more "rope" beyond February 5th.

I will be forced to escalate the matter already being quasi-adjudicated to a "court of [more] competent jurisdiction to enforce [my] right[s]" prior to a March hearing. (SF Admin Code § 67.35, subd. (a); *see also,* subd. (d)".

It is for this reason that I must raise objection to the proposed postponement/continuance.

Regards,

--M.Ringel

On Thu, Jan 30, 2014 at 3:03 PM, Young, Victor <victor.young@sfgov.org> wrote:

Mr. Ringel:

I will consult with the Mr. Pilpel regarding our objection to the postponement and contact you by tomorrow morning.

Victor Young 415-554-7723

From: Mica [mailto:supermica@gmail.com]
Sent: Thursday, January 30, 2014 2:50 PM

To: Young, Victor
Subject: Re: Wed, Feb 5, 2014 Hearing Schedule Request

Mr. Young:

This development has taken me by surprise and I'm not certain I fully understand. Please correct me if I am wrong in a part of the following:

At the January EOTC hearing, by unanimous motion my item was referred back to the Full Task Force for the February 5th hearing, because the January agenda was booked solid.

Chair Pilpel is now solely requesting my item be continued/delayed from the scheduled February 5th Full Task Force hearing until March? If his request is without motion, and if the foregoing is correct, then I respectfully object.

Time is of the essence to this complaint.

I will be forced to take other action to secure my right of access to the information being withheld by the Planning Department prior to a March hearing and that action will effectively render my complaint *with the Task Force* moot.

Please advise.

--M.Ringel

(415) 519-7523

On Thu, Jan 30, 2014 at 2:16 PM, Young, Victor <victor.young@sfgov.org> wrote:

The next regular meeting of the SOTF is March 5, 2014. However, I do need to confirm with the Chair of the SOTF before making scheduling commitments.

Victor Young 415-554-7723

Young, Victor

From: Young, Victor
Sent: Tuesday, January 21, 2014 10:37 AM
To: Ionin, Jonas
Subject: RE: SOTF - Notice of Hearing - February 5, 2014
Attachments: image001.png; image002.png; image003.png; image004.png; image005.png

Mr. Ionin:

I understand your concerns and I have left messages with Chair Pilpel to see if we can resolve to timing issue. I will update you when I have more information.

Victor Young 415-554-7723

From: Ionin, Jonas
Sent: Tuesday, January 21, 2014 10:12 AM
To: SOTF
Subject: RE: SOTF - Notice of Hearing - February 5, 2014

Victor,
I have not received the letter from SOTF as part of the Committee's motion. Until we receive it, we will not be able to process a request to DT. If we are not able to process the request to DT, we will have nothing to report on Feb. 5th. Even if we receive the letter today, it may be difficult to have DT's information processed by Feb. 5th.

Thank you,

Jonas P. Ionin
Director of Commission Affairs
Commissions Secretary
Custodian of Public Records

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

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



From: SOTF
Sent: Tuesday, January 21, 2014 10:08 AM
To: Lazar, Howard; Patterson, Kate; Ellison, Donald; Boomer, Roberta; Celaya, Caroline; CHARLES PITTS; 'Elizabeth Hewson'; Mica; Ionin, Jonas; Hwang, Lulu; Lewis, Don (CPC); Fu, Ben
Cc: Threet, Jerry; Colla, Nicholas
Subject: SOTF - Notice of Hearing - February 5, 2014

Good Morning,

You are receiving this notice, because you are named as a Complainant or Respondent in one of the following complaints tentatively scheduled with the Sunshine Ordinance Task Force, 1)to hear the merits of the complaint 2) issue a determination and/or 3)complaint has been referred from a Task Force Committee.

1. COMPLAINT No. 13024 Mica Ringel v Planning Department
2. COMPLAINT No. 13030 Charles Pitts v Community Housing Partnership
3. COMPLAINT No. 13043 Cecilia Hairston-Omondi v SFMTA
4. COMPLAINT No. 13050 Paula Datesh v Howard Lazar, Arts Commission
5. COMPLAINT No. 13051 Paula Datesh v Howard Lazar, Arts Commission
6. COMPLAINT No. 13052 Paula Datesh v Howard Lazar, Arts Commission

Date: February 5, 2014

Location: City Hall, Room 408

Time: 4:00 p.m.

Complainants: Your attendance is required for this meeting/hearing.

Respondents/Departments: Pursuant to Section 67.21 (e) of the Ordinance, the custodian of records or a representative of your department, who can speak to the matter, is required at the meeting/hearing.

Documentation (evidence supporting/disputing complaint)

For a document to be considered, it must be received at least five (5) working days before the hearing (see attached Public Complaint Procedure).

For inclusion of the agenda packet, supplemental/supporting documents must be received by **12:00 pm, January 30, 2014.**

Victor Young
Administrator
Sunshine Ordinance Task Force
1 Dr. Carlton B. Goodlett Pl., Room 244
San Francisco CA 94102
phone 415-554-7724
fax 415-554-5163

Complete a Board of Supervisors Customer Satisfaction form by clicking the link below.
http://www.sfbos.org/index.aspx?page=104

Young, Victor

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Victor Young 415-554-7723

From: Mica [mailto:supermica@gmail.com]
Sent: Thursday, January 30, 2014 1:51 PM

To: Young, Victor
Subject: Re: Wed, Feb 5, 2014 Hearing Schedule Request

Clarification: Next available Hearing after February 5th?

Thank you.

On Thu, Jan 30, 2014 at 1:34 PM, Young, Victor <victor.young@sfgov.org> wrote:

Mr. Ringel:

At the request of EOTC Chair Pilpel I will be moving your item to the next available hearing date of the full SOTF. I will contact you shortly with a new proposed hearing date. Thank you.

Victor Young 415-554-7724

From: Mica [mailto:supermica@gmail.com]
Sent: Thursday, January 30, 2014 12:02 PM
To: Young, Victor
Subject: Re: Wed, Feb 5, 2014 Hearing Schedule Request

See attached for the Hearing Packet

On Wed, Jan 15, 2014 at 9:37 PM, Young, Victor <victor.young@sfgov.org> wrote:

Mica

You're item will most likely be placed first on the agenda as it is a continuing item. I will keep you informed.

Sent from Victor's iPhone

On Jan 15, 2014, at 7:57 PM, "Mica" <supermica@gmail.com> wrote:

Hi Victor:

I'm a student @ SF State & I have evening classes from 6-8:45pm @ downtown campus.

I'm writing to inquire if my case could be scheduled either first or last on the agenda for the February Hearing?

I can leave class early or show up late (if I have to), but it at all avoidable my case won't be in the middle of the agenda.

It there is any flexibility in the schedule, it would be very much appreciated.

+ Thanks.

--M. Ringel

Young, Victor

From: Mica [supermica@gmail.com]
Sent: Thursday, January 30, 2014 12:02 PM
To: Young, Victor
Subject: Re: Wed, Feb 5, 2014 Hearing Schedule Request
Attachments: SOTF Letter.pdf

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Young, Victor

From: Ionin, Jonas
Sent: Friday, January 31, 2014 10:36 AM
To: Young, Victor
Subject: RE: SOTF - File No. 13024 - Feb 5, 2014 Hearing Schedule
Attachments: image011.png; image012.png; image013.png; image014.png; image015.png

Victor,
Thank you for this acknowledgement. It would be extremely helpful to know beforehand that our item will be continued so that we do not need to waste anyone's time on this at the hearing.

Please confirm that indeed, our item will be continued due to the fact that the motion/letter/memorandum from the Sunshine Ordinance Task Force Education Subcommittee has not yet been transmitted to the Planning Department with clear direction on what searches need to be conducted to resolve the Potrero matter.

Thank you in advance for your assistance,

Jonas P. Ionin
Director of Commission Affairs
Commissions Secretary
Custodian of Public Records

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

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

From: Young, Victor
Sent: Friday, January 31, 2014 8:35 AM
To: Mica
Cc: Ionin, Jonas
Subject: SOTF - File No. 13024 - Feb 5, 2014 Hearing Schedule

Mica:

Your agenda item will be on February 5, 2014, as originally designated. You will get the link to the agenda later this afternoon. However, please be aware that a motion to continue might be considered as Chair Pilpel was not able to complete the communications to the Planning Department.

Your item is still first on the agenda.

Victor Young 415-554-7723

From: Mica [mailto:supermica@gmail.com]
Sent: Thursday, January 30, 2014 3:26 PM

To: Young, Victor
Subject: Re: Wed, Feb 5, 2014 Hearing Schedule Request

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Victor Young 415-554-7723

MICA I. RINGEL
485 POTRERO AVENUE, UNIT C
SAN FRANCISCO, CA 94110
(415) 519-7523

January 14, 2014

Sunshine Ordinance Task Force
City Hall, Rm. 244
San Francisco, CA 94102

Planning Department
1650 Mission Street, Ste. 400
San Francisco, CA 94103

Re: Ringel v. Planning Department [480 Potrero Av]
EOTC Hearing Follow-Up

Dear Honorable Members of the Sunshine Ordinance Task Force and Mr. Jonas P. Ionin, in his official capacity as Custodian of Records for the Planning Department:

At yesterdays EOTC Hearing I was requested to supply a list of Planning Department officials who are known to be associated with the 480 Potrero Avenue Project.

- Environmental Planner Don Lewis [E File – CEQA]
- City Planner Ben Fu [X File – Large Project Authorization]
- City Planner Diego Sanchez [K File – Shadow]
- City Planner Wade Wietgrefe [! File – Traffic]
- Senior City Planner Julian Bañales [U File – Preliminary Project Assessment]
- Commission Secretary Jonas P. Ionin [CPC File – Planning Commission]
- Staff Archaeologist Randall Dean [S File – Archaeology]
- Current Environmental Review Officer Sarah B. Jones
- Former Environmental Review Officer Bill Wycko
- Senior Environmental Planner Nannie Turrell
- Senior Environmental Planner Joy Navarette
- Senior Environmental Planner Viktoriya Wise
- Director of Planning John Rahaim
- Director of Current Planning Jeff Joslin
- Zoning Administrator Scott Sanchez
- Acting Zoning Administrator Corey Teague

- Former Assistant Zoning Administrator Daniel Sider
- Legislative Aide AnMarie Rodgers
- Administrative Aide VirnaLiza Byrd
- IS Administrator Lulu Hwang
- Code Enforcement Officer Dario Jones
- Code Enforcement Supervisor Kimberly Durandet

Specifically, the request is to be used for the search terms:

480+Potrero
2011.0430*
Potrero+Mariposa

- Please note that the addition symbol binds 480 and Potrero and that the asterisk symbol is a wild card.
- Also note that the third search term was not discussed at the Hearing, but is necessary.

The search period is from 1-1-2011 to Project Approval. The Board of Appeals released the final approval of the project on 12-3-2013. Whereas my Sunshine complaint was filed on 3-21-2013 and I had repeatedly requested the same since that time, I assumed those subsequent requests were inclusive with that complaint, however Chair Pilpel had concerns that I would need to file another Sunshine request for the additional correspondence for the period post filing of the complaint. I think that is a waste of the Task Forces resources, but in any event, this letter serves to Mr. Ionin as that subsequent request for correspondence post-filing to Project approval.

Pursuant to Government Code section 6250, et seq. ("California Public Records Act") and San Francisco Administrative Code chapter 67 ("Sunshine Ordinance"), the following is an urgent request for any and all documents related to the 480 Potrero Avenue Project

This request is for immediate disclosure. In responding to this request, please bear in mind that any exemptions from disclosure you may otherwise believe to be applicable were severely narrowed or eliminated by Proposition 59 in 2011, which

amended article I, section 3, subdivision (b)(2) of the California Constitution to direct that any "statute ...or other authority ...[that] limits the right of access" to "information concerning the conduct of the people's business" must be "narrowly construed." As for any records that you nonetheless decline to produce on the grounds of an exemption, please bear in mind that case law under the Public Records Act imposes a duty on you to distinguish between the exempt and the non-exempt portion of any such records and to attempt in good faith to redact the exempt portion and to disclose the balance of such documents.

Should you choose to withhold any document from disclosure, you further have a duty under Government Code section 6255, subdivision (a) to "justify withholding any record by demonstrating that the record in question is exempt under express provisions" of the Public Records Act or that "the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record."

Thank you for your prompt attention and immediate compliance with this request.

If you have any questions or concerns, please do not hesitate to contact me.

Respectfully,

Mica I. Ringel
MICA I. RINGEL

SUNSHINE ORDINANCE TASK FORCE
CITY AND COUNTY OF SAN FRANCISCO
DRAFT – MINUTES

Hearing Room 408
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

February 5, 2014 – 4:00 PM

Regular Meeting

Members: Kitt Grant (Chair), Louise Fischer (Vice-Chair), Richard Knee, Allyson Washburn, David Pilpel, David Sims, Todd David, Chris Hyland, Bruce Oka

1. **CALL TO ORDER, ROLL CALL, AND AGENDA CHANGES**

The meeting was called to order at 4:10 p.m. Members Sims and David were noted absent. There was a quorum.

Members Sims was noted present at 4:14 p.m.

Chair Grant announced that File No. 12059 (Item 4) would be heard out of order in the Item 2 slot.

2. **File No. 13024:** The Education, Outreach and Training Committee has referred File No. 13024, Mica Ringel against the Planning Department for allegedly failing to provide requested records associated with the proposed development of 480 Potrero Avenue. (01:18:00 – 02:42:00)

Mica Ringel (Complainant) provided an overview of the complaint and the progress of the Order of Determination dated October 23, 2013. Mr. Ringel requested that the complaint be referred to the Ethics Commission. There were no speakers in support of the Complainant. Jonas Ionin, Planning Department (Respondent), presented an overview of their defense. There were no speakers in support of the Respondent. A question and answer period followed. The Respondent provided a rebuttal. The Complainant provided a rebuttal.

Member Pilpel, seconded by member Knee, moved to CONTINUED to February 25, 2014, and to provide the Planning Department a letter of instruction for an additional search.

Speakers: Thomas Picarello opposed the motion; Peter Warfield agreed with Member Oka's statement that the copy of the Order of Determination to Director Rahaim, Planning Department, constitutes notification.

The motion FAILED by the following vote:
Ayes: 4 – Pilpel, Sims, Fischer, Grant
Noes: 4 – Knee, Washburn, Hyland, Oka
Absent: 1 – David

Member Washburn, seconded by Member Oka, moved to find Director John Rahaim, Planning Department, in violation of the Sunshine Ordinance for willful failure to comply with the Sunshine Ordinance Task Force's Order of Determination dated October 23, 2013, and to refer to the Ethics Commission.

The Task Force requested the Planning Department to perform an additional search based on direction to be provided by the Member Pilpel, Chair of the Education, Outreach and Training Committee.

Speakers: Thomas Picarello expressed support for the finding of willful violation and stated that the sub-committees should not be able to overrule the Task Force decisions; Peter Warfield expressed support of the findings of willful violation and stated the Planning needs to know what to do in the future.

The motion PASSED by the following vote:
Ayes: 7 – Knee, Washburn, Sims, Hyland, Oka, Fischer, Grant
Noes: 1 – Pilpel
Absent: 1 – David

3. **Public Comment.** (00:59:00- 01:18:00)

Jason Grant Garza stated that the Task Force Administrator did not respond to question raised at the January 30, 2014 SOTF meeting; the November 2014 minutes did not reflect the statements made; the Task Force is not currently meeting the rule to hearing complaints within 45 days.
Ray Hartz Jr. described his removal from the Board of Supervisors meeting on October 22, 2013, and provided case law concerning interruption.
Michael Petrelis stated that the Task Force meeting should be broadcast on television and commended various Board of Supervisors members for voluntarily provided their calendars.
Paula Datesh stated that the Task Force made an error on their January 30, 2014, decisions and that the subcommittees of the Arts Commission must follow the same rules and the full commission.
Thomas Picarello stated the Task Force needs to fill the vacancy for the lawyer seat, agrees that the Task Force Meetings should be televised, and that the Mayor has and ex-officio seat that should be filled.
Charles Pitts stated that the communities should be respected and other various comments.
Peter Warfield stated that the public has made valid comments. Mr. Hartz previous statements are valid.

4. **File No. File No. 13030:** Complaint filed by Charles Pitts, against the Community Housing Partnership for allegedly failing to comply with an Immediate Disclosure Request for tenant's budget of 650 Eddy St. *(00:06:00 – 00:59:00)*

Charles Pitts (Complainant) provided comments concerning jurisdiction and request the Task Force to find jurisdiction. The Respondent was not present.

Member Knee, seconded by Member Oka, moved to CONTINUED to May 7, 2014.

Speakers: Thomas Picarello stated that the Task Force has jurisdiction on non-profits with $250,000 or more in funding; Ray Hartz Jr. state that the Sunshine Ordinance has become a maze and is a confusing process; Jason Grant Garza stated that the Complainant should receive full cooperation from the city agencies; Peter Warfield stated that the Task Force does have jurisdiction and should proceed with the document current in the file.

The motion PASSED by the following vote:
Ayes: 8 – Knee, Washburn, Pilpel, Sims, Hyland, Oka, Fischer, Grant
Absent: 1 – David

5. **File No. 13043:** Complaint filed by Cecilia Hairston-Omondi, against the San Francisco Municipal Transportation Agency for allegedly violating Sunshine Ordinance Sections 67.24(c), 67.25(a) (c) and 67.26 for failure to respond to a request for information on May 6, 2013, and June 24, 2013. *(02:54:00 – to approximately 4:00:00)*

Member Hyland, seconded by Member Knee, moved to find jurisdiction.

Speakers: None.

The motion PASSED without objection.

Cecilia Hairston-Omondi (Complainant) provided an overview of the complaint and requested the Task Force to find violations. There were no speakers in support of the Complainant. Caroline Celaya, Catherine Stein, Donald Ellison, Municipal Transportation Agency (Respondent), presented an overview of their defense. There were no speakers in support of the Respondent. A question and answer period followed. The Respondent provided a rebuttal. The Complainant provided a rebuttal.

Speakers: Charles Pitts expressed concerning over the requirement to complete a waiver to obtain certain information; Thomas Picarello expressed concern that the general public do not have a legal background to understand their rights. The custodian of records should assist requesters in obtaining all related documents. Accommodating

Due to a lack of a motion, the Task Force FOUND NO VIOLATION.

6. **File No. 13051:** Complaint filed by Paula Datesh, against Howard Lazar, Arts Commission for allegedly violating Sunshine Ordinance §67.25 Immediacy of Response

thereby failing to respond to an Immediate Disclosure Request on August 18, 2013. *(approximately 04:00:00 -)*

Member Knee, seconded by Member Oka, moved to find jurisdiction.

Speakers: None.

The motion PASSED without objection.

Paula Datesh (Complainant) provided an overview of the complaint and requested the Task Force to find violations. There were no speakers in support of the Complainant. Kate Patterson, Arts Commission (Respondent), presented an overview of their defense. Howard Lazar, Arts Commission, spoke in support of the Respondent. A question and answer period followed. The Respondent provided a rebuttal. The Complainant provided a rebuttal and requested the Task Force to find violations.

Speakers: None.

Due to a lack of a motion, the Task Force FOUND NO VIOLATION.

7. **File No. 13052:** Complaint filed by Paula Datesh, against Howard Lazar, Arts Commission, for allegedly violating Sunshine Ordinance §67.25 Immediacy of Response thereby failing to respond to an Immediate Disclosure Request on August 28, 2013. *(attachment)*

Member Knee, seconded by Member Oka, moved to find jurisdiction.

Speakers: None.

The motion PASSED without objection.

Paula Datesh (Complainant) provided an overview of the complaint and requested the Task Force to find violations. There were no speakers in support of the Complainant. Howard Lazar, Arts Commission (Respondent), presented an overview of their defense. Kate Patterson, Arts Commission, spoke in support of the Respondent. A question and answer period followed. The Respondent provided a rebuttal. The Complainant provided a rebuttal and requested the Task Force to find violations.

Member Fischer, seconded by Member Knee, moved to find the Art Commission in violation of Sunshine Ordinance Sections 67.25 (a) Immediacy of Response and 67.21 (b) Process for Gaining Access to Public Records.

Speakers: Charles Pitts stated that the Arts Commission needs a better process; the burden is on the Arts Commission to comply with information requests.

The motion PASSED by the following vote:
Ayes: 8 – Knee, Washburn, Pilpel, Sims, Hyland, Oka, Fischer, Grant
Absent: 1 – David

8. **Approval of Minutes from the March 6, 2013, Regular Meeting.**

Member Pilpel, seconded by Member Knee, moved to APPROVE the March 6, 2013, meeting minutes as amended.

Speakers: Thomas Picarello stated that the public should have the opportunity to comment on the minutes earlier in the meeting.

The motion PASSED by the following vote:
Ayes: 8 – Knee, Washburn, Pilpel, Sims, Hyland, Oka, Fischer, Grant
Absent: 1 – David

9. **Approval of Minutes from the April 3, 2013, Regular Meeting.**

Member Pilpel, seconded by Member Knee, moved to APPROVE the April 3, 2013, meeting minutes as amended.

Speakers: None.

The motion PASSED by the following vote:
Ayes: 8 – Knee, Washburn, Pilpel, Sims, Hyland, Oka, Fischer, Grant
Absent: 1 – David

10. **Approval of Minutes from the May 1, 2013, Regular Meeting.**

Member Pilpel, seconded by Member Knee, moved to CONTINUE to March 5, 2014.

Speakers: None.

The motion PASSED by the following vote:
Ayes: 8 – Knee, Washburn, Pilpel, Sims, Hyland, Oka, Fischer, Grant
Absent: 1 – David

11. **Approval of Minutes from the June 5, Regular Meeting.**

Member Pilpel, seconded by Member Knee, moved to CONTINUE to March 5, 2014.

Speakers: None.

The motion PASSED by the following vote:
Ayes: 8 – Knee, Washburn, Pilpel, Sims, Hyland, Oka, Fischer, Grant
Absent: 1 – David

12. **Approval of Minutes from the July 9, 2013, Special Meeting.**

Member Pilpel, seconded by Member Knee, moved to CONTINUE to March 5, 2014.

Speakers: None.

The motion PASSED by the following vote:
Ayes: 8 – Knee, Washburn, Pilpel, Sims, Hyland, Oka, Fischer, Grant
Absent: 1 – David

13. **Approval of Minutes from the August 7, Regular Meeting.**

Member Pilpel, seconded by Member Knee, moved to CONTINUE to March 5, 2014.

Speakers: None.

The motion PASSED by the following vote:
Ayes: 8 – Knee, Washburn, Pilpel, Sims, Hyland, Oka, Fischer, Grant
Absent: 1 – David

14. **Approval of Minutes from the September 4, 2013, Regular Meeting.**

Member Pilpel, seconded by Member Knee, moved to CONTINUE to March 5, 2014.

Speakers: None.

The motion PASSED by the following vote:
Ayes: 8 – Knee, Washburn, Pilpel, Sims, Hyland, Oka, Fischer, Grant
Absent: 1 – David

15. **Approval of Minutes from the October 2, 2013, Regular Meeting.**

Member Pilpel, seconded by Member Knee, moved to CONTINUE to March 5, 2014.

Speakers: None.

The motion PASSED by the following vote:
Ayes: 8 – Knee, Washburn, Pilpel, Sims, Hyland, Oka, Fischer, Grant
Absent: 1 – David

16. **Approval of Minutes from the November 6, 2013, Regular Meeting.**

Member Pilpel, seconded by Member Knee, moved to CONTINUE to March 5, 2014.

Speakers: None.

The motion PASSED by the following vote:
Ayes: 8 – Knee, Washburn, Pilpel, Sims, Hyland, Oka, Fischer, Grant
Absent: 1 – David

17. **Approval of Minutes from the December 4, 2013, Regular Meeting.**

Member Pilpel, seconded by Member Knee, moved to CONTINUE to March 5, 2014.

Speakers: None.

The motion PASSED by the following vote:
Ayes: 8 – Knee, Washburn, Pilpel, Sims, Hyland, Oka, Fischer, Grant
Absent: 1 – David

18. **Sunshine Ordinance Task Force Meeting Schedule - Conflict with Sunshine and Ethics Training Program – February 25, 2014.**

Sunshine Ordinance Task Force members discussed the issue. After additional research is performed the Chair will determine whether to proceed with the meeting or cancel.

Speakers: None.

19. **Report: Compliance and Amendments Committee meeting of December 17, 2013.**

Member Washburn reported on the Compliance and Amendments Committee (CAC) December 17, 2013, meeting. The February 19, 2014, meeting of the CAC is cancelled.

Speakers: None.

20. **Report: Education, Outreach and Training Committee meetings of December 9, 2013, and January 13, 2014.**

Member Pilpel reported on the Education, Outreach and Training Committee meetings.

Speakers: None.

21. **Administrator's Report.**

Victor Young, Administrator, Sunshine Ordinance Task Force presented the Administrator's Report.

Member Pilpel requested a copy of the Clerk of the Board's policy regard SOTF referrals.

Speakers: None.

22. **Announcements, Comments, Questions, and Future Agenda Items.**

No additional discussion occurred.

Speakers: None.

23. **ADJOURNMENT**

There being no further business, the Task Force adjourned at 9:49 p.m.

N.B. The Minutes of this meeting set forth all actions taken by the Sunshine Ordinance Task Force on the matters stated, but not necessarily in the chronological sequence in which the matters were taken up.

Agenda Item Information

Each item on the agenda may include: 1) Department or Agency cover letter and/or report; 2) Public correspondence; 3) Other explanatory documents. For more information concerning agendas, minutes, and meeting information, such as these documents, please contact the SOTF Clerk, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.

Audio recordings of the meeting of the Sunshine Ordinance Task Force are available at: http://www.sfbos.org/index.aspx?page=9811

For information concerning Sunshine Ordinance Task Force please contact by e-mail sotf@sfgov.org or by calling (415) 554-7724.

Public Comment

Public Comment will be taken before or during the Committee's consideration of each agenda item. Speakers may address the Task Force for up to three minutes on that item. During General Public Comment, members of the public may address the Task Force on matters that are within the Task Force's jurisdiction and are not on the agenda. Any person speaking during a public comment period may supply a brief written summary of their comments, which shall, if no more than 150 words, be included in the official file.

Each member of the public will be allotted the same maximum number of minutes to speak as set by the Chair at the beginning of each item, excluding persons requested by the Task Force to make presentations.

Each member of the public who is unable to attend the public meeting or hearing may submit to the City, by the time the hearing begins, written comments regarding the subject of the meeting or hearing;. These comments will be made a part of the official public record.

Hearing Procedures

1.	Complainant presents his/her facts and evidence	5 minutes
	Other parties of Complainant present facts and evidence	Up to 3 minutes each
2.	City responds	5 minutes
	Other parties of City respond	Up to 3 minutes each
	Above total speaking times for Complainant and City to be the same.	
3.	Matter is with the Task Force for discussion and questions.	
4.	Respondent and Complainant presents clarification/rebuttal	3 minutes
5.	Matter is with the Task Force for motion and deliberation.	
6.	Public comment (Excluding Complainant & City response, witnesses)	Up to 3 minutes each
7.	Vote by Task Force (Public comment at discretion of chair on new motion and/or on new motion if vote fails.)	

Note: Time must be adhered to. If a speaker is interrupted by questions, the interruption does not count against his/her time.

SUNSHINE ORDINANCE
TASK FORCE

City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. (415) 554-7724
Fax No. (415) 554-7854
TDD/TTY No. (415) 554-5227

February 7, 2014

Jonas Ionin, Commission Secretary
Planning Commission
1650 Mission St Ste 400
San Francisco CA 94103

RE: Sunshine Ordinance Task Force File No. 13024, Mica Ringel v. Planning Department

Dear Mr. Ionin,

Pursuant to the direction and discussion at the January 13, 2014, Education, Outreach, and Training Committee meeting and the February 5, 2014, Sunshine Ordinance Task Force meeting I am writing this letter to confirm the Task Force's request that the Planning Department:

1. Conduct an additional search of email, whether current, archived, or deleted, for Julian Bañales, VirnaLiza Byrd, Randall Dean, Tom DiSanto, Kimberly Durandet, Ben Fu, Lulu Hwang, Jonas Ionin, Dario Jones, Sarah Jones, Jeff Joslin, Don Lewis, Joy Navarette, John Rahaim, AnMarie Rodgers, Diego Sanchez, Scott Sanchez, Daniel Sider, Corey Teague, Nannie Turrell, Wade Wietgrefe, Viktoriya Wise, and Bill Wycko for the date range of 1/1/2011 to 3/31/2013, using the search terms "480+Potrero" OR 2011.0430* OR "Potrero+Mariposa" (assuming that "" defines a character string, + requires both search terms to be present, OR means that at least one of the search conditions are met, and * indicates a wildcard character).

2. Consider extending the date range to 2/5/2014 to include any email matching the search terms received or sent since the original request date of 3/31/2013 as Mr. Ringel has requested.

3. Arrange for the email search to be conducted within 5 business days by Planning Department staff and/or the City's Department of Technology (DT), as necessary, to accomplish the search.

4. Provide the resulting email to Mr. Ringel in a searchable email format, portable document format (.pdf), or another appropriate electronic format acceptable to Mr. Ringel.

5. Conduct a new diligent search of all Planning Department records from 1/1/2011 to 3/31/2013 (or 2/5/2014) related to 480 Potrero or Case No. 2011.0430 (and any suffix), whether on paper,

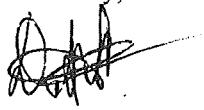
email (as detailed above), or in electronic format (such as .doc, .pdf, or .xls files), or confirm that all such records have already been searched for, located, and provided to Mr. Ringel.

6. Provide a letter summarizing the actions taken by the Planning Department in response to this request, and the results obtained, to the Task Force with a copy to Mr. Ringel. The Task Force is not requesting a copy of any email or other records that you may provide to Mr. Ringel.

The Task Force, at its October 2, 2013, meeting, already found a violation of the Sunshine Ordinance and voted, at its February 5, 2014, meeting, to refer the matter to the Ethics Commission. Whether the Ethics Commission sustains the Task Force's finding of a willful violation may (or may not) turn, at least in part, on your actions to respond as fully as possible to Mr. Ringel's records request, as further clarified by the Task Force and this letter.

Please contact Task Force Administrator Victor Young if you need any clarification regarding this letter and thank you in advance for your prompt attention to this matter.

Sincerely,



David Pilpel
Education, Outreach, and Training Committee Chair

cc: Mica Ringel, Complainant
John Rahaim, Director, Planning Department
Members, Sunshine Ordinance Task Force
Deputy City Attorney Nicholas Colla

APPENDIX C

Table of Contents	Starts at Bates Number
E-mails provided by Mica Ringel, Complainant	001
Planning Department's Record Retention and Destruction Policy and Schedule	014
E-mails provided by the Planning Department	024

From: "Diane Ringel"
Date: Thursday, September 27, 2012 at 2:38:01 PM Pacific Daylight Time
To: don.lewis@sfgov.org
Cc: "MicaRringel"
Bcc:
Subject: **Potrero....Mariposa**

Please contact me regarding the proposed apartments and their environmental impact upon the adjacent area.

Thank you

Diane Ringel
485 Potrero Ave C

415-596-7121



From: "Lewis, Don"
Date: Thursday, September 27, 2012 at 2:56:19 PM Pacific Daylight Time
To: "Diane Ringel"
Cc: "MicaRingel"
Bcc:
Subject: **RE: Potrero....Mariposa**

Hello Diane,

I am out of the office until Monday. I will call you on Monday.

Thanks,
Don

From: Diane Ringel [drringel@gmail.com]
Sent: Thursday, September 27, 2012 2:38 PM
To: Lewis, Don
Cc: MicaRingel
Subject: Potrero....Mariposa

Please contact me regarding the proposed apartments and their environmental impact upon the adjacent area.

Thank you

Diane Ringel
485 Potrero Ave C

415-596-7121



From: "Lewis, Don"
Date: Monday, October 1, 2012 at 9:43:29 AM Pacific Daylight Time
To: "Diane Ringel"
Cc: "MicaRingel"
Bcc:
Subject: **RE: Potrero....Mariposa**

Here are the CEQA documents.

Ben Fu is the project planner and he can be reached at 415-558-6613. However, the sponsor has not yet submitted their project application so he may not be able to help you at this time.

Thanks,
Don Lewis
Environmental Planner
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco CA 94103
(415) 575 - 9095
(415) 558 - 6409 fax

-----Original Message-----
From: Diane Ringel [mailto:drringel@gmail.com]
Sent: Thursday, September 27, 2012 2:38 PM
To: Lewis, Don
Cc: MicaRingel
Subject: Potrero....Mariposa

Please contact me regarding the proposed apartments and their environmental impact upon the adjacent area.

Thank you

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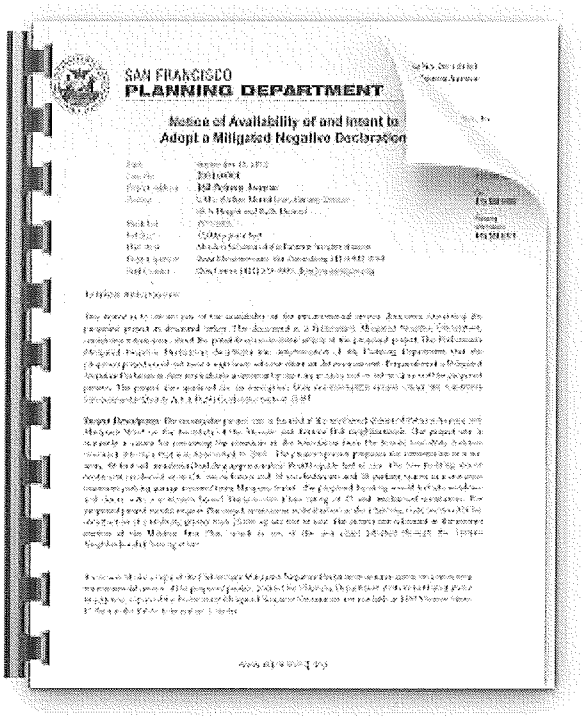
485 Potrero Ave C

415-596-7121



SAN FRANCISCO
PLANNING DEPARTMENT

Notice of Availability of and Intent to Adopt a Mitigated Negative Declaration

- Attached: 480 Potrero CEQA Documents.pdf, 6.163 MB



From: "Lewis, Don"
Date: Monday, October 1, 2012 at 9:51:25 AM Pacific Daylight Time
To: "Diane Ringel"
Cc: "MicaRingel"
Bcc:
Subject: **RE: Potrero....Mariposa**

Received your voicemail. You are right, the project site is located in District 10, Malia Cohen.

Don Lewis
Environmental Planner
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco CA 94103
(415) 575 - 9095
(415) 558 - 6409 fax

-----Original Message-----
From: Diane Ringel [mailto:drringel@gmail.com]
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Cc: MicaRingel
Subject: Potrero....Mariposa

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Thank you

Diane Ringel
485 Potrero Ave C

415-596-7121



From: "Lewis, Don"
Date: Monday, October 1, 2012 at 9:59:03 AM Pacific Daylight Time
To: "Diane Ringel"
Cc: "MicaRingel"
Bcc:
Subject: **RE: Potrero....Mariposa**

The application that the sponsor still needs to submit is the Section 309 application. The building envelope, which you expressed concerns about, has not yet been reviewed by Planning Department staff. Therefore, the overall height, massing and scale of the building has not yet been determined. Also, the number of units and off-street parking spaces will be affected by that. The design will likely change, but from an environmental perspective, all physical effects on the environment were fully disclosed and analyzed in the CEQA documents.

Don Lewis
Environmental Planner
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco CA 94103
(415) 575 - 9095
(415) 558 - 6409 fax

-----Original Message-----
From: Lewis, Don
Sent: Monday, October 01, 2012 9:43 AM
To: 'Diane Ringel'
Cc: MicaRingel
Subject: RE: Potrero....Mariposa

Here are the CEQA documents.

Ben Fu is the project planner and he can be reached at 415-558-6613. However, the sponsor has not yet submitted their project application so he may not be able to help you at this time.

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Don Lewis
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Subject: Potrero....Mariposa

Please contact me regarding the proposed apartments and their environmental impact upon the adjacent area.

Thank you

Diane Ringel
485 Potrero Ave C

415-596-7121



From: "Lewis, Don"
Date: Monday, October 1, 2012 at 1:59:14 PM Pacific Daylight Time
To: "Mica"
Cc: "Diane Ringel"
Subject: **RE: Potrero....Mariposa**

http://www.sf-planning.org/Modules/ShowDocument.aspx?documentid=467

I will try to alert you but I won't exactly be notified myself. I only handle the environmental review of the project. The best way to be notified is to file a Block Book Notification for the 480 Potrero site but that costs some money. I have sent an email to the sponsor for a forecast submittal date.

Don Lewis
Environmental Planner
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco CA 94103
(415) 575 – 9095
(415) 558 – 6409 *fax*

From: Mica [mailto:supermica@gmail.com]
Sent: Monday, October 01, 2012 1:04 PM
To: Lewis, Don
Cc: Diane Ringel
Subject: Re: Potrero....Mariposa

When that is submitted please forward us a copy.

On Mon, Oct 1, 2012 at 9:59 AM, Lewis, Don <don.lewis@sfgov.org> wrote:
The application that the sponsor still needs to submit is the Section 309 application. The building envelope, which you expressed concerns about, has not yet been reviewed by Planning Department staff. Therefore, the overall height, massing and scale of the building has not yet been determined. Also, the number of units and off-street parking spaces will be affected by that. The design will likely change, but from an environmental perspective, all physical effects on the environment were fully disclosed and analyzed in the CEQA documents.

Don Lewis
Environmental Planner
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco CA 94103
(415) 575 - 9095
(415) 558 - 6409 fax

From: "Lewis, Don"
Date: Monday, October 1, 2012 at 2:06:43 PM Pacific Daylight Time
To: "Mica"
Cc: "Diane Ringel"
Subject: **RE: Potrero....Mariposa**

Sponsor says they will submit October 4th.

Don Lewis
Environmental Planner
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco CA 94103
(415) 575 – 9095
(415) 558 – 6409 *fax*

From: Lewis, Don
Sent: Monday, October 01, 2012 1:59 PM
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Subject: RE: Potrero....Mariposa

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Don Lewis
Environmental Planner
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco CA 94103
(415) 575 - 9095
(415) 558 - 6409 fax

-----Original Message-----
From: Lewis, Don
Sent: Monday, October 01, 2012 9:43 AM
To: 'Diane Ringel'
Cc: MicaRingel
Subject: RE: Potrero....Mariposa

Here are the CEQA documents.

Ben Fu is the project planner and he can be reached at 415-558-6613. However, the sponsor has not yet submitted their project application so he may not be able to help you at this time.

Thanks,
Don Lewis
Environmental Planner
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco CA 94103
(415) 575 - 9095
(415) 558 - 6409 fax

-----Original Message-----
From: Diane Ringel [mailto:drringel@gmail.com]
Sent: Thursday, September 27, 2012 2:38 PM

To: Lewis, Don
Cc: MicaRingel
Subject: Potrero....Mariposa

Please contact me regarding the proposed apartments and their environmental impact upon the adjacent area.

Thank you

Diane Ringel
485 Potrero Ave C

415-596-7121



From: "jean bogiages"
Date: Tuesday, October 23, 2012 at 4:06:26 PM Pacific Daylight Time
To: drringel@gmail.com, "Robin Talmadge" , "Daniel FAGER-HIGGINS" , "denny palmer" , "Dick Millet" , teresecronin@gmail.com, suejlnhwang@gmail.com, dean@deansgaragedoors.com, robowatts@gmail.com, alsfok@sbcglobal.net
Cc:
Subject: **Fwd: RE: 480 Potrero Avenue - Appeal**

In case you were as confused as I was about the letter regarding the appeal meeting.
-Jean

----- Original Message -----
Subject:RE: 480 Potrero Avenue - Appeal
Date: Tue, 23 Oct 2012 21:48:11 +0000
From: Lewis, Don <don.lewis@sfgov.org>
Reply-To:don.lewis@sfgov.org
To:jean@woodwinds.net <jean@woodwinds.net>

Hello Jean,

The hearing will be on January 17th. No public comment or discussion on November 1st. We just needed to put it on the calendar per our Admin Code which says we need to schedule a hearing between 14 and 30 days following the last day of the appeal period for the PMND. This date is always the "fake" date. No one will be there on November 1st. You will receive our response to your appeal letter around January 10th.

Thanks,
Don

From: jean bogiages [jean@woodwinds.net]
Sent: Tuesday, October 23, 2012 11:53 AM
To: Lewis, Don
Subject: Re: 480 Potrero Avenue - Appeal

Hi Don,
Does the letter mean that on November 1 the planning commission will be told that the meeting for the appeal will be on January 17, and there will be no discussion of the appeal on November 1, only on January 17? Does it mean there will be no public comment on the issue on November 1, only on January 17?
Thanks,
Jean



From: "SOTF"
Date: Wednesday, October 23, 2013 at 5:01:14 PM Pacific Daylight Time
To: "Mica" , "Hwang, Lulu" , "Fu, Ben" , "Rahaim, John" , "Rodgers, AnMarie"
Cc: "kitt grant" , "Lee, Celia" , "Threet, Jerry"
Subject: **SOTF - Order of Determination - Complaint No. 13024**

Good Afternoon,

Attached is the Order of Determination from the Sunshine Ordinance Task Force, regarding the above titled complaint.

Kind regards,

Andrea S. Ausberry
Administrator
Sunshine Ordinance Task Force
Office 415.554.7724 | Fax 415.554.5163
sotf@sfgov.org | www.sfbos.org
City Hall, 1 Dr. Carlton B. Goodlett Place, Rm. 244
San Francisco, CA 94102
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- Attached: OD 13024.pdf, 0.053 MB



Planning Department
Record Retention and Destruction Policy

The Planning Department Record Retention and Destruction Policy is adopted pursuant to Chapter 8 of the San Francisco Administrative Code, which requires each department head to maintain records and create a records retention and destruction schedule. This policy supersedes all previous record Retention and destruction policies issed by the Planning Department.

This policy covers all records and documents, regardless of physical form or characteristics, which have been made or received by the Planning Department in connection with the transaction of public business.

PART I: POLICY AND PROCEDURES

A. RETENTION POLICY

The Planning Department shall retain records for the period of their immediate or current use, unless longer retention is necessary for historical reference, or to comply with contractual or legal requirements, or for other purposes as set forth below. For record retention and destruction purposes, the term Arecord≅ is defined as set forth in Section 8.1 of the San Francisco Administrative Code. Documents and other materials that do not constitute Arecords≅ under that section, including those described below in Category 4, may be destroyed when no longer needed, unless otherwise specified in Part II. The records of the Planning Department shall be classified for purposes of retention and destruction as follows:

Category 1: Permanent Retention. Records that are permanent or essential shall be retained and preserved indefinitely.

X Permanent records. Permanent records are records required by law to be permanently retained and which are ineligible for destruction unless they are microfilmed or placed or an optical imaging system, and special measures are followed. Admin. Code Section 8.4. Once these measures are followed, the original paper records may be destroyed. Duplicate copies of permanent records may be destroyed whenever they are no longer necessary for the efficient operation of the Department. Examples of permanent records include official records of commission action, record of meetings and agendas, notices and minitues of Commission meetings.

X Essential records. Essential records are records necessary for the continuity of government and the protection of the rights and interests of individuals. Admin. Code Section 8.9. Examples of essential records include policy memoranda and interpretive materials such as manuals.

Category 2: Current Records. Current records are records, which for convenience,

ready reference or other reasons are retained in the office space and equipment of the Department. Current records shall be retained as follows:

Where retention period specified by law. Where federal, state, or local law prescribes a definite period of time for retaining certain records, the Planning Department will retain the records for the period specified by law. Examples of records required to be maintained for a specific period are: Statements of Economic Interest Form 700 must be retained seven years pursuant to Government Code Section 81009(e); Accident – Injury Reports must be retained five years pursuant to 29 CFR 1404.6.

Where no retention period specified by law. Where no specific retention period is specified by law, the retention period for record that the department is required to retain shall be specified in the attached Record Retention and Destruction Schedule. Records shall be retained for a minimum of two years, although such records may be treated as Astorage records≅ and placed in storage at any time during the applicable retention period. Examples of current records include invoices for purchases of supplies, departmental memoranda and budget documents.

Category 3: Storage Records. Storage records are records that are retained offsite. Storage records are subject to the same retention requirements as current records. Examples of storage records include official records of Commission action, and calendars and minutes of hearings.

Category 4: No Retention Required. Documents and other materials that are not Arecords≅ as defined by Admin. Code section 8.1 need not be retained unless retention is otherwise required by local law or by the attached Record Retention and Destruction Schedule. Documents and other materials (including originals and duplicates) that are not otherwise required to be retained, are not necessary to the functioning or continuity of the Department and which have no legal significance may be destroyed when no longer needed. Examples include materials and documents generated for the convenience of the person generating them, draft documents (other than some contracts) which have been superseded by subsequent versions, or rendered moot by departmental action, and duplicate copies of records that are no longer needed. Specific examples include telephone message slips, miscellaneous correspondence not requiring follow-up or departmental action, notepads, e-mails that do not contain information required to be retained under this policy, and chronological files. With limited execetions, no specific retention requirements are assigned to documents in this category. Instead, it is up to the orginator or recipient to determine when the document's business utility has ended.

B. RECORDS NOT ADDRESSED IN THE RECORD RETENTION SCHEDULE

Records and other documents or materials that are not expressly addressed by the attached schedule may be destroyed at any time provided that they have been retained for the periods prescribed for substantially similar records.

C. STORAGE OF RECORDS

Records may be stored in the Department=s office space or equipment if the records are

in active use or are maintained in the office for convenience or ready reference. Examples of active files appropriately maintained in the Department=s office space or equipment include active chronological files, research and reference files, legislative drafting files, pending complaint files, administrative files and personnel files. Inactive records, for which use or reference has diminished sufficiently to permit removal from the Department=s office space or equipment, may be sent to the City=s off-site storage facility or maintained in the Department=s storage facility.

D. HISTORICAL RECORDS

Historical records are records, which are no longer of use to the Department but which because of their age or research value may be of historical interest or significance. Historical Records may not be destroyed except in accordance with the procedures set forth in Administrative Code section 8.7.

E. PENDING CLAIMS AND LITIGATION

The retention periods set forth in the attached record retention schedule shall not apply to materials that are otherwise eligible for destruction, but which may be relevant to a pending claim or litigation against the City. Once a department becomes aware of the existence of a claim against the department, the department should retain all documents and other materials related to the claim until such time as the claim or subsequent litigation has been resolved. Where a department has reason to believe that one or more other departments also have records relating to the claim or litigation, those departments should also be notified of the need to retain such records.

APPROVALS:

_____ _____

William L. Lee — Date Approved
City Administrator

Approved as to Records Relating to Financial Matters:
Ed Harrington, Controller

_____ _____

Controller Staff — Date Approved

Approved as to Records of Legal Significance:
Dennis Herrera, City Attorney

_____ _____

Deputy City Attorney — Date Approved

Approved as to Records Relating to Payroll Matters:

_____ _____

Clare M. Murphy, Executive Director — Date Approved

by the Retirement Board

RECORD RETENTION AND DESTRUCTION SCHUDULE
PLANNING DEPARTMENT

Division	Record Category	TYPE OF RECORD	RETENTION CATEGORY	RETENTION PERIOD			REMARKS/
				Total	On Site	Off Site	
	PLANNING COMMISSION	Agendas	1	Permanent	2 Years	Permanent	Destroy if microfilmed/Optical Imaged
	PLANNING COMMISSION	Draft Minutes	2	2 Years	Until approved	Remainder of 2 years	Destroy
	PLANNING COMMISSION	Minutes (Written)	1	Permanent	3 Years	Permanent	Destory if microfilmed
	PLANNING COMMISSION	Minutes (Audio)	1	Permanent	3 Years	Permanent	Destory if microfilmed
	PLANNING COMMISSION	Speaker Cards	2	2 Years	Until purpose served	Remainder of 2 years	Destroy
	PLANNING COMMISSION	Commissioners Packets Case reports, letters, memos, responses and general orrespondence	2	2 Years	Until purpose served	Remainder of 2 years	Destroy
	PLANNING COMMISSION	Motions	1	Permanent	30 Years	Permanent	Destroy if microfilmed/Optical Imaged
	PLANNING COMMISSION	Resolutions	1	Permanent	5 Years	Permanent	Destroy if microfilmed/Optical Imaged
	Landmarks	Agendas	1	Permanent	2 Years	Permanent	Destroy if microfilmed/Optical Imaged
	Landmarks	Minutes (Written)	1	Permanent	3 Years	Permanent	Destory if microfilmed

Division	Record Category	TYPE OF RECORD	RETENTION CATEGORY	RETENTION PERIOD			REMARKS/
				Total	On Site	Off Site	
	Landmarks	Minutes (Audio)	1	Permanent	3 Years	Permanent	Destory if microfilmed
	Landmarks	Landmarks Dockets, Case reports, letters, memos, responses, motions and general correspondence	2	2 Years	Until purpose served	Remainder of 2 years	Destroy
	Landmarks	Certificates of Appropriateness	1	Permanent	2 Years	Permanent	Destroy if microfilmed/Optical Imaged
	Landmarks	Individual City Landmarks/ Landmark Districts (files)	1	Permanent	On-site Permanent		
	CURRENT PLANNING	Notices of Special Restrictions	1	Permanent	Until purpose served	Permanent	Destroy if microfilmed/Optical Imaged
	CURRENT PLANNING	Notices of Planning Dept. Requirements	2	2 years	Until purpose served	Remainder of 2 years	Destroy
	CURRENT PLANNING	Notices of Incomplete Submittal	2	2 years	Until purpose served	Remainder of 2 years	Destroy
	CURRENT PLANNING	Application Packet	2	2 years	Until purpose served	Remainder of 2 years	Destroy
	CURRENT PLANNING	Pre-application Notice	2	2 years	Until purpose served	Remainder of 2 years	Destroy
	CURRENT PLANNING	Pre-application Affidavit	2	2 years	Until purpose served	Remainder of 2 years	Destroy
	CURRENT PLANNING	Notifications, affidavits, maps, and mailing lists	2	2 years	Until purpose served	Remainder of 2 years	Destroy
	CURRENT PLANNING	Variance Decision	1	Permanent	30 Years	Permanent	Destroy if microfilmed/Optical Imaged

Division	Record Category	TYPE OF RECORD	RETENTION CATEGORY	RETENTION PERIOD			REMARKS/
				Total	On Site	Off Site	
	CURRENT PLANNING	Nonconforming uses and limited commercial uses	1	Permanent	20 Years	Permanent	Destory if microfilmed/Optical Imaged
	CURRENT PLANNING	Case Files (Dockets)	1	Permanent	3 Years	Permanent	Destroy if microfilmed/Optical Imaged
	CURRENT PLANNING	Planning Codes	1	Permanent	Until superceded	Permanent	Destroy if microfilmed/Optical Imaged
	CURRENT PLANNING	Code Interpretations	1	Permanent	Until superceded	Permanent	Destroy if microfilmed/Optical Imaged
	CURRENT PLANNING	1935 Block Books	1	Permanent	Permanent		
	CURRENT PLANNING	1946 Block Books	1	Permanent	Permanent		
	CURRENT PLANNING	1960 Block Books	1	Permanent	Permanent		
	CURRENT PLANNING	1978 Block Books	1	Permanent	Permanent		
	CURRENT PLANNING	Zoning Administrator's Bulletins	1	Permanent	Until superceded	Remainder of 2 years	Destroy
	CURRENT PLANNING	Master Project Lists	2	2 years	Until superceded	Remainder of 2 years	Destroy
	Major Environmental Analysis	Negative Declarations	1	Permanent	15 years	Permanent	Destroy if microfilmed/Optical Imaged

Division	Record Category	TYPE OF RECORD	RETENTION CATEGORY	RETENTION PERIOD			REMARKS/
				Total	On Site	Off Site	
	Major Environmental Analysis	Final EIR	1	Permanent	15 years	Permanent	Destroy if microfilmed/Optical Imaged
	Major Environmental Analysis	Categorical Exemption	1	Permanent	2 years	Permanent	Destroy if microfilmed/Optical Imaged
	Major Environmental Analysis	Case Files Environmental Review	1	Permanent	15 years	Permanent	Destroy if microfilmed/Optical Imaged
	Long Range Planning (CityWide)	Planning Information Counter Handouts	2	2 years	Until superceded	Remainder of 2 years	Destroy
	Long Range Planning (CityWide)	Master Plans	1	Permanent	Until superceded	Permanent	Copy in records center
	Long Range Planning (CityWide)	Master Plan Elements	1	Permanent	Until superceded	Permanent	Copy in records center
	Long Range Planning (CityWide)	Area Plan Drafts	2	2 years	Until superceded	Remainder of 2 years	Destroy
	Long Range Planning (CityWide)	Area Plan Adopted	1	Permanent	Until superceded	Permanent	Record Center
	Long Range Planning (CityWide)	Special Studies Drafts	2	2 years	Until superceded	Remainder of 2 years	Destroy

Division	Record Category	TYPE OF RECORD	RETENTION CATEGORY	RETENTION PERIOD			REMARKS/
				Total	On Site	Off Site	
	Long Range Planning (CityWide)	Special Studies Adopted	1	Permanent	5 years	Permanent	Destroy if microfilmed/Optical Imaged
	Long Range Planning (CityWide)	Institutional Master Plans	1	Permanent	2 years	Permanent	Destroy if microfilmed/Optical Imaged
	Long Range Planning (CityWide)	Census & Demographic Information Products	4	Until purpose served	Until purpose served	None	Until updated
	Long Range Planning (CityWide)	Planning Department Publications	2	2 years	Until purpose served	Remainder of 2 years	Destroy when revised
	Long Range Planning (CityWide)	Analysis files	2	2 years	Until superceded	Remainder of 2 years	Until superceded or converted
	Current Planning (CityWide)	Aerial Photos	2	2 years	Until updated	Remainder of 2 years	Until superceded or converted
	Current Planning (CityWide)	Letters, Departmental Memos, Responses, General Correspondence	2	2 years	2 years		Destroy
	Current Planning	Appointment Calendars	4	2 years	2 years		Destroy
	Current Planning	Daily Diaries	4	2 years	2 years		Destroy
	Current Planning	Drawing/Plans	2	2 years	2 years		Destroy
	Current Planning	Note Pads	4	Until purpose served	Until purpose served	Until purpose served	
	Current Planning	Old Magazines, catalogs, journals	4	Until purpose served	Until purpose served	Until purpose served	
	Current Planning	Phone message slips	4	Until purpose served	Until purpose served	Until purpose served	
	Administration	Annual Work Program	2	5 years	3 years	2 years	

Division	Record Category	TYPE OF RECORD	RETENTION CATEGORY	RETENTION PERIOD			REMARKS/
				Total	On Site	Off Site	
	Administration	Annual Budget	2	5 years	3 years	2 years	
	Administration	Administrative Records	2	2 years	Until purpose served	Remainder of 2 years	
	Administration	Personnel Records, Sign-in & Out Records	2	2 years	Until purpose served	Remainder of 2 years	Time rolls, time cards, payroll checks and related matters should not be destroyed without first obtaining approval from the SFERS.
	Administration	Contracts, agreements, MOU's	2	20 years + term of agrement	20 years + term of agrement	20 years + term of agrement	
	Administration	Financial Records, Famis reports, payment documents & other Controller documents	2	5 years	3 years	2 years	
	Administration	Worker's Compensation Records	2	5 years	Until purpose served	Remainder	
	Administration	Family Medical Leave Records	2	3 years	Until purpose served	Remainder	

Argumedo, Catherine (ETH)

From: Ionin, Jonas (CPC)
Sent: Tuesday, April 15, 2014 11:16 AM
To: Argumedo, Catherine (ETH)
Subject: FW: SOTF - Request to Planning Department - 13024 Mica Ringel v. PLanning Department
Attachments: 13024 - Request to Planning.pdf

Catherine,
Here is the request from SOTF for the specific search items. Although it is dated, Feb. 7th, we only received it via email on Feb. 11th.

Jonas P. Ionin
Director of Commission Affairs
Commissions Secretary
Custodian of Public Records

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

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



From: SOTF
Sent: Tuesday, February 11, 2014 10:48 AM
To: Ionin, Jonas
Cc: Colla, Nicholas; Threet, Jerry; Mica; Rahaim, John
Subject: SOTF - Request to Planning Department - 13024 Mica Ringel v. PLanning Department

Dear Mr. Ionin:

Please find attached the letter from Chair Pilpel, Education, Outreach and Training Committee, confirming the Task Force's request to the Planning Department.

If there are any questions please let me know. Thank You.

Victor Young
Administrator
Sunshine Ordinance Task Force
1 Dr. Carlton B. Goodlett Pl., Room 244
San Francisco CA 94102
phone 415-554-7724
fax 415-554-5163

Complete a Board of Supervisors Customer Satisfaction form by clicking the link below.
http://www.sfbos.org/index.aspx?page=104

SUNSHINE ORDINANCE
TASK FORCE

City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. (415) 554-7724
Fax No. (415) 554-7854
TDD/TTY No. (415) 554-5227

February 7, 2014

Jonas Ionin, Commission Secretary
Planning Commission
1650 Mission St Ste 400
San Francisco CA 94103

RE: Sunshine Ordinance Task Force File No. 13024, Mica Ringel v. Planning Department

Dear Mr. Ionin,

Pursuant to the direction and discussion at the January 13, 2014, Education, Outreach, and Training Committee meeting and the February 5, 2014, Sunshine Ordinance Task Force meeting I am writing this letter to confirm the Task Force's request that the Planning Department:

1. Conduct an additional search of email, whether current, archived, or deleted, for Julian Bañales, VirnaLiza Byrd, Randall Dean, Tom DiSanto, Kimberly Durandet, Ben Fu, Lulu Hwang, Jonas Ionin, Dario Jones, Sarah Jones, Jeff Joslin, Don Lewis, Joy Navarette, John Rahaim, AnMarie Rodgers, Diego Sanchez, Scott Sanchez, Daniel Sider, Corey Teague, Nannie Turrell, Wade Wietgrefe, Viktoriya Wise, and Bill Wycko for the date range of 1/1/2011 to 3/31/2013, using the search terms "480+Potrero" OR 2011.0430* OR "Potrero+Mariposa" (assuming that "" defines a character string, + requires both search terms to be present, OR means that at least one of the search conditions are met, and * indicates a wildcard character).

2. Consider extending the date range to 2/5/2014 to include any email matching the search terms received or sent since the original request date of 3/31/2013 as Mr. Ringel has requested.

3. Arrange for the email search to be conducted within 5 business days by Planning Department staff and/or the City's Department of Technology (DT), as necessary, to accomplish the search.

4. Provide the resulting email to Mr. Ringel in a searchable email format, portable document format (.pdf), or another appropriate electronic format acceptable to Mr. Ringel.

5. Conduct a new diligent search of all Planning Department records from 1/1/2011 to 3/31/2013 (or 2/5/2014) related to 480 Potrero or Case No. 2011.0430 (and any suffix), whether on paper,

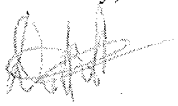
email (as detailed above), or in electronic format (such as .doc, .pdf, or .xls files), or confirm that all such records have already been searched for, located, and provided to Mr. Ringel.

6. Provide a letter summarizing the actions taken by the Planning Department in response to this request, and the results obtained, to the Task Force with a copy to Mr. Ringel. The Task Force is not requesting a copy of any email or other records that you may provide to Mr. Ringel.

The Task Force, at its October 2, 2013, meeting, already found a violation of the Sunshine Ordinance and voted, at its February 5, 2014, meeting, to refer the matter to the Ethics Commission. Whether the Ethics Commission sustains the Task Force's finding of a willful violation may (or may not) turn, at least in part, on your actions to respond as fully as possible to Mr. Ringel's records request, as further clarified by the Task Force and this letter.

Please contact Task Force Administrator Victor Young if you need any clarification regarding this letter and thank you in advance for your prompt attention to this matter.

Sincerely,



David Pilpel
Education, Outreach, and Training Committee Chair

cc: Mica Ringel, Complainant
John Rahaim, Director, Planning Department
Members, Sunshine Ordinance Task Force
Deputy City Attorney Nicholas Colla

Argumedo, Catherine (ETH)

From: Ionin, Jonas (CPC)
Sent: Tuesday, April 15, 2014 11:15 AM
To: Argumedo, Catherine (ETH)
Subject: FW: Planning Departmnet Request for Deleted emails

Catherine,
Here is a copy of my request to DT for the second deleted email search.

Jonas P. Ionin
Director of Commission Affairs
Commissions Secretary
Custodian of Public Records

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

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



From: Ionin, Jonas
Sent: Wednesday, February 12, 2014 1:38 PM
To: DT Customer Service Desk, DT
Subject: Planning Departmnet Request for Deleted emails

The SOTF has requested that we conduct a second "Deleted email" search related to the 480 Potrero Case.

Please use the following search terms:

1. `480+Potrero`
2. `Potrero+Mariposa`
3. `2011.0430*`

For the following Planning Department Staff members:

Julian Banales;
VirnaLIza Byrd;
Randall Dean;
Tom DiSanto;
Kimberly Durandet;
Ben Fu,
Lulu Hwang;
Jonas Ionin;
Dario Jones;
Sarah Jones;
Jeff Joslin;
Don Lewis;
Joy Navarette;
John Rahaim;

AnMarie Rodgers;
Diego Sanchez;
Scott Sanchez;
Daniel Sider;
Corey Teague;
Nannie Turrell;
Wade Wietgrefe;
Viktoriya Wise; and
Bill Wycko

Between January 1, 2011 and February 5, 2014.

Please advise the turnaround for this type of a request.

Thank you for your assistance in this matter,

Jonas P. Ionin
Director of Commission Affairs
Commissions Secretary
Custodian of Public Records

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

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

