



**SF Environment**

**Our home. Our city. Our planet.**



EDWIN M. LEE  
Mayor

MELANIE NUTTER  
Director

**CITY AND COUNTY OF SAN FRANCISCO  
COMMISSION ON THE ENVIRONMENT**

**REGULAR MEETING  
DRAFT MINUTES**

**TUESDAY, MARCH 26, 2013, 5:00 P.M.**

**CITY HALL, ROOM 416, SAN FRANCISCO, CA 94102**

**COMMISSION MEMBERS:** Commissioners Joshua Arce (President), Angelo King (Vice President), Ruth Gravanis, Nicholas Josefowitz, Alan Mok, Heather Stephenson and Johanna Wald

**ORDER OF BUSINESS**

**Public comment will be taken before the Commission takes action on any item.**

- 1. Call to Order and Roll Call.** The Commission on the Environment meeting convened at 5:12 p.m. Present: Commissioners Arce, King, Gravanis and Stephenson; Excused: Commissioners Josefowitz, Mok and Wald.
- 2. Approval of Minutes of the January 22, 2013 Commission on the Environment Draft Meeting.** (Explanatory Document: January 22, 2013 Commission on the Environment Approved Minutes) (Discussion and Action) Upon Motion by Commissioner King, second by Commissioner Gravanis, the January 22, 2013 Meeting Minutes were approved without objection (AYES: Commissioners Arce, King, Gravanis and Stephenson; Absent: Commissioners Josefowitz, Mok and Wald).
- 3. Public Comments:** Members of the public may address the Commission on matters that are within the Commission's jurisdiction and are not on today's agenda.

Dr. Espanola Jackson reported that she had received a report from the Department on the Environment on information she requested about average salaries by race, ethnicity and gender and residency for permanent Department staff. She expressed her concern that many of the zip codes listed are not San Francisco zip codes. Deputy Director Assmann would provide a report differentiating the San Francisco and non San Francisco zip codes. Dr. Jackson reported on her concerns with toxicity issues causing health problems for residents in the Bayview Hunters Point neighborhood in which she resides in and specifically cited 3450 Third Street as a major concern. She reported that she has requested a discretionary review from the Planning Department and asked that an Environmental Impact Report be produced on that site.

Mr. Eric Brooks, representing San Francisco Green Party and Our City, reported on new information received citing radioactive contamination possibly more extensive than originally believed on Treasure Island. He asked that the Commission do everything in its power to hold the Navy accountable for cleanup at both the Treasure Island and Hunters Point sites, which may be even more toxic than the Treasure Island A2 site.

Mr. Robert Woods reported on his work with the Bayview Hunters Point community and expressed his opposition to the Navy transfer to the City of land for development on what he believes to be a toxic site in the neighborhood. Mr. Woods asked for the Commission's help in making sure that the community and workers at the site will not be exposed to potential health risks caused by the transfer, and that the Navy and City be made aware of potential ramifications if the site is not cleaned up.

**4. Review and Approval of Resolution commending Commissioner Emeritus Matthew Tuchow for his service to the Commission on the Environment.** (Explanatory Document: Resolution 003-13-COE)  
Sponsor: Melanie Nutter, Director; Speaker: David Assmann, Deputy Director (Discussion and Action)

Secretary Fish read the Resolution commending Commissioner Emeritus Matthew Tuchow into the record. Deputy Director Assmann and Commissioners commended Commissioner Emeritus Tuchow for his leadership and service to the Commission and wished him all the best in his future endeavors.

Commission President Emeritus Matthew Tuchow stated that it was his honor to serve on the Commission and support the work of the Department of the Environment. He stressed the importance of communicating the Departments' work to the community and establishing metrics to track and monitor the progress and effectiveness of the Department in reaching its goals. San Francisco should be a model for other communities and be a forum for others to emulate what is happening in San Francisco that will help bring the environmental movement to scale. Commissioner commended the work of the Department and Commission and hopes to work together in the future.

Upon Motion by Commissioner Gravanis, second by Commissioner King, Resolution 003-13-COE was approved without objection (AYES: Commissioners Arce, King, Gravanis and Stephenson; Absent: Commissioners Josefowitz, Mok and Wald).

**5. Public Hearing to Review and Adopt Regulations for the Commuter Benefits Ordinance.** (Explanatory Documents: Public Hearing Notice and Commuter Benefits Ordinance Regulation)  
Sponsor: Melanie Nutter, Director; Speakers: Guillermo Rodriguez, Director, Policy and Communications; Sue Ellen Atkinson, Manager, Commuter Benefits Ordinance; Krute Singa, Senior Commute Smart Program Coordinator (Informational Presentation, Discussion and Action)

Mr. Guillermo Rodriguez reported that this agenda item is informational to the Commission and provides an opportunity to report on the Commuter Benefits program and Ordinance and its successes to date. It is also a public hearing to consider proposed rule-making and procedures for enforcement of the Ordinance. He explained that the proposed Rules and Regulations do not change the Ordinance that was adopted by the Board of Supervisors in 2009. The Rules and Regulations are before the public for comment in order to codify what is in the Ordinance, which

gives the Department enforcement ability and aligns the policies and procedures for enforcement for what the City already does for similar types of other programs.

Ms. Krute Singa presented an overview of the Department's Clean Transportation Program, background on the Commuter Benefits Ordinance, and compliance process. She reported that the overall goal is to reduce the drive-alone rate, promote sustainable transportation modes, and encourage the use of clean fuels and vehicles through the electric vehicle and biofuels programs. Ms. Singa discussed the CommuteSmart programs and services provided to businesses so that commuters are able to drive sustainably.

Ms. Sue-Ellen Atkinson presented on the Commuter Benefits Ordinance that is part of the Environment Code and supported by the Chamber of Commerce and local businesses. The Ordinance requires San Francisco businesses with twenty or more employees to offer commuter benefits to eligible employees. Businesses are able to comply with the Ordinance by offering one of three types of commuter benefits programs to their employees, which were described. Ms. Atkinson reported on CommuteSmart program goals and priorities to (1) provide education and outreach, (2) compliance reporting to assess compliance status and program options and determine overall participation, and (3) goals and procedures for enforcement/rules and regulations. Findings from the 2012 Annual Report compliance cycle on the effectiveness of the program were highlighted. (Reference Presentation)

Deputy Director Assmann reported that the proposed Rules and Regulations is an effort to maximize participation in the Commuter Benefits program. Commissioner King suggested that legislation to increase bike parking should be complimentary to the Commuter Benefits legislation. He discussed the importance of staff's efforts in assisting businesses in program implementation. Commissioner Gravanis shared Commissioner King's concerns that there should be an increase in additional bike parking throughout the city and spoke in support of the program and enforcement procedures. She confirmed with Deputy Director Assmann that enforcement of the program would not require additional funding and staff resources.

Deputy Director Assmann reported on the Department's work promoting bike parking with the Bicycle Coalition. Ms. Singa reported that the Ordinance being referred to is the Tenant Bicycle Parking in Existing Commercial Buildings Ordinance, passed in March 2012, and requires existing commercial property owners to allow their tenants to bring bikes into the building. Department staff is working with the Planning Department, Bicycle Coalition and the Building Owners and Managers Association (BOMA) to outreach and implement the Ordinance and provide support services to commercial property owners to comply. Commissioner Stephenson spoke in support of the program. She inquired and Ms. Atkinson and Deputy Director Assmann reported on the federal IRS regulated pre-tax commuter benefit limit parity that was reinstated from \$125 to \$245. Commissioner Stephenson inquired and Ms. Atkinson reported on business-compliance programs and percentage of businesses complying/not complying with the program.

Public Comment: Mr. Jim Lazarus, San Francisco Chamber of Commerce, stated that he has been working with the Department and the Board of Supervisors since the Ordinance was first proposed, and that it has the support of the business community. He stated that he looks forward to working with the Department and partner organizations on better communication with Chamber membership. It was suggested that the Commission direct staff to consult with other City departments that communicate with businesses because there are a lot of requirements that

city businesses must meet to file these types of reports. He asked for a more 21<sup>st</sup> century coordinated response by all City departments, especially for those businesses with 20 or more employees. Mr. Lazarus reported that the Small Business Commission is working on developing a one-stop shop for a lot of City requirements.

Mr. Rodriguez reported on the Department's work with other City departments and the Small Business Commission on creating a single portal for businesses so they can go to one place for all requirements. He provided an example of a joint coordination effort to provide outreach for the Commuter Benefits Ordinance by packaging information along with a mailing for healthy services in order to minimize City expense. Commissioner King suggested that all requirements be made as business-friendly as possible and urged that an amnesty clause for fees be included. Commissioner Arce confirmed with Deputy Director Assmann that there is discretion for providing amnesty. He confirmed with Ms. Singa that a Commuter Benefits Ordinance (SB 1339) that has similar requirements to San Francisco's Ordinance has been passed for the San Francisco Bay Area and will be in effect this summer.

Upon Motion by Commissioner Gravanis, second by Commissioner Stephenson, the Commission approved the adoption of the Regulations to implement the Commuter Benefits Ordinance with stipulations that take into account the needs of small businesses (AYES: Commissioners Arce, King, Gravanis and Stephenson; Absent: Commissioners Josefowitz, Mok and Wald).

**6. Review and Approval of GoSolarSF Thank You Letter to Mayor Edwin M. Lee.** (Explanatory Document: Thank You Letters) Sponsor: Commissioner Josefowitz; Speaker: Commissioner Arce (Discussion and Action)

Commissioner Arce reported on the Policy Committee's recommendation to create a thank you letter to the Mayor for doubling the funding for the GoSolarSF program. He reported on Commissioner Josefowitz's lead on this item and spoke of his background in clean energy. Commissioner Arce suggested including a similar letter to San Francisco Public Utilities Commission (SFUC) General Manager Harlan Kelly Jr.

Public Comment:

Mr. Eric Brooks suggested communicating to the Mayor's Office and SFPUC that the program should be fully funded at \$5 million. He spoke of the confusion about the relationship between GoSolarSF and CleanPowerSF that are two separate programs. Mr. Brooks spoke in support of CleanPowerSF appropriating money for the GoSolarSF program to its customers but stated that the program would still require the full \$5 million dollars and should be designated as a separate program. He explained that GoSolarSF is the only successful program in San Francisco at this time that is building renewable energy.

Dr. Espanola Jackson stated that the Mayor stated that he was working with the SFPUC General Manager to make sure that the GoSolarSF program would be fully funded. She reported that she was the first person to participate in the program. Dr. Jackson urged the Commission to recommend that the program be fully funded as promised by the Mayor.

Commissioner Arce reported that the Commission letter being proposed does recommend full funding for the program. Upon Motion by Commissioner Gravanis, second by Commissioner

Stephenson, letters to the Mayor and SFPUC General Manager were approved (AYES: Commissioners Arce, King, Gravanis and Stephenson; Absent: Commissioners Josefowitz, Mok and Wald).

Items 7 and 8 were heard together.

7. **Discussion of the Status of CleanPowerSF.** Sponsor/Speaker: Commissioner Arce (Discussion)
8. **Informational Presentation by Local Power, Inc.** (Explanatory Documents: Local Power Presentation and Public Comments) Sponsor: Commissioner Joshua Arce; Speaker: Mr. Paul Fenn, President, Local Power, Inc. (Informational Presentation and Discussion)

Commissioner Arce reported that events have occurred on the CleanPowerSF program since the Commission adopted a Resolution in support of the program last fall. He stated that a request was made by advocates to hear a status report about the program and on plans for a local build-out. Commissioner Arce introduced Mr. Paul Fenn, President of Local Power Inc. (LPI), the firm that created the Business Plan for a local build-out. The proposed local build-out plan has not been adopted by the SFPUC, and LPI is no longer under contract with SFPUC.

Ms. Danielle Murray, Department of the Environment Renewable Energy Program Manager, reported on March 25 joint meeting discussions between the Local Agency Formation Commission (LAFCo) and SFPUC Commission on rate setting for the program. The Commission postponed a vote for a month for further review. She reported on discussions that were held on what the economic impacts would be in terms of local jobs from the program versus the status quo, particularly in regards to the electric industry and whether there would be a plan for local build-out. A report would be forthcoming from SFPUC to their Commission.

Mr. Paul Fenn, President, Local Power Inc. introduced Mr. Samuel Golding, Local Power Managing Director and Project Manager. Mr. Fenn reported on Local Power's role in community choice aggregation legislation development dating back to 1997 and vision for the program at that time that included a local build-out. He discussed his work as a consultant to the SFPUC on the current CleanPowerSF program to create energy and financial models for local build-out under the program. Presentation topics included discussions on the benefits of LPI's proposed model versus the old model that would be a retail energy service creating thousands of local jobs and offer ownership benefits to all customers and at the same time reduce greenhouse gas emissions in San Francisco and offer competitive rates. A discussion was held on LPI's proposed agency roles and processes, preliminary results, proposed work, and issues to be resolved. Mr. Fenn discussed the significant role the Department of the Environment would have as outlined in the proposed Business Plan and presentation. (Reference Presentation)

Commissioner King inquired about the energy-efficiency activities in the proposed plan that would create local jobs in San Francisco and whether the activities would be in addition to what is already taking place. Mr. Fenn responded with the number of jobs that would be created and referenced Slides 14 "Program Maximizes Green Jobs" and 22, "Jobs & Local Investment". Commissioner Stephenson inquired if the Department of the Environment would be in support of the opportunity to take the lead on the project. Deputy Director Assmann reported that the Department would welcome the opportunity but cited potential obstacles. Commissioner Arce reported that the Commission's Resolution discusses its desire to advance the City's greenhouse

gas-emission reduction and 100 percent renewable energy goals and create local jobs through a successful program that would meet these goals. He reported that the SFPUC does not currently have a plan for a local build-out.

Public Comment:

Mr. Eric Brooks discussed his role as an activist for the CleanPowerSF program. He reported that the original Community Choice Aggregation program envisioned a large local build-out, and that the Department of the Environment would assume a lead role for the program as Local Power has proposed. The Ordinance and Resolution that was passed in September of last year assumed that this type of build-out with the parameters mentioned would occur. Mr. Brooks reported that the SFPUC expressed support for a local build-out, but had doubts about proceeding with a role by their own agency. He stated that there was no opposition to the Department of the Environment assuming a lead role. Mr. Brooks discussed the role of advocates to make sure that the local build-out plan will be implemented, and that the Department is provided with funding to take on the role. He encouraged the Commission to support this effort.

Mr. Al Weinrub, Coordinator, Local Clean Energy Alliance, submitted public comment for the record that was distributed to Commissioners. He discussed the advocate's overview on the local build-out proposal that was provided to the Commission's Committee last year. Mr. Weinrub reported that there are two tracks to the program--one is a local build-out that is most important to advocates, and the other is the Shell contract. He reported that the two-year SFPUC commitment to move forward on the local build-out was pulled, but that Commissioners were committed to the program. He discussed advocate support for the Local Power proposal that would meet the needs of working people in terms of local unionized work and prevailing wages, and sees a role for the Commission and the Department to promote this type of program.

Mr. Hunter Stern, IBEW Local 1245 representing utility workers throughout Northern California. Mr. Stern reported that IBEW Local 1245 is responsible for the "Stop the Shell Shock" campaign, reporting on a petition signed against the proposal by 7500 people, and submitted public comment for the record that was distributed to Commissioners. He stated that Local 1245 is not in support of the Shell Contract because it is believed that it is bad for union members, citing the number of issues and factors heard from advocates of Local Power's proposal today. Mr. Stern questioned the credibility of the CleanPowerSF poll stating that the poll does not mention Shell as the energy provider, excludes low-income CARE customers, reached fewer seniors, and questions varied from what was previously asked. He stated that the SFPUC has no plan for a local build-out, and that there is no funding in the current rate structure for anything other than Phase 1, which is the Shell contract. Mr. Stern stated that discussions were not held and a study was not prepared on whether the planned program includes 100% renewable energy, if the energy is cleaner than what is used today, and if there would be an increase or decrease in greenhouse gas emissions.

Mr. Jason Fried, LAFCo staff, stated that CARE customers were not included in the poll because when the Board of Supervisors approved the program in September of last year, it was determined that because there would be a price increase, CARE customers should not automatically be enrolled in Phase 1 of the program. The poll was directed to people who were part of Phase 1, but CARE customers are given the ability to voluntarily sign up as everyone else. Mr. Fried explained that the survey questions were modified as program changes were made. He

stated that the poll did show that interest in the program is there, and there is a customer base for the program to be launched in the city.

Commissioner King suggested that the Policy Committee hold a discussion at a future meeting on what the Department feels its role should be in the local build-out proposal and make recommendations to the Commission. Commissioner Arce suggested that SFPUC staff be invited to the meeting to provide input into the discussion.

**9. Review and Approval of Resolution File 2013-04-COE to Propose Amendments to Commission Resolution 006-12-COE in support of the Monterey Bay National Marine Sanctuary Expansion.** (Explanatory Document: Resolution 004-13-COE) Sponsor/Speaker: Commissioner Ruth Gravanis (Discussion and Possible Action)

Commissioner Gravanis reported on Policy Committee discussions and recommendations on the proposed amendments to Commission Resolution 006-12-COE to take into account concerns expressed by SFPUC staff and San Francisco Planning and Urban Research (SPUR) for eliminating the exclusion area. Upon Motion by Commissioner Stephenson, second by Commissioner King, the Resolution proposing amendments to Commission Resolution 006-12-COE in support of the Monterey Bay National Marine Sanctuary expansion was approved (AYES: Commissioners Arce, King, Gravanis and Stephenson; Absent: Commissioners Josefowitz, Mok and Wald). (Reference Resolution)

**10. Review and Approval of Commission on the Environment Correspondence Process.** (Explanatory Documents: Policy Committee Recommended Process and Acknowledgement Letters) Sponsor: Director Nutter; Speaker: Commissioner Gravanis (Discussion and Action)

Commissioner Gravanis reported on the proposed correspondence process and the Policy Committee's recommendations that the correspondence process be approved. The correspondence process would become part of the Commission's Standing Rules. Upon Motion by Commissioner Stephenson, second by Commissioner Gravanis, the Commission on the Environment correspondence process and acknowledgement letters were approved (AYES: Commissioners Arce, King, Gravanis and Stephenson; Absent: Commissioners Josefowitz, Mok and Wald). (Reference Recommended Process and Acknowledgement Letters).

Item 12 was heard before Item 11.

**11. Commission on the Environment Proposal for Community Meetings.** Sponsor: Commissioner Arce; Speaker: Commissioner King (Discussion and Possible Action)

Commissioner King recommended that this item be tabled until further discussions are held with the Program Outreach Manager.

**12. Review and Approval of Publicizing Commission on the Environment Meetings on SFGTV.** Sponsor: Deputy Director Assmann; Speaker: Commissioner King (Discussion and Action)

Commissioner King reported on discussions held at the Commission's Operations Committee on the outreach benefits publicizing Commission meetings on SFGTV would provide. He stated that the price has substantially been reduced since prior discussions were held. Commissioner King

reported that televising meetings and adding it to the website would be a real asset for ongoing engagement with the community and efforts to make San Francisco a greener environmentally conscious city. Commissioner Stephenson pointed out that meetings would also be streamed in real time in addition to being archived. Upon Motion by Commissioner King, second by Commissioner Stephenson, the appropriation and expenditure to publicize Commission on Environment meetings effective July 1 was approved (AYES: Commissioners Arce, King, Gravanis and Stephenson; Absent: Commissioners Josefowitz, Mok and Wald). (Reference Recommended Process and Acknowledgement Letters).

Public Comment: Mr. Eric Brooks spoke in support of televising Commission meetings on SFGTV.

Item 20 was heard before Item 13. Agenda Items 13 – 19 were not heard due to a loss of quorum.

**13. Operations Committee Chair's Report.** Highlights of the February 13, 2013 Meeting and Review of the Agenda for the May 1, 2013 Meeting. (Information and Discussion)

**14. Policy Committee Report.** (Information and Discussion)

Chairs Report: Highlights of the February 11 and March 11, 2013 Meetings and review of the Agenda for the April 8, 2013 Meeting to be held at City Hall, Room 421.

**15. Commission Secretary's Report.** (Explanatory Document: Commission Secretary's Report)  
(Information and Discussion)

Monica Fish, Commission Secretary

- **Communications and Correspondence**
- **Update on City Legislation**

**16. Director's Report.** Updates on Department of the Environment administrative and programmatic operations relating to Budget Planning, Strategic Planning, Clean Air/Transportation, Climate, Energy, Public Outreach and Education, Environmental Justice, Habitat Restoration, Green Building, Zero Waste, Toxics Reduction, and Urban Forestry. (Explanatory Document: Director's Report) (Information and Discussion)

**17. Announcements.** (Information and Discussion)

**18. President's Announcements.** (Information and Discussion)

**19. New Business/Future Agenda Items.** (Information, Discussion and Possible Action)

**20. Public Comments:** Members of the public may address the Commission on matters that are within the Commission's jurisdiction and are not on today's agenda.

Ms. Sala Chandler, Bayview Hunters Point resident, distributed public comment to the Commissioners and reported on her concerns with odors and sewage overflows from the Southeast Wastewater Treatment Plant that is located near Third Street and Jerrold Avenue and its effect on Bayview Hunters Point community residents. Ms. Chandler discussed concerns that the development at 3450 - 3<sup>rd</sup> Street is down the street from the sewage plant, and that the water that will be used at this facility has poison toxins.

Dr. Espanola Jackson distributed public comment from the SLAM Coalition of Bayview Hunters Point Community Organizations Advocates for Environmental Human Rights on the dangers of the development at the Hunters Point Naval Shipyard. She asked that future Department correspondence reference race designations as "black" instead of African American.

Commissioner Gravanis left the meeting at this time. Quorum was lost for the meeting.

Mr. Eric Brooks stated that nitrogen oxide exposure from the Southeast Wastewater Treatment Plant facility is an extremely powerful greenhouse gas much more powerful than methane. He suggested that the Commission consider a Resolution expressing the Department and Commission's interest in assuming a lead role for the CleanPowerSF local build-out proposal. Mr. Brooks reported that he is the coordinator of a new alliance called the Community California Environmental Quality Act (CEQA) Improvement team working on opposing the proposed new CEQA legislation that would weaken the current law, and that the group is preparing alternate legislation to keep the law strong. Mr. Brooks reported that the draft being worked on is recommending that the Environmental Review Office should be under the jurisdiction of the Department of the Environment and suggested that the Commission and Department advocate for a voter initiative to make this happen.

**21. Adjournment.** The Commission on the Environment meeting adjourned at 7:47 p.m. in commemoration of Paul Z. Josefowitz, Commissioner Josefowitz's father and Jutta Dorothy Katzeff, Monica Fish's sister-in-law.

Monica Fish, Commission Secretary;  
TEL: (415) 355-3709; FAX: (415) 554-6393

The next meeting of the Commission on the Environment is scheduled for Tuesday, May 28, 2013, 5:00 p.m., City Hall, Room 416.

*\*\* Copies of explanatory documents are available at (1) the Commission's office, 11 Grove Street, San Francisco, California between the hours of 9 a.m. and 5 p.m., (2) on the Commission's meeting website at <http://www.sfenvironment.org/commission/agendas> included with minutes by meeting date; (3) upon request to the Commission Secretary, at telephone number 415-355-3709, or via e-mail at [Monica.Fish@sfgov.org](mailto:Monica.Fish@sfgov.org). For an audio recording of Commission meetings, access this link <http://www.sfenvironment.org/commission/audio> and select the meeting date.*

Approved: