

**City and County of San Francisco
Government Audit and Oversight Committee**

Legislative Chamber, City Hall, Room 250



**Meeting Agenda
Thursday, May 28, 2009
1:00 PM
Regular Meeting**

Members: Ross Mirkarimi, Eric Mar, Sophie Maxwell

Clerk: Alisa Furuzawa (415) 554-4447

Note: Each item on the Consent or Regular agenda may include the following documents: 1) Legislation 2) Budget Analyst report 3) Legislative Analyst report

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 City representatives, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

AGENDA CHANGES

REGULAR AGENDA

1. [090569](#) **[Resolution of Intention to renew the Union Square Business Improvement District, to be known as the Greater Union Square Business Improvement District]** **Supervisor Chiu**

Resolution (1) declaring the intention of the Board of Supervisors to renew the property-based Union Square business improvement district, to be known as the Greater Union Square Business Improvement District, and to levy a multi-year assessment on identified parcels in the district; (2) approving the management district plan and engineer's report and proposed boundaries map for the district; (3) ordering and setting a time and place for a public hearing thereon; (4) approving the form of the Notice of Public Hearing and Assessment Ballots; and (5) directing the Clerk of the

Board of Supervisors to give notice of the public hearing and balloting as required by law.

5/12/09, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

5/19/09, ASSIGNED to Government Audit and Oversight Committee.

5/19/09, SUBSTITUTED. Supervisor Chiu submitted a substitute ordinance bearing same title.

2. [090557](#) **[Multi-year permit for the use of certain portions of Golden Gate Park for a three-day music festival]** **Supervisor Mar**

Resolution authorizing and approving the execution, delivery and performance of a Permit to Another Planet Entertainment for the use of certain portions of Golden Gate Park for an annual three-day music festival for a term of three (3) years plus an additional two (2) year option; and adopting environmental findings and findings that the Permit is consistent with the City's General Plan and the eight priority policies of Planning Code Section 101.1.

5/5/09, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

5/13/09, REFERRED TO DEPARTMENT. Referred to Planning Department for environmental review.

5/14/09, TRANSFERRED to Government Audit and Oversight Committee.

3. [081404](#) **[Mandatory Recycling and Composting]** **Mayor**

Ordinance amending the San Francisco Environment Code by adding Chapter 18, Sections 1801 through 1812, entitled "Mandatory Recycling and Composting Ordinance," amending the San Francisco Public Works Code by amending Section 173, and amending the San Francisco Health Code by amending Sections 291, 291.1, 291.2, 291.4, 291.7, 291.11, 291.12, 291.15, 291.17, and 293.1, and by repealing the current Section 291.16 and adding a new Section 291.16, all to: (1) require all persons located in San Francisco to separate recyclables, compostables and landfilled trash and participate in recycling and composting programs; (2) provide enforcement mechanisms and penalties for violations; (3) ensure that all properties subscribe to refuse collection service; and (4) authorize a Department of Public Health inspection fee of \$167 per hour; and making environmental findings and setting an operative date.

(Fiscal Impact.)

11/4/08, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 12/4/2008.

11/21/08, REFERRED TO DEPARTMENT. Referred to Planning Department for environmental review and Departments of Public Works and Environment for informational purposes.

12/11/08, RESPONSE RECEIVED. Non-physical impact per CEQA Guidelines Section 15060.

4/7/09, SUBSTITUTED. Mayor Newsom submitted a substitute ordinance bearing new title.

4/7/09, ASSIGNED to Land Use and Economic Development Committee.

4/20/09, REFERRED TO DEPARTMENT. Referred to Planning Department for fee review.

4/28/09, TRANSFERRED to Government Audit and Oversight Committee. 04/29/09 - Submitted fee ad to be published on 5/1/09 and 5/10/09.

5/14/09, AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. Heard in

Committee. Speakers: Jared Blumenfeld, General Manager, Recreation and Parks Department; Marissa Adlard, USF Student; Sean Vinnedge, USF Student; Michael Chan, ASIAN, Inc.; Richard Rothman; Leslie Silverglide, Mixt Green; David Nuller; Laura Carolyn; Douglas Yep.

5/14/09, CONTINUED. Continued to May 28, 2009.

4. [090276](#) **[Housing Code Section 503(d) "Housing Access:" extend protections to all persons sharing housing by deleting references to "families;" and technical correction to Section 503(b)]** **Supervisors Daly, Chiu, Avalos, Mirkarimi, Campos**

Ordinance amending the San Francisco Housing Code Chapter 5, by amending Section 503(d) "Housing Access" to promote affordable housing by extending the protections of that Section to all persons sharing housing by deleting the references to "families," and to specify that the both prospective and current tenants are protected; amending Section 503(b) "Superficial Floor Area" to make a technical correction.

3/3/09, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 4/2/2009. 03/13/09 - Referred to the Building Inspection Commission and the Rent Board for review and comment.

5/18/09, REFERRED. Heard in Committee. Speakers: Supervisor Daly; Ted Eagan, Office of Economic Analysis; Darlene Wolf, Residential Rent Stabilization & Arbitration Board; Aaron Goodman, Parkmerced Residents Organization; Marvin Rous; Howard Epstein, Small Property Owners Association of SF Institute; Andrew Long; Bonnie Wordsworth; Peter Masiak, Central City SRO; Jim Fabris, SF Association of Realtors; Daniel Quigg; Jazzie Collins, SOMCAN; Sara Shortt and Teola Watson, Housing Rights Committee; Noni Richen and Peter Reitz, Small Property Owners of SF Institute; Bill Quan; Jose Morales, SF Tenants Union; Myriam Zamora, Avelina Marquez and Maria Poblet, St. Peter's Housing Committee; Angelina Milan; Olga Milan-Howells; Inge Wheatman; Alan Budzinski; Female Speaker; Bart Murphy; Josephine Zhao; Andreas Benjamin; Allen White; Mariana Viturro, St. Peter's Housing Committee; Ted Gullickson, SF Tenants Union; Keith Bernstein; Joy, Tenants Rights Committee; Alex Weyant, SF Association of Realtors; Alex Kaufman; Reginald Cruz; Dennis Shea; Sandra Fewer; David Wasserman, SF Apartment Association; Cynthia, St. Peter's Housing Committee; Robin Altman; Joshua Arce, Brightline Defense Project; Brook Turner, Coalition for Better Housing; Janan New, SF Apartment Association; Miguel Wooding, Eviction Defense Collaborative. Recommended referral to Government Audit and Oversight Committee.

5/20/09, TRANSFERRED to Government Audit and Oversight Committee.

5. [090277](#) **[Residential Rent Ordinance: Limit total amount of annual and banked rent increases imposed to 8% per year, written advance notice of basis for banked increases required]** **Supervisors Daly, Chiu, Avalos, Mirkarimi, Campos**

Ordinance amending Administrative Code Chapter 37 Residential Rent Stabilization and Arbitration Ordinance by amending Section 37.3: to limit the total amount of annual and banked rent increases that may be imposed in any one year to 8% of the tenant's base rent, and to provide that any remaining banked increase may be imposed in the following years, subject to this same 8% limit (Section 37.3(a)(2)); and to require that landlords provide written advance notice to tenants stating the dates upon which the banked increase is based (Section 37.3(b)(1)).

3/3/09, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 4/2/2009. 03/13/09 - Referred to the Building Inspection Commission and the Rent

Board for review and comment.

5/18/09, REFERRED. Heard in Committee. Speakers: Supervisor Daly; Ted Eagan, Office of Economic Analysis; Darlene Wolf, Residential Rent Stabilization & Arbitration Board; Aaron Goodman, Parkmerced Residents Organization; Marvin Rous; Howard Epstein, Small Property Owners Association of SF Institute; Andrew Long; Bonnie Wordsworth; Peter Masiak, Central City SRO; Jim Fabris, SF Association of Realtors; Daniel Quigg; Jazzie Collins, SOMCAN; Sara Shortt and Teola Watson, Housing Rights Committee; Noni Richen and Peter Reitz, Small Property Owners of SF Institute; Bill Quan; Jose Morales, SF Tenants Union; Myriam Zamora, Avelina Marquez and Maria Poblet, St. Peter's Housing Committee; Angelina Milan; Olga Milan-Howells; Inge Wheatman; Alan Budzinski; Female Speaker; Bart Murphy; Josephine Zhao; Andreas Benjamin; Allen White; Mariana Viturro, St. Peter's Housing Committee; Ted Gullickson, SF Tenants Union; Keith Bernstein; Joy, Tenants Rights Committee; Alex Weyant, SF Association of Realtors; Alex Kaufman; Reginald Cruz; Dennis Shea; Sandra Fewer; David Wasserman, SF Apartment Association; Cynthia, St. Peter's Housing Committee; Robin Altman; Joshua Arce, Brightline Defense Project; Brook Turner, Coalition for Better Housing; Janan New, SF Apartment Association; Miguel Wooding, Eviction Defense Collaborative. Recommended referral to Government Audit and Oversight Committee.

5/20/09, TRANSFERRED to Government Audit and Oversight Committee.

6. [090278](#) **[Residential Rent Ordinance: Tenant financial hardship relief from Section 37.3 rent increases, when total rent would exceed 33% of tenant's gross income; multilingual outreach]** **Supervisors Daly, Avalos, Mirkarimi, Campos**

Ordinance amending Administrative Code Chapter 37 "Residential Rent Stabilization and Arbitration Ordinance," by amending Section 37.3 to add Subsection (f) "Tenant Financial Hardship Applications" to provide tenant relief from Section 37.3 rent increases, with relief determined solely on whether the rent increase would result in tenant's total rent exceeding 33% of tenant's gross income; rent increase stayed pending determination of application; rent increase will not be in effect until the increase will not cause tenant financial hardship, or until the landlord can demonstrate that "inability to impose the rent increase is causing the landlord greater hardship than the tenant's hardship;" hardship applications to be available in multiple languages; multilingual notice of hardship application procedures to be mailed with each Administrative Law Judge or Rent Board decision; Rent Board to implement a process for outreach to landlords and tenants whose primary language is not English regarding availability and use of the hardship application procedure, and report to the Board of Supervisors describing the implementation process and any known results.

(Fiscal Impact.)

(Economic Impact.)

3/3/09, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 4/2/2009.

3/11/09, REFERRED TO DEPARTMENT. Referred to City Attorney to approve as to form.
4/29/09 Received City Attorney signature.

4/29/09, REFERRED TO DEPARTMENT. Referred to the Residential Rent Stabilization & Arbitration Board for informational purposes.

5/18/09, REFERRED. Heard in Committee. Speakers: Supervisor Daly; Ted Eagan, Office of Economic Analysis; Darlene Wolf, Residential Rent Stabilization & Arbitration Board; Aaron Goodman, Parkmerced Residents Organization; Marvin Rous; Howard Epstein, Small Property

Owners Association of SF Institute; Andrew Long; Bonnie Wordsworth; Peter Masiak, Central City SRO; Jim Fabris, SF Association of Realtors; Daniel Quigg; Jazzie Collins, SOMCAN; Sara Shortt and Teola Watson, Housing Rights Committee; Noni Richen and Peter Reitz, Small Property Owners of SF Institute; Bill Quan; Jose Morales, SF Tenants Union; Myriam Zamora, Avelina Marquez and Maria Poblet, St. Peter's Housing Committee; Angelina Milan; Olga Milan-Howells; Inge Wheatman; Alan Budzinski; Female Speaker; Bart Murphy; Josephine Zhao; Andreas Benjamin; Allen White; Mariana Viturro, St. Peter's Housing Committee; Ted Gullickson, SF Tenants Union; Keith Bernstein; Joy, Tenants Rights Committee; Alex Weyant, SF Association of Realtors; Alex Kaufman; Reginald Cruz; Dennis Shea; Sandra Fewer; David Wasserman, SF Apartment Association; Cynthia, St. Peter's Housing Committee; Robin Altman; Joshua Arce, Brightline Defense Project; Brook Turner, Coalition for Better Housing; Janan New, SF Apartment Association; Miguel Wooding, Eviction Defense Collaborative. Transferred to Government Audit and Oversight Committee pursuant to Board Rule 5.6.

7. [090279](#) **[Residential Rent Ordinance: Prohibit rent increases and evictions based on additional occupants where total number is within Housing Code Section 503 occupancy limits]** **Supervisors Daly, Chiu, Avalos, Mirkarimi, Campos**

Ordinance amending Administrative Code Chapter 37 Residential Rent Stabilization and Arbitration Ordinance by amending Sections 37.3 and 37.9: to prohibit rent increases based on the addition of occupants, even where a pre-existing rental agreement or lease otherwise permits a rent increase for additional occupants, except that a landlord may petition for and be granted a rent increase based on increased costs caused by the additional occupant(s), and except that rent increases otherwise permitted by California Civil Code Section 1954.53(d)(1) are not prohibited (Section 37.3(a)(11)); and to prohibit evictions based on the addition of occupants, so long as the total number of occupants does not exceed the maximum number of occupants per sleeping room set by San Francisco Housing Code §503(b) "superficial floor area" standards (Section 37.9(a)(2)).

3/3/09, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 4/2/2009.

3/11/09, REFERRED TO DEPARTMENT. Referred to City Attorney to approve as to form.
4/29/09 Received City Attorney signature.

4/29/09, REFERRED TO DEPARTMENT. Referred to the Residential Rent Stabilization & Arbitration Board for informational purposes.

5/18/09, AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. Heard in Committee. Speakers: Supervisor Daly; Ted Eagan, Office of Economic Analysis; Darlene Wolf, Residential Rent Stabilization & Arbitration Board; Aaron Goodman, Parkmerced Residents Organization; Marvin Rous; Howard Epstein, Small Property Owners Association of SF Institute; Andrew Long; Bonnie Wordsworth; Peter Masiak, Central City SRO; Jim Fabris, SF Association of Realtors; Daniel Quigg; Jazzie Collins, SOMCAN; Sara Shortt and Teola Watson, Housing Rights Committee; Noni Richen and Peter Reitz, Small Property Owners of SF Institute; Bill Quan; Jose Morales, SF Tenants Union; Myriam Zamora, Avelina Marquez and Maria Poblet, St. Peter's Housing Committee; Angelina Milan; Olga Milan-Howells; Inge Wheatman; Alan Budzinski; Female Speaker; Bart Murphy; Josephine Zhao; Andreas Benjamin; Allen White; Mariana Viturro, St. Peter's Housing Committee; Ted Gullickson, SF Tenants Union; Keith Bernstein; Joy, Tenants Rights Committee; Alex Weyant, SF Association of Realtors; Alex Kaufman; Reginald Cruz; Dennis Shea; Sandra Fewer; David Wasserman, SF Apartment Association; Cynthia, St. Peter's Housing Committee; Robin Altman; Joshua Arce, Brightline Defense Project; Brook Turner, Coalition for Better Housing; Janan New, SF Apartment Association; Miguel Wooding, Eviction Defense Collaborative. 5/18/09 Amendment of the Whole bearing new title.

5/18/09, REFERRED. Recommended referral to Government Audit and Oversight Committee.

ADJOURNMENT

IMPORTANT INFORMATION

NOTE: Persons unable to attend the meeting may submit to the City, by the time the proceedings begin, written comments regarding the agenda items above. These comments will be made a part of the official public record and shall be brought to the attention of the Board of Supervisors. Any written comments should be sent to: Committee Clerk of the Government Audit and Oversight Committee, San Francisco Board of Supervisors, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102 by 5:00 p.m. on the day prior to the hearing. Comments which cannot be delivered to the committee clerk by that time may be taken directly to the hearing at the location above.

NOTE: Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the general plan amendments or planning code and zoning map amendments described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

LEGISLATION UNDER THE 30-DAY RULE

(Not to be considered at this meeting)

Rule 5.40 provides that when an ordinance or resolution is introduced which would CREATE OR REVISE MAJOR CITY POLICY, the committee to which the legislation is assigned shall not consider the legislation until at least thirty days after the date of introduction. The provisions of this rule shall not apply to the routine operations of the departments of the City or when a legal time limit controls the hearing timing. In general, the rule shall not apply to hearings to consider subject matter when no legislation has been presented, nor shall the rule apply to resolutions which simply URGE action to be taken.

There are no items currently pending under the 30-day rule.

Meeting Procedures

The Board of Supervisors is the Legislative Body of the City and County of San Francisco. The Board has several standing Committees where ordinances and resolutions are the subject of hearings at which members of the public are urged to testify. The full Board does not hold a second public hearing on measures which have been heard in committee.

Board procedures do not permit: 1) persons in the audience at a Committee meeting to vocally express support or opposition to statements by Supervisors or by other persons testifying; 2) ringing and use of cell phones, pagers, and

similar sound-producing electronic devices; 3) signs to be brought into the meeting or displayed in the room; 4) standing in the meeting room.

Citizens are encouraged to testify at Committee meetings and to write letters to the Clerk of a Committee or to its members, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.

USING LAPTOP COMPUTERS FOR PRESENTATIONS: Please contact City Hall Media Services at (415) 554-4933 to coordinate the use of laptop computers for presentations at the meeting. Computers to be used are required to be tested in advance. The presenter should arrive 30 minutes prior to the meeting to connect and test their computer.

THE AGENDA PACKET IS AVAILABLE FOR REVIEW AT CITY HALL, ROOM 244, RECEPTION DESK.

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Board meetings are cablecast on SF Cable 26. For video tape copies and scheduling call (415) 554-4188.

Requests for language interpreters at a meeting must be received at least 48 hours in advance of the meeting to help ensure availability. Contact Madeleine Licavoli at (415) 554-7722.

AVISO EN ESPAÑOL: La solicitud para un traductor en una reunion debe recibirse antes de mediodia de el viernes anterior a la reunion. Llame a Erasmo Vazquez (415) 554-4909.



Disability Access

The Legislative Chamber (Room 250) and the Committee Room (Room 263) in City Hall are wheelchair accessible. Meetings are real-time captioned and are cablecast open-captioned on SF Cable 26. Assistive listening devices for the Legislative Chamber are available upon request at the Clerk of the Board's Office, Room 244. Assistive listening devices for the Committee Room are available upon request at the Clerk of the Board's Office, Room 244 or in the Committee Room. To request sign language interpreters, readers, large print agendas or other accommodations, please contact Madeleine Licavoli at (415) 554-7722 or (415) 554-5227 (TTY). Requests made at least 48 hours in advance of the meeting will help to ensure availability.

The nearest accessible BART station is Civic Center (Market/Grove/Hyde Streets). Accessible MUNI Metro lines are the J, K, L, M, N, and T (Civic Center or Van Ness Stations). MUNI bus lines serving the area are the 47 Van Ness, 9 San Bruno, and the 6, 7, 71 Haight/Noriega. For more information about MUNI accessible services, call (415) 923-6142.

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. In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to perfumes and various other chemical-based scented products. Please help the City to 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. The Sunshine Ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For 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 Frank Darby by mail to Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102 by phone at (415) 554-7724, by fax at (415) 554-7854 or by email at sotf@sfgov.org

Citizens may obtain a free copy of the Sunshine Ordinance by contacting Mr. Darby or by printing Chapter 67 of the San Francisco Administrative Code on the Internet, at <http://www.sfgov.org/sunshine>

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 Sec. 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics