

FILE NO. 041356

ORDINANCE NO. 279-04

1 [Back Streets Business Advisory Board]

2

3 Ordinance adding Sections 5.260 through 5.264 5.265 of the Administrative Code, to

4 create a Back Streets Business Advisory Board, comprised of seven nine voting

5 members, eight appointed by the Board of Supervisors and one appointed by the Small

6 Business Commission, and non-voting members representing various organs of

7 government; to require the advisory board within nine months of its initial meeting to

8 submit a report to the Board of Supervisors on matters pertaining to Back Streets

9 businesses; to require the Board of Supervisors or a Board committee to hold a

10 hearing on the report; and to authorize the advisory board to submit other reports to

11 the Board of Supervisors and to communicate with the Board of Supervisors, the Small

12 Business Commission, other governmental entities, the business community, and the

13 public on matters pertaining to Back Streets businesses; and to provide for the

14 sunsetting of the advisory board in two years.

15 Note: These sections are entirely new.

16 Note: Additions are *single-underline italics Times New Roman*;

17 deletions are *strikethrough italics Times New Roman*.

18 Board amendment additions are double underlined.

19 Board amendment deletions are ~~strikethrough normal~~.

20 Be it ordained by the People of the City and County of San Francisco:

21 Section 1. The San Francisco Administrative Code is hereby amended by adding

22 Article XXVI, Section 5.260 through Section 5.264 5.265 to read as follows:

23 ARTICLE XXVI: BACK STREETS BUSINESS ADVISORY BOARD

24 Sec. 5.260. FINDINGS AND PURPOSE.

25 (a) It is in the public interest to recognize Back Streets businesses as an important component

1 of San Francisco's economic base. Accordingly, the City seeks to develop and implement focused  
2 policies and programs that encourage the retention and expansion of Back Streets businesses. This  
3 effort is consistent with and furthers the Commerce and Industry Element of the General Plan, which  
4 calls for a balanced local economy where good paying jobs are available to the widest breadth of the  
5 San Francisco labor force.

6 (b) Back Streets businesses such as printing services, restaurant supply, and janitorial services  
7 provide vital support services to San Francisco's leading industries. Moreover, because they are  
8 strategically located near the City's major areas of business and commerce and ~~to~~ near major freeway  
9 corridors, Back Streets businesses provide support services to leading downtown and regional  
10 businesses and industries in a timely and cost-efficient manner.

11 (c) Back Streets businesses are a key element in ensuring employment opportunities to all San  
12 Franciscans. Back Streets businesses pay higher wages and offer entry-level workers more opportunity  
13 for advancement than service sector employment, and are an important source of employment for  
14 people of all skill and educational levels. Back Streets businesses provide important employment  
15 opportunities for new immigrants, including those for whom English is a second language. Studies  
16 have shown that the loss of Back Streets jobs has a disproportionate impact on minorities and  
17 immigrants.

18 (d) Back Streets businesses generate substantial tax revenue each year that helps to fund vital  
19 City services.

20 (e) Back Streets businesses are a stable sector of the City's economic base and support the  
21 economy when other sectors experience slowed growth or decline. A sustainable San Francisco  
22 economy depends on a diverse economic base.

23 (f) The economic importance of Back Street businesses to cities like San Francisco is  
24 demonstrated by an independent analysis of Boston's Back Street businesses, which found that such  
25 businesses provided one-fifth of the city's jobs, were mostly held by city residents, and generated

1 approximately \$30 million annually in city tax revenue.

2 (g) The continuing importance of Back Streets businesses to San Francisco is highlighted by  
3 the projection of the Association of Bay Area Governments (ABAG) that there will be approximately  
4 18,000 new Back Streets jobs created in San Francisco from 2000 to 2025.

5 (h) Back Streets businesses have needs distinct from other businesses, including building sizes  
6 and types, transportation access, financing, and workforce training, and require economic development  
7 programs specific to those needs. Back Streets businesses in San Francisco have heretofore lacked an  
8 institutional advocate in City government that is focused on their distinct needs and that is designed to  
9 assist them in accessing economic development support channels in City government and remaining  
10 competitive in San Francisco.

11 Sec. 5.261. DEFINITIONS. For purposes of Section 5.260 through Section ~~5.264~~ 5.265, the  
12 following definitions apply.

13 (a) "Advisory Board" is the Back Streets Business Advisory Board.

14 (b) "Back Streets business" is a "light PDR," "medium PDR," or "core PDR" business, as  
15 defined and described in Appendix D of Planning Commission Resolution No. 16727 (adopted  
16 February 12, 2004). Appendix D of said Resolution is on file with the Board of Supervisors in File No.  
17 \_\_\_\_\_ and is incorporated herein by reference.

18 (c) "City" is the City and County of San Francisco.

19 (d) "PDR" is production/distribution/repair.

20 Sec. 5.262. ESTABLISHMENT AND COMPOSITION OF ADVISORY BOARD.

21 (a). Voting members. There shall be established a Back Streets Business Advisory Board  
22 consisting of ~~seven~~ nine voting members. Eight voting members shall be nominated by the Rules  
23 Committee of the Board of Supervisors and appointed by the Board of Supervisors, filling the following  
24 seats: (i) a current or former owner, operator, or officer of a light PDR Back Streets business located  
25 in San Francisco; (ii) a current or former owner, operator, or officer of a medium PDR Back Streets

1 business located in San Francisco; (iii) a current or former owner, operator, or officer of a core PDR  
2 Back Streets business located in San Francisco; (iv) an officer or representative of an organization  
3 that represents San Francisco businesses; ~~(iv)~~ (v) an officer or representative of a labor union or  
4 other labor organization; ~~(v)~~ (vi) an officer or representative of an economic development or planning  
5 organization or association, or of an academic institution; ~~(vi)~~ (vii) a person who has a demonstrated  
6 interest in and knowledge pertaining to Back Street businesses; and ~~(vii)~~ (viii) a person who has a  
7 demonstrated interest in and knowledge pertaining to Back Streets businesses. The ninth voting  
8 member shall be appointed by the Small Business Commission. This ninth seat may be filled  
9 either by a member of the Small Business Commission or by someone who is not a member  
10 of that Commission.

11 (b) Nonvoting members. There shall be four nonvoting members on the Advisory Board: (i) a  
12 representative of the Mayor's Office of Economic and Workforce Development; (ii) a representative of  
13 the Mayor's Office of Community Development; (iii) a representative of the Planning Department; and  
14 (iv) a representative of the Port of San Francisco. In addition, the San Francisco Redevelopment  
15 Agency shall be invited to provide a representative as a fifth nonvoting member of the Advisory Board.

16 (c) Initial appointment of voting members. The eight voting members on the Advisory  
17 Board appointed by the Board of Supervisors shall be first nominated. Following nomination by  
18 the Rules Committee of the Board of Supervisors, ~~e~~ Each voting member on the Advisory Board,  
19 including the ninth voting member appointed by the Small Business Commission, shall be  
20 appointed by the Board of Supervisors no later than thirty days after the effective date of this  
21 Ordinance.

22 (d) Terms of voting members. Voting members on the Advisory Board shall serve at the  
23 pleasure of the Board of Supervisors, except that the voting member appointed by the Small  
24 Business Commission shall serve at the pleasure of that Commission; provided, however, that a  
25 voting member's term shall expire by operation of law upon the Advisory Board's determination that

1 the member in question has three consecutive unexcused absences from Advisory Board meetings.  
2 Upon such a determination, the Advisory Board shall notify the Board of Supervisors in writing that the  
3 term of the member in question has expired, except that if the member in question was appointed  
4 by the Small Business Commission, the Advisory Board shall notify that Commission in writing  
5 that the term of that member has expired.

6 Sec. 5.263. OPERATIONS OF ADVISORY BOARD.

7 (a) Initial meeting. The Advisory Board shall hold its initial meeting after all voting members  
8 have been appointed; provided, however, that if all seats have not been filled within thirty days of the  
9 effective date of this Ordinance, a quorum may at any time thereafter hold the initial meeting and  
10 transact Advisory Board business.

11 (b) Officers. At the initial meeting of the Advisory Board, the Advisory Board shall select a  
12 Chair and may select other officers.

13 (c) Internal rules. The Advisory Board shall establish bylaws, rules, and/or regulations for the  
14 conduct of its meetings and business.

15 (d) Advisory Board support. Research assistance for the Advisory Board shall be provided by  
16 the Office of Legislative Analyst of the Board of Supervisors. Administrative assistance and staffing for  
17 the Advisory Board shall be provided by the Department of Administrative Services.

18 (e) Cooperation of City departments and other governmental entities. All City departments,  
19 boards, commissions, and agencies, including but not limited to the Municipal Transportation Agency,  
20 shall cooperate with the Advisory Board and assist the Advisory Board as appropriate in the conduct of  
21 its business. In addition, the Board of Supervisors requests that other governmental entities, including  
22 but not limited to the San Francisco County Transportation Authority, cooperate with the Advisory  
23 Board and assist the Advisory Board as appropriate in the conduct of its business.

24 Sec. 5.264. DUTIES OF ADVISORY BOARD.

25 (a) Initial report. The Advisory Board shall submit its initial report to the Board of Supervisors

1 no later than nine months following the Advisory Board's initial meeting. The initial report shall  
2 include but need not be limited to the following matters: (i) an analysis of the needs of Back Street  
3 businesses, including but not limited to issues of land availability, financing, and workforce skills; (ii)  
4 an analysis of policies and programs of the City and other jurisdictions designed to assist Back Street  
5 businesses; and (iii) recommendations as to policies and programs the City may adopt to assist in the  
6 retention and expansion of Back Street businesses in San Francisco. The Board of Supervisors or a  
7 committee thereof shall schedule a hearing on the initial report no later than sixty days following its  
8 submission to the Board of Supervisors.

9 (b) Other reports and activities. In its activities, the Advisory Board shall make use of existing  
10 studies and analyses conducted by City agencies, including the Planning Department, the Small  
11 Business Commission, and the Port of San Francisco, and other research organizations. The  
12 Advisory Board may submit other reports to the Board of Supervisors covering the matters described in  
13 subsection 5.264(a) or such other matters pertaining to Back Street businesses as the Advisory Board  
14 deems appropriate. The Advisory Board shall ensure communication and coordination with the  
15 Small Business Commission. In its discretion, the Advisory Board may at any time communicate its  
16 views on matters pertaining to Back Street businesses to the Board of Supervisors, to other City  
17 departments, boards, commissions, committees, or agencies, to the business community or any sector  
18 thereof, and to the public.

19 Sec.5.265. SUNSET PROVISION. This Ordinance creating the Advisory Board and  
20 specifying its operations and duties shall expire by operation of law two years after the  
21 effective date of the Ordinance.

22 APPROVED AS TO FORM:  
23 DENNIS J. HERRERA, City Attorney

24 By: Paul Zarefsky  
25 PAUL ZAREFSKY  
Deputy City Attorney

Supervisor Maxwell  
BOARD OF SUPERVISORS



# City and County of San Francisco

City Hall  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

## Tails Ordinance

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**File Number:** 041356

**Date Passed:**

Ordinance adding Sections 5.260 through 5.265 of the Administrative Code, to create a Back Streets Business Advisory Board, comprised of nine voting members, eight appointed by the Board of Supervisors and one appointed by the Small Business Commission, and non-voting members representing various organs of government; to require the advisory board within nine months of its initial meeting to submit a report to the Board of Supervisors on matters pertaining to Back Streets businesses; to require the Board of Supervisors or a Board committee to hold a hearing on the report; to authorize the advisory board to submit other reports to the Board of Supervisors and to communicate with the Board of Supervisors, the Small Business Commission, other governmental entities, the business community, and the public on matters pertaining to Back Streets businesses; and to provide for the sunseting of the advisory board in two years.

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November 2, 2004 Board of Supervisors — PASSED ON FIRST READING

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

November 16, 2004 Board of Supervisors — FINALLY PASSED

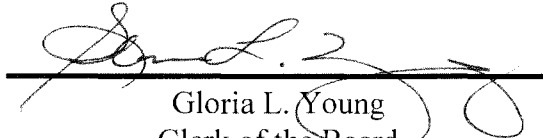
Ayes: 8 - Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, Maxwell, Peskin, Sandoval

Noes: 1 - Elsbernd

Excused: 2 - Ma, McGoldrick

File No. 041356

I hereby certify that the foregoing Ordinance was **FINALLY PASSED** on November 16, 2004 by the Board of Supervisors of the City and County of San Francisco.

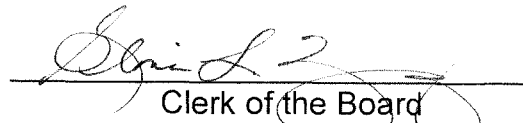
  
Gloria L. Young  
Clerk of the Board

\_\_\_\_\_  
\_\_\_\_\_  
Date Approved

\_\_\_\_\_  
\_\_\_\_\_  
Mayor Gavin Newsom

Date: November 29, 2004

I hereby certify that the foregoing ordinance, not being signed by the Mayor within the time limit as set forth in Section 3.103 of the Charter, became effective without his approval in accordance with the provision of said Section 3.103 of the Charter.

  
Clerk of the Board

File No.  
041356