

FILE NO. 021298

RESOLUTION NO. 527-02

1 [The purpose of this resolution is to expedite the process of filling the four remaining seats of
2 the Planning Commission and the three remaining seats on the Board of Appeals left vacant
3 by the Proposition D which set the terms of the prior members to expire on July 1, 2002.]

4 **Resolution to expedite the process of appointing the remaining four seats of the**
5 **Planning Commission and the three seats on the Board of Appeals.**

6 WHEREAS, Voters of the City and County of San Francisco passed Proposition D in
7 March of 2002; and,

8 WHEREAS, Proposition D amended the Charter to change the manner in which
9 members of the Planning Commission and Board of Appeals are appointed and removed;
10 and,

11 WHEREAS, Proposition D empowers the Mayor to nominate four members of the
12 Planning Commission and empowers the President of the Board of Supervisors to nominate
13 three members of the Planning Commission, and requires that each nomination be the subject
14 of a public hearing and vote within sixty days be subject to approval by the Board of
15 Supervisors; and

16 WHEREAS, Proposition D empowers the Mayor to nominate three members of the
17 Board of Appeals and empowers the President of the Board of Supervisors to nominate two
18 members of the Board of Appeals, and requires that each nomination be the subject of a
19 public hearing and vote within sixty days be subject to approval by the Board of Supervisors;
20 and,

21 WHEREAS, Proposition D mandates that the terms of office of the members of the
22 prior Planning Commission and Board of Appeals expire July 1st, 2002 at 12 o'clock noon, and
23 that the new appointees to these bodies succeed to said offices at that time; and,

24 WHEREAS, On June 26th, the President of the Board of Supervisors and the Mayor
25 submitted their respective nominations to the Planning Commission; and,

1 WHEREAS, On July 9th, the Rules Committee of the Board of Supervisors conducted
2 a duly noticed public hearing on the nominations to the Planning Commission, and following
3 the conclusion of the public hearing, the Committee made recommendations to the full Board
4 of Supervisors; on each nomination; and,

5 WHEREAS, On July 15th, the Mayor withdrew his nominations to the Planning
6 Commission before the Board of Supervisors had the opportunity to vote on a motion
7 approving or disapproving the appointments; and,

8 WHEREAS, On July 15th, the Board of Supervisors adopted a motion approving the
9 appointment of three members nominated for the Planning Commission by the President of
10 the Board of Supervisors; and,

11 WHEREAS, On June 26th, the President of the Board of Supervisors and the Mayor
12 submitted their respective nominations to the Board of Appeals; and,

13 WHEREAS, On July 16th, the Rules Committee of the Board of Supervisors conducted
14 a duly noticed public hearing on the nominations to the Board of Appeals, and following the
15 conclusion of the public hearing, the Committee made recommendations to the full Board of
16 Supervisors; on each nomination; and,

17 WHEREAS, On July 22nd, the Mayor withdrew his nominations to the Board of Appeals
18 before the Board of Supervisors had the opportunity to vote on a motion approving or
19 disapproving the appointments; and,

20 WHEREAS, On July 22nd, the Board of Supervisors adopted a motion approving the
21 appointment of two members of the Board of Appeals nominated by the President of the
22 Board of Supervisors; and,

23 WHEREAS, The terms of the prior Planning Commission and the Board of Appeals
24 expired over four weeks ago, and because of the Mayor's withdrawals of his nominations and
25 subsequent delay in submitting additional nominations, only three members of the Planning

1 Commission and two members of the Board of Appeals have been appointed to succeed the
2 previous members of said bodies at this time; and,

3 WHEREAS, The Mayor has failed to submit further nominations for either body; and,

4 WHEREAS, The Charter requires that the Planning Commission act by at least four
5 votes on all matters presented to it and it requires the Board of Appeals act by at least three
6 votes on all matters presented to it; and,

7 WHEREAS, The current memberships of the Planning Commission and the Board of
8 Appeals are unable to discharge the Commissions' functions; and,

9 WHEREAS, The Planning Commission and Board of Appeals play a significant role in
10 the approval of permits for development and oversee land use regulation in the City; and,

11 WHEREAS, These functions are crucial to the welfare of residents and businesses in,
12 and to the economic vitality of, the City and County of San Francisco; and,

13 WHEREAS, The Mayor's withdrawal of nominations and subsequent delay in further
14 nominations of members of the Planning Commission and members of the Board of Appeals
15 has created a back log of cases causing financial hardship on numerous individual residents
16 and corporations and deleterious economic impact on the City; and,

17 WHEREAS, A month has passed since the Mayor was required to make such
18 nominations, and any additional delays are unreasonable; and,

19 WHEREAS, The absence of a quorum of Planning Commissioners and Board of
20 Appeals creates severe delays of uncertain duration for citizens and businesses with
21 significant detrimental effects; now, therefore, be it

22 RESOLVED, That it is the policy of the City and County of San Francisco that
23 whenever there is any vacancy on the Planning Commission and the Board of Appeals, the
24 Mayor and President of the Board of Supervisors must act promptly and diligently to nominate
25 candidates; and, be it

1 FURTHER RESOLVED, That the Board of Supervisors urges the Mayor to promptly
2 and diligently make and submit to the Board of Supervisors his nominations without further
3 delay.

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City and County of San Francisco

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

Tails

Resolution

File Number: 021298

Date Passed:

Resolution to expedite the process of appointing the remaining four seats of the Planning Commission and the three seats on the Board of Appeals.

July 29, 2002 Board of Supervisors — AMENDED, AN AMENDMENT OF THE WHOLE
BEARING SAME TITLE

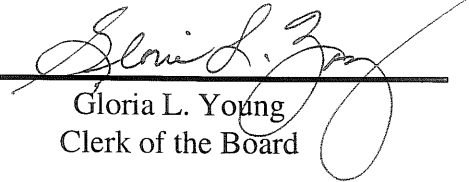
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick,
Newsom, Peskin, Sandoval, Yee

July 29, 2002 Board of Supervisors — ADOPTED AS AMENDED

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick,
Newsom, Peskin, Sandoval, Yee

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I hereby certify that the foregoing Resolution was ADOPTED AS AMENDED on July 29, 2002 by the Board of Supervisors of the City and County of San Francisco.



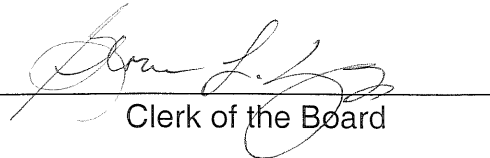
Gloria L. Young
Clerk of the Board

Date Approved

Mayor Willie L. Brown Jr.

Date: August 8, 2002

I hereby certify that the foregoing resolution, 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

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021298