

## This Week's Friday Report



### San Francisco Hispanic Chamber of Commerce

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## FRIDAY REPORT: Jul 25, 2008

**Latino**  
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## Weather

### San Francisco Weekend Weather

Saturday <sup>26</sup>	Sunday <sup>27</sup>
 Sunny High <b>65°F</b> Low <b>54°F</b>	 Partly Cloudy High <b>58°F</b> Low <b>52°F</b>
Precip: <b>0%</b>	Precip: <b>0%</b>

## NEWS

### State Agency Will Lend To 1st-Time Home Buyers

*Carolyn Said, Chronicle Staff Writer*

A California agency is offering below-market-rate loans to first-time home buyers who purchase certain foreclosed properties in beleaguered areas, including parts of Alameda and Contra Costa counties.

The California Housing Finance Agency, which helps finance home ownership for people of modest means, has

received a \$200 million allocation of bond funds to use for the Community Stabilization Home Loan Program, which it estimates will help 800 to 1,000 Californians purchase their first home.

The program is available only for specific foreclosed properties owned by one of the institutions participating in the program. The participating lenders - Wells Fargo, HomeEq, CitiMortgage and Fannie Mae - have agreed to price the properties at 12 percent below market value. CalHFA said other lenders are likely to join the program.

"This is a starting point to try to get some of these foreclosures off the market in some of the hardest-hit communities in the state," said Ken Giebel, director of marketing for CalHFA.

Areas covered by the program include the counties of Merced, San Joaquin, Riverside and Stanislaus, as well as a number of ZIP codes in Alameda, Contra Costa, Los Angeles and San Bernardino counties.

The program will offer 30-year loans at a 5.5 percent fixed interest rate and does not require a down payment, although borrowers must pay for mortgage insurance. Families must meet CalHFA's income limits. Those limits, a list of specific properties available for purchase, and other information can be found at [links.sfgate.com/ZEGL](http://links.sfgate.com/ZEGL).

In other news, Gov. Arnold Schwarzenegger signed two bills related to consumer protection.

SB1448 by Sen. Jack Scott, D-Pasadena, increases penalties for people who act as a real estate agent without a license. AB372 by Rep. Mary Salas, D-Chula Vista (San Diego County), makes it easier for consumers to freeze their credit reports.

## **SF Public Utilities Commission Cancels Power Plant Contract: Controversial \$273 Million Proposal Finally Rejected In Favor Of Phased Closure Of Existing Power Plant**

*San Francisco, CA , July 23, 2008*

The controversial plan to build \$273 million worth of brand new power plants to replace San Francisco's aging Mirant Potrero Power Plant appears to have at last had its plug pulled. The San Francisco Public Utilities Commission (SFPUC) voted 3-0 yesterday to rescind the contract to build new power plants in Southeast San Francisco that has sat before the Board of Supervisors since March. Commissioners Richard Sklar, David Hochschild, and Dennis Normandy voted in favor of rescission, while Commissioner Ann Moller Caen was out of town and Commissioner F.X. Crowley left the room before the vote.

The rejection of the "peaker" power plant proposal caps a remarkable past several months in which Mayor Gavin Newsom, who once supported the plan, withdrew his backing to join a chorus of residents, environmentalists, social justice activists, and Supervisors Michela Alioto-Pier, Ross Mirkarimi, Chris Daly, and Tom Ammiano in opposing the measure. By reengaging state regulators in June of this year to reassess the 2004 plan that required the construction of new power plants to replace the Potrero Plant, Mayor Newsom was able to secure closure of over 90% of the Potrero Plant in 2010, with the remaining units to be retrofit and on standby as San Francisco develops in-city renewable energy sources.

According to the SFPUC, the new alternative will result in no cost to the City and drastically reduce pollution in the City's Bayview-Hunters Point and Potrero neighborhoods. The SFPUC will now determine how many of the remaining Potrero units to retrofit, and whether the City can accelerate the estimated three to five years before the plant closes in totality. The new power plants were projected to run 2,000-4,000 hours per year for 18 to 30 years.

The retrofit option "is the true temporary solution before becoming power plant-free" said Commissioner Sklar in introducing yesterday's resolution. Commissioner Hochschild added that the City should no longer consider "an investment of this size" in fossil fuel-burning power. Activists from the Sierra Club, the Green Party, and Brightline Defense pointed out that with SFPUC Deputy General Manager Barbara Hale's July 1 announcement

that the retrofit proposal would be cleaner than building brand new power plants the new peakers should be rejected as an option.

The Board of Supervisors, whose President Aaron Peskin is chief among the remaining power plant supporters, will have the opportunity to consider the impact of yesterday's decision when it reviews the power plant contract on August 12. Meanwhile, the Board has requested that the SFPUC study whether the remaining units designated for retrofit may be replaced by transmission system upgrades, allowing the entire plant to be shut down in 2010.

## 7/12/08 - Can't Find a Parking Spot? Check Smartphone

*By John Markoff, New York Times*

The secret to finding the perfect parking spot in congested cities is usually just a matter of luck. But drivers here will get some help from an innocuous tab of plastic that will soon be glued to the streets. This fall, San Francisco will test 6,000 of its 24,000 metered parking spaces in the nation's most ambitious trial of a wireless sensor network that will announce which of the spaces are free at any moment. Drivers will be alerted to empty parking places either by displays on street signs, or by looking at maps on screens of their smartphones. They may even be able to pay for parking by cellphone, and add to the parking meter from their phones without returning to the car. Solving the parking mess takes on special significance in San Francisco because two years ago a 19-year-old, Boris Albinder, was stabbed to death during a fight over a parking space.

"If the San Francisco experiment works, no one will have to murder anyone over a parking space," said Donald Shoup, a professor of urban planning at the University of California, Los Angeles, whose work on the pricing of parking spaces and whether more spaces are good for cities has led to a revolution in ideas about relieving congestion. "It will have a cascade of positive effects on transportation and the economy and environment," he said. About a dozen major cities are in discussions with technology companies to deploy so-called smart parking systems, though San Francisco is ahead in its efforts.

New York City is not among them. The Bloomberg administration's plan for easing traffic through a congestion pricing plan died in the State Legislature this spring, though high gas prices are reducing traffic somewhat on their own. Not that New Yorkers need any reminders of their traffic problems, but a study released in June by Transportation Alternatives, a public transit advocacy group, reported that 28 percent to 45 percent of traffic on some streets in New York City is generated by people circling the blocks. The study also said that drivers searching for metered parking in just a 15-block area of Columbus Avenue on Manhattan's Upper West Side drove 366,000 miles a year.

Gavin Newsom, San Francisco's mayor, said that better parking systems were part of a broader approach to managing congestion without imposing restrictive tolls, as used in London and Singapore to discourage driving in downtown areas. For Mr. Newsom the largest part of the challenge is replacing the city's aging infrastructure. "When I watch the movie 'Vertigo,' I still recognize every single traffic signal," said the Mr. Newsom, referring to the 50-year old Alfred Hitchcock film. SFpark, part of a nearly two-year \$95.5 million program intended to clear the city's arteries, will also make it possible for the city to adjust parking times and prices. For example, parking times could be lengthened in the evening to allow for longer visits to restaurants.

The city's planners want to ensure that at any time, on-street parking is no more than 85 percent occupied. This strategy is based on research by Mr. Shoup, who has estimated that drivers searching for curbside parking are responsible for as much of 30 percent of the traffic in central business districts. In one small Los Angeles business district that he studied over the course of a year, cars cruising for parking created the equivalent of 38 trips around the world, burning 47,000 gallons of gasoline and producing 730 tons of carbon dioxide. To install the market-priced parking system, San Francisco has used a system devised by Streetline, a small technology company that has adapted a wireless sensor technology known as "smart dust" that was pioneered by researchers at the University of California, Berkeley. It gives city parking officials up-to-date information on whether parking spots are occupied or vacant. The embedded sensors will also be used to relay congestion information to city planners by monitoring the speed of traffic flowing on city streets. The heart of the system is a wirelessly connected sensor

embedded in a 4-inch-by-4-inch piece of plastic glued to the pavement adjacent to each parking space.

The device, called a "bump," is battery operated and intended to last for five and 10 years without service. From the street the bumps form a mesh of wireless Internet signals that funnel data to parking meters on to a central management office near the San Francisco city hall. Streetline has technology that will display open parking spaces on Web sites that can be accessed through wireless devices like smartphones. They are also developing a low-cost battery-operated street display that will be able to alert drivers to open parking spots nearby. The San Francisco project is part of a more ambitious sensor network that will use technology for a range of services. It will be possible to monitor air quality as well as deploy noise sensors that act as sentries for everything from gunshots to car crashes. Advocates assert that wireless sensor technology is now so inexpensive and reliable that it is practical to use for essential city services.

"The broader picture is what we're building is an operating system for the city that allows you to talk to or control all the inanimate objects out there to reduce the cost and improve quality of city services," said Tod Dykstra, chief executive of Streetline, the company that is supplying the wireless sensor technology to San Francisco. Mr. Newsom thinks that San Francisco will rally behind the sensor technology and will expand it to all of the city's on-street and parking garage spaces in 2010. "There isn't a person who hasn't experienced the travails of going around the block multiple times searching for a parking space, using gas and wasting time and generating greenhouse gases," he said. "It will scale in people's consciousness to the point that the public will demand more."

## ADA accessibility lawsuits causing headaches for small business owners

*By Carol Lloyd, Special to SF Gate*

A tray of asymmetrical chocolate lumps balances on the counter behind the espresso machine, where owner Jean-Marc Gorce is slinging a cappuccino. Scotch-taped to the walls, clippings about the mom-and-pop truffle shop display accolades from Gourmet, the New York Times and 7 x 7. At the window, a few stools share a high counter; outside, two tables perch on the sidewalk. Cluttered but quaint, off-kilter but authentic, XOX Truffles is just the sort of place that one might associate with North Beach's motley character. Yet one of its design anomalies - a step from the curb into the shop - may turn out to be its downfall. On Jan. 26 Gorce and his wife, Casimira, were served with an Americans with Disabilities Act accessibility lawsuit, in which the plaintiff, Patrick Connally, claimed he had visited the store on six separate occasions and was prevented from entering the shop in his wheelchair.

The parties are currently in settlement negotiations, with Gorce praying to avoid a trial. He said the cost of the suit has already forced him to lay off his three full-time employees and man the shop by himself. If the case ends up in court, he says, legal costs may result in the shuttering of his business. "I don't sleep anymore," he says. "This is has been a real nightmare."

### Small businesses targeted

Gorce's refrain is not an uncommon one. In the past few months, a rash of ADA accessibility lawsuits has descended on neighborhoods across San Francisco from North Beach to Clement Street, from Polk Street to Geary Boulevard, enraging many local merchants and neighborhood advocates. Some invoke Clint Eastwood who, when his Carmel restaurant, Misson Ranch, was hit by an ADA lawsuit in 2000, famously claimed these suits amounted to "legalized racketeering." Businesses have always bellyached about the cost of becoming ADA compliant - whether they are large corporations or hole-in-the-wall diners. And without the hammer of ADA lawsuits the world would remain far less accessible to the physically disabled. Yet this number of cases targeting very small businesses in historic neighborhoods is re-igniting a debate about ADA enforcement and the city's role in helping or compelling merchants to comply with the law.

Along with XOX Truffles, at least six other businesses on the same block of Columbus Avenue have been served, including Sushi on North Beach, Italian restaurant Da Flora and the sandwich shop Petite Deli. Last week Ricos, a burrito joint on the same the street, received their summons. On Polk Street, Teresa Nittolo, owner of the gift store

Molte Cose, said that about ten of the neighboring stores along with her own have been sued. Many of these suits have been filed by one of a handful of disabled plaintiffs who are represented by Thomas Frankovich, one of the best known and most controversial ADA accessibility lawyers in California . Frankovich told me he doesn't keep count but he guesses that he's filed between 1,500 and 1,800 ADA accessibility lawsuits since 1994 and he currently has about 50 active ADA suits in San Francisco . Last year, he was the subject of a San Francisco Weekly cover story "Wheelchairs of Fortune," detailing his multi-million dollar business in ADA suits. In 2006 he was suspended from filing any more cases in U.S. District Court in Los Angeles for six months after a judge ruled him a vexatious litigant.

#### California's new wrinkle

Since the Americans With Disabilities Act was passed in 1990, thousands of lawsuits have been filed nationwide by disabled plaintiffs who discover that despite state and federal laws dictating that public accommodations be fully accessible, steps, doors and other architectural barriers still exclude them. The federal law was written such that enforcement takes place via civil suit - when a disabled person experiences a lack of access, he or she has the right to hire a lawyer and sue. California goes one step further. Our civil rights statutes make lawsuits more lucrative. Under the Unruh Civil Rights Act, plaintiffs of disability access cases may sue for \$4,000 per infraction. In other words, our golden state has moved toward accessibility for all via the threat of one lawsuit at a time.

This method of enforcement has generated a fair amount of controversy. Disability rights activists defend the law as the only thing that really works (voluntary programs with grant money for compliance rarely generate much response). Businesses in turn complain that the law incentivizes frivolous lawsuits. What's interesting about the city's recent spate of suits is that there are enough of them to get the attention of City Hall. Supervisor Aaron Peskin has pledged to help local businesses, although he admits his powers are limited. At a meeting last month of North Beach merchants who had convened to organize around the lawsuits, Peskin excoriated such "drive-by lawsuits" and promised to personally donate \$500 for the businesses legal fund. An analyst at the Office of Small Business said the city is "very concerned about the number of businesses that are being served by these suits," especially because these merchants are often "living on the edge, working seven days a week" and the financial impact of these suits is "critical to their bottom line." A hearing on the issue is planned for July 15th.

But mounting a movement around these diverse lawsuits may be like keeping frogs in a wheelbarrow. Many shop owners quickly and quietly settle, fearful of becoming the subject of another suit. Some of their lawyers have counseled them not to speak on the record with reporters. Others, according to Frankovich, received his clients' warning letters of inaccessibility and made alterations that rectified the infraction. Some businesses, like XOX Truffles, have not fared so well. Mariner and Company Flowers on Polk Street closed down rather than undertake a remodel. Other shop owners, like Molte Cose's Teresa Nittolo, have made the physical alterations but she refuses to pay the plaintiffs because, as she told me, "it just seems wrong." Although for some shop owners paying thousands of dollars to a plaintiff may "seem wrong," attorney Frankovich told me, it's far from illegal. In fact, it is just how the law was designed to function. "The lawmakers decided that enforcement should be carried out through private lawsuits rather than hiring an army of attorney generals." Not only is his work legal, he contends, but effective: "It works, we've made hundreds of places more accessible."

#### Ambivalence or frustration?

Frankovich has little sympathy for the business owners who claim to have been blindsided with a lawsuit. "The laws have been on the books for 18 years," he said. "Everyone gets a letter saying they have to fix it or they will be sued - you can't be much more fair than that. But some of these small businesses just don't care." That may be true in some cases, but after hearing byzantine stories from several business owners of confusing red tape and contradictory expert advice, I'm not surprised that some of them have simply made mistakes or tried to bury their heads in the sand. One restaurant owner told me she thought she couldn't legally put in a ramp because her entrance was too close to the crosswalk. Another worried that if she made the entrance to her cafe accessible, she would be sued for a lack of an accessible bathroom - a remodel that she said would take over much of her kitchen.

Gorce said his architect told him that the sidewalk is above the building's basement (another example of San Francisco's idiosyncratic built environment) and could not structurally accommodate a permanent ramp. The

building inspector agreed that installing one would be an unreasonable hardship, and after Gorce fulfilled other ADA requirements, signed off on the permits. The lawsuit came much later. Kim Blackseth, an ADA consultant for both defendants and plaintiffs as well as builders, sympathizes with small businesses - not because they have a right to exclude the disabled, but because they are often caught unawares after depending on the advice of architects, contractors, and local building inspectors. "If I were them I would be very angry," he said. "The business owners are the only ones that are not (building) professionals and yet they are the ones left holding the bag."

For instance, after the city approved their permits, Gorce and his wife believed XOX Truffles was ADA compliant. "You think you do everything correctly," said Gorce. "The city says you're OK. They never warn you this can happen." Blackseth contends the small-business owners have been "failed by the city" in that building inspectors should have informed them that they had a problem. "When you enforce building codes and local statutes you will catch 95 percent of the ADA violations," he explains. "But when you rely on the building inspector, it just doesn't always happen like it's supposed to." Gorce's attorney Joe Bravo also believes that the enforcement mechanism could use some tinkering - especially in California where the statutory damages can be so high. "It can be an expensive surprise for small owners who don't have capital reserves. Herein lies the conflict: how to make a law and enforce it but at the same time not put small owners out of business? That's the real tragedy here - it's pitted disabled people against small businesses."

Bravo wishes that the city had a method of citing businesses that were not ADA compliant - in the same way that a business owner can be cited for health and safety violations. Because ADA is part of federal civil rights law, however, the city is not responsible for monitoring and enforcing it. So, although City Hall may express concern about the fate of these small businesses, as Office of Small Business Director Rajah Norris told me: "We have no jurisdiction over federal laws." Therein lies the problem: While the city can do more to educate its businesses, in the end, the laws is enforced through lawsuits. In a place like San Francisco where so many micro-businesses - crammed into tiny storefronts built decades before the passage of ADA - consider themselves "grandfathered in," finding instances of ADA noncompliance is as easy as picking apples in an orchard. Or as Blackseth puts it: "They are low-hanging fruit. Why sue Mc Donald's?"

## MARK YOUR CALENDARS

### Aug 13 - Business Mixer with California Hispanic Chambers of Commerce State Convention

The California Hispanic Chambers of Commerce State Convention begins August 13th at the Intercontinental Mark Hopkins on Nob Hill. Join us for a unique opportunity to network with business owners from various parts of the state of California and leaders of Hispanic Chambers throughout California to enjoy lively conversation, mix and mingle, build new contacts and get re-acquainted with old ones at some of San Francisco 's grandest hotels.

This is a great opportunity to meet new people that can help your business grow, collaborate with your company, or that are interested employee development. Remember, people are more likely to do business with and refer to someone they know and trust! Expand your network with our family of California Hispanic Chambers of Commerce.

Time: 6:00 PM - 8:30 PM

Location: Intercontinental Mark Hopkins Hotel

**Cost:**

Pre-Registration. Ends August 10th

- Members In Good Standing: Free
- Non-Members: \$5

After August 10th

- Members: \$5
- Non-Members: \$10

[Register Online](#)

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## Aug 14 - Wine Tasting with Latino Winemakers

The California Hispanic Chambers of Commerce State Convention begins August 13th at the Intercontinental Mark Hopkins on Nob Hill.

The Northern Region will host a reception for the California Hispanic Chambers of Commerce State Convention and would like to introduce Latino winemakers to Convention attendees. Join us for a rare opportunity to have at least 10 Latino winemakers all in place in San Francisco to introduce their wines.

This is a great opportunity to meet people from our community who are long time leaders and up and coming new talents in the wine industry. Take this opportunity to build a relationship with them so that you can visit their tasting rooms at a later date.

Time: 6:00 PM - 8:30 PM

Location: Intercontinental Mark Hopkins Hotel

Cost: \$40

[Register Online](#)

## Aug 13-16 - California Hispanic Chambers of Commerce's State Convention

The California Hispanic Chambers of Commerce's (CHCC) is pleased to present our 29th annual State Convention. The CHCC's convention is scheduled to take place in San Francisco, California on August 13-16, 2008 at the Mark Hopkins Hotel: Negotiated Hotel Rate of \$169 is available by calling (800) 662-4455 and mentioning CHCC Convention.

### Agenda

Wed Aug 13

- Golf Tournament, valued \$250
- Opening Reception, valued \$40

- SFHCC Chamber Welcome Mixer, valued \$10

Thu Aug 14

- Workshop Sessions Only, valued \$45
- CA Top 30 Recognition Luncheon, valued \$65
- Chairman's Reception, valued \$45
- Bay Area Wines/ Northern Region, valued \$40

Fri Aug 15

- International Breakfast, valued \$45
- Latina Recognition Luncheon, valued \$65
- Governors Appointees Reception, valued \$45
- CHCC Casino Night, valued \$45

Sat Aug 16

- Gala Awards Banquet, valued \$150

Value of full registration \$845

**Tickets:** Pre-Registration, Expires Aug 1

- Member - \$250
- Non-Member - \$300
- Student - \$125

After Aug 1

- Member - \$300
- Non-Member - \$350
- Student - \$125

Registration - <http://cahcc.com/conv.html>

## PROCUREMENT

### Contracting Newsletter

The Business Outreach Committee has introduced a Contracting Newsletter to assist DBE and SBE firms in doing business with Bay Area Transportation Agencies. It will provide one document that offers links to agency procurement information, information on upcoming DBE and SBE events, and agency contact information for AC Transit; BART; Central Contra Costa Transit Authority; Golden Gate Bridge, Highway and Transportation District; Metropolitan Transportation Commission; San Francisco Municipal Transportation Agency; SamTans; and VTA.

[Newsletter](#)

## Business Outreach Committee Contracting Newsletter #2, June 2008

[Click Here to download](#)

### EVENTS BY OTHER ORGANIZATIONS

#### Aug 5 - District 9 Neighborhood Merchants Summit

The San Francisco Chamber of Commerce and the Office of Supervisor Tom Ammiano will present the District 9 Neighborhood Merchants Summit in conjunction with local businesses and neighborhood associations to bring district merchants together with their supervisor and city officials to discuss their specific concerns and issues. The summit will be held at the San Francisco City College Mission Campus, located at 1125 Valencia St. on Tuesday, Aug. 5, 8-10:30 am (registration begins at 7:45 am). The program will begin with an introduction by Supervisor Ammiano, followed by presentations on such topics as:

- Neighborhood beautification (graffiti clean-up, trash pick-up)
- Lease negotiation
- Small Business Assistance Center update

Representatives from the San Francisco Police Department and other city departments and small business resource providers will be on hand to provide information and answer specific questions. This is a free event.

Complimentary refreshments will be provided. Merchants not located in District 9 are also invited to attend. To register, contact Maya Lewis at 415-352-8840 or [mlewis@sfchamber.com](mailto:mlewis@sfchamber.com).

#### Aug 7 - The California Latino Legislative Caucus Foundation Presents Health Summit 2008

The goals of the Summit include new learning from the nation's leading health thinkers and researchers, and a debate about core issues among legislators, the health care community, government, non-profit and private sector groups. The ultimate goal is the development of 'actionable' legislative policy concepts that will bring about positive change in the health field.

Members of the California Legislature, legislative staff, non-profit and for profit groups, physicians, nurse practitioners, medical students, and other interested parties are encouraged to attend. Attendance is limited to 150. The event will take place at the Beverly Hilton Hotel (9876 Wilshire Blvd , Beverly Hills , CA 90210) and at the University of California at Los Angeles campus.

Each presenter or panelist will share his/her message and data. The second part of each session will include a facilitated discussion of the issues presented. Each attendee is expected to participate.

There is no cost for those registered to attend the summit sessions.

A block of hotel rooms at the Beverly Hilton Hotel has been set aside to support this event. The hotel is offering a special rate of \$289 per room. Please call 1-800-HILTONS(445-8667) and mention the 'Latino Caucus Foundation Health Summit' event to reserve your room at the special rate.

Email registration to Armando Chavez at [Armando.Chavez@asm.ca.gov](mailto:Armando.Chavez@asm.ca.gov) or fax to (916) 319-2123. If you have questions or want information contact Mike Welch at (916) 319-2023.

### FEATURED MEMBERS

## Signage

### @ Signs & Graphics

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P: (415) 777-1137  
F: (415) 777-1138

## NEW MEMBERS

Chamber members have access to exclusive benefits that build relationships, increase visibility, and generate business leads. They're the first to learn about economic trends and developments that shape the City's business environment and their own companies' growth. And they influence decision makers in San Francisco and beyond, helping ensure that San Francisco means business-in every sense. Welcome additions to the San Francisco Hispanic Chamber of Commerce. Memberships can be purchased online using the following link:  
<https://sfhccregistration.chamberbusinesssuite.com/>

### Ellen Chavez

600 Lexington Way  
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Individual Membership

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