

FILE NO. 040537

ORDINANCE NO. 93-04

[Surplus City Property.]

Ordinance amending the San Francisco Administrative Code by amending Sections 23A.4, 23A.6, 23A.7, 23A.8, 23A.10, and 23A.11, and adding Section 23A.9, to specify procedures for identification of surplus City real property, assessment of the use of such property for housing for the homeless, and approvals for disposition and development of appropriate surplus real property and to establish a Citizens' Advisory Committee.

Note: Additions are single-underline italics Times New Roman; deletions are ~~strikethrough italics Times New Roman~~. Board amendment additions are double underlined. Board amendment deletions are ~~strikethrough normal~~.

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

Section 1. The San Francisco Administrative Code is hereby amended by amending Section 23A.4, to read as follows:

SEC. 23A.4. DEFINITIONS.

For purposes of this section:

(a) "Administrator" shall mean the City Administrator as set forth in Section 3.104 of the City's Charter.

(b) "Citizens' Advisory Committee" shall mean the group of citizens appointed pursuant to Section 23A.9.

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1 (c) "Enterprise Departments" shall mean the following City departments: the Port, the
2 Airport, the Public Utilities Commission, the Municipal Transportation Agency, the Recreation and
3 Parks Commission and the Fine Arts Museums Board of Trustees.

4 (d) "Executive Director" shall mean the Executive Director of the Mayor's Office of Housing.

5 (e) (b) "Homeless" shall mean:

6 1. An individual or family who lacks a fixed, regular and adequate nighttime
7 residence; or

8 2. An individual or family who has a primary nighttime residence that is:

9 A. A supervised publicly or privately operated shelter designed to provide
10 temporary living accommodations; or

11 B. An institution that provides a temporary residence for individuals who
12 have been institutionalized; or

13 C. A public or private place not designed for, or ordinarily used as, a
14 regular sleeping accommodation for human beings.

15 (f) (e) "Property" shall mean any real property owned by the City and County of San
16 Francisco, excluding land and buildings reserved for open space or parks purposes, or *any*
17 *land dedicated for public right-of-way purposes, roads, or any land used or reserved for transit lines,*
18 or public utility rights-of-way, or any publicly dedicated streets or rights-of-way. *"Property"*
19 *shall not include any real property owned by or on behalf of the San Francisco Unified School District.*

20 (g) (d) "Surplus Property" shall mean any Property that is not required to fulfill the
21 mission of the City department, commission or agency with jurisdiction or control of such
22 Property or that ~~would not~~ is not required to fulfill the mission of another governmental agency
23 pursuant to an inter-governmental transfer;

24 (h) (e) "Underutilized Property" shall mean an entire Property or portion thereof, with or
25 without improvements, that is used by the City only at irregular periods of time or

1 intermittently, or that is used by the City for current purposes that can be satisfied with only a
2 portion of such Property, or that is not currently occupied or used by the City and for which
3 there are no plans by the City to occupy or use such Property within the next fiscal year.
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5 Section 2. The San Francisco Administrative Code is hereby amended by amending
6 Section 23A.6, to read as follows:

7 **SEC. 23A.6. COMPILATION OF INFORMATION BY ADMINISTRATOR.**

8 By June 1st of each year, the The Administrator shall review the list of Property submitted by
9 City departments pursuant to ~~compile the information described in~~ Section 23A.5 above and shall
10 strike from this initial list any Property that is under the jurisdiction of the Recreation and Park
11 Department, is part of the public right-of-way, or is subject to deed restrictions or other legal
12 restrictions that would prevent the City from disposing of such Property pursuant to this Chapter. The
13 Administrator shall further consult with other City Departments, Mayor, members of the Board of
14 Supervisors and the Citizens' Advisory Committee to identify any Property listed on the initial list for
15 which a City Department other than the Department with current jurisdiction has a specific operational
16 need and shall remove such Properties from the Surplus Property Report. The Administrator shall
17 thereafter initiate the transfer of jurisdiction over those identified Properties to the Departments that
18 can utilize them. The Administrator shall state in writing the reasons for the removal of each Property
19 from the initial list and shall provide such report to the Mayor's Office of Housing, the Board of
20 Supervisors, and the Citizens Advisory Committee. By June 1st of each year, the Administrator shall
21 compile a comprehensive report for the remaining Property listed that includes, at a minimum, the
22 following information: ~~including~~ the street address, if any, and the block and lot number for each
23 Property; the City Department with jurisdiction over each Property; a description of the zoning
24 applicable to and surrounding such Properties; a plat map for each Property; the area in square
25 footage for each Property; a description of the surrounding properties and neighborhood; any

1 limitations on the development of the Property; and pictures of the Property (the "Surplus Property
2 Report"). The Surplus Property Report shall also include a list of any and all City-owned properties
3 that are adjacent to each listed Property and appear to be vacant or underutilized, along with the
4 identification of the City Department with jurisdiction over such adjacent property. No later than June
5 30th of each year, the Administrator shall transmit the completed Surplus Property Report to the
6 Mayor's Office of Housing and to and transmit the Surplus Property Report to the Board of
7 Supervisors. The Administrator shall maintain and release written records of all information
8 compiled under this Chapter in conformance with all state and local laws governing the
9 retention and disclosure of public records.

10
11 Section 3. The San Francisco Administrative Code is hereby amended by amending
12 Section 23A.7, to read as follows:

13 **SEC. 23A.7. TRANSFER OF JURISDICTION OVER SURPLUS PROPERTIES TO THE**
14 **MAYOR'S OFFICE OF HOUSING PUBLICATION OF SURPLUS PROPERTIES LIST.**

15 By June 15th of each year, the Administrator shall publish the then current Surplus Property
16 Report on the City's web site. Additionally, the Administrator shall transmit notice of the availability
17 of the Surplus Property Report and the applications described in Section 23A.8 below to those private
18 and public agencies that serve the Homeless. The Administrator shall maintain a public information
19 telephone number to provide the public with specific information about properties on the Surplus
20 Property Report and the application process described below. By July 15th of each year, the
21 Administrator, working with the Executive Director and City Attorney's Office, shall submit to the
22 Mayor and Board of Supervisors legislation transferring jurisdiction over the Properties, save and
23 except for those Properties that are under the jurisdiction of Enterprise Departments, on the Surplus
24 Property Report completed in accord with Section 23A.6 above to the Mayor's Office of Housing

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1 ("MOH") for the purpose of MOH's assessment of each Surplus Property for development as
2 affordable housing consistent with this Chapter.

3 For those Properties transferred to MOH that MOH does not deem suitable for such
4 development, the Executive Director shall notify the Administrator, who shall prepare and submit to the
5 Mayor and Board of Supervisors legislation either transferring jurisdiction over such Properties from
6 MOH to either the City's Real Estate Division or to another City Department for such
7 department's use or seeking to sell such properties, as determined by the Administrator. It shall
8 be City policy to encourage the sale of such Surplus Property in accordance with the requirements of
9 Administrative Code Section 23.3 and other applicable laws and to designate use of the net proceeds of
10 such sales for the purpose of financing affordable housing in San Francisco.

11 For those Surplus Properties MOH deems suitable for such development, the Executive
12 Director shall publicize the availability of the Surplus Properties and seek applications for
13 development of the Properties as described further in Section 23.A8 below. The Executive Director
14 also shall take all steps necessary to comply with the State Surplus Property Statute. With respect to
15 Surplus Property under the jurisdiction of Enterprise Departments, the Board of Supervisors may, by
16 separate legislation, urge the Commissions or Boards of such Enterprise Departments to consider
17 approving a transfer of jurisdiction over the Properties to MOH for uses consistent with this Chapter.

18 In the event any Commissions or Boards of Enterprise Departments take such action, the Administrator
19 shall then prepare and submit to the Mayor and Board of Supervisors the appropriate legislation to
20 transfer jurisdiction over that Enterprise Department's Surplus Property.

21
22 Section 4. The San Francisco Administrative Code is hereby amended by amending
23 Section 23A.8, to read as follows:

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1 **SEC. 23.A8. *Application for DEVELOPMENT OF PROPERTY.***

2 *(a) The Executive Director shall solicit applications from A non-profit agencies serving the*
3 *Homeless may submit an application to lease or acquire Property that is listed as Surplus or*
4 *Underutilized in any Surplus Property Report for use to assist the Homeless in accordance with*
5 *the priorities set forth below in Section 23A.10(i) and (ii). The application form shall be developed by*
6 *the Administrator Executive Director shall require that all applications. Such application form shall*
7 *require the applicant to describe in detail (i) the type of conveyance the applicant seeks (i.e., a*
8 *lease for a specific term or transfer of fee title) and the compensation legal consideration, if any,*
9 *the applicant proposes to pay for such conveyance, (ii) the intended use of the Property,*
10 *including how it relates to the priorities of uses set forth in Section 23A.10 below; (iii) a*
11 *specific plan and schedule for the development or improvement of the Property, including*
12 *compliance with all applicable federal, state and local laws, including, without limitation, laws*
13 *regarding disabled access, health, building and safety codes, and environmental compliance*
14 *with the California Environmental Quality Act ("CEQA"), California Public Resources Code*
15 *Sections 21000 et. seq., and San Francisco Administrative Code Chapter 31; and (iv) a plan*
16 *to secure adequate financial resources to develop, improve, insure, manage and maintain the*
17 *Property. The Administrator Executive Director must provide in each application packet sent to*
18 *interested persons shall make available to all interested non-profit agencies contact information: (a)*
19 *identifying any independent organizations working on behalf of homeless people that can*
20 *assist homeless service providers in resolving any problems that may arise in the application*
21 *processes; and (b) City staff persons who are available to assist in the application process.*
22 *An applicant must submit a written notice of intent to apply to the Administrator by July 15th of each*
23 *year and a complete application to the Administrator by September 15th. The Executive Director*
24 *shall require submission of applications by September 30th of each year, but The Administrator may,*
25 *///*

1 in its sole discretion, grant extensions of the deadline ~~for submitting a completed application,~~
2 provided in no event shall such extensions exceed thirty (30) days.

3 (b) Upon receipt of all applications for development of housing or other on-site services for the
4 Homeless, the Executive Director shall work with the City Attorney's Office to prepare legislation
5 containing the Executive Director's recommendations as to the terms of disposition and development of
6 each Surplus Property for submission for the Board of Supervisor's approval in accord with the
7 policies and procedures set forth in this Chapter. The Clerk of the Board of Supervisors shall calendar
8 a hearing before a committee of the Board of Supervisors no later than January 30 of each year to
9 review the status of applications and the recommendations of the Surplus Property Citizens' Advisory
10 Committee made pursuant to Section 23A.9(c) below.

11 (c) In the event the Executive Director does not receive any acceptable applications for certain
12 of the Surplus Properties for development of housing or other on-site services for the Homeless, then
13 the Executive Director may solicit applications from developers for the development of affordable
14 housing other than solely housing for the Homeless, provided that the Executive Director first obtains
15 the agreement of the Surplus Property Citizens' Advisory Committee that such solicitation of
16 applications is warranted. The Executive Director shall require that any proposed affordable housing
17 development under this subsection (c) shall serve persons earning no more than 60% of the Area
18 Median Income for the San Francisco PMSA and, in preparing recommendations as to the applications
19 received, shall give priority to projects that include the highest percentage of extremely low-income
20 persons.

21 (d) Upon receipt of all applications for development of affordable housing, the Executive
22 Director shall work with the City Attorney's Office to prepare legislation containing the Executive
23 Director's recommendations as to the terms of disposition and development of each Surplus Property
24 for submission for the Board of Supervisor's approval in accord with the policies and procedures set
25 forth in this Chapter.

1 (e) If, after solicitation of applications pursuant to both subsections (a) and (c), the Executive
2 Director determines that further efforts to solicit applications would likely be futile, the Executive
3 Director shall notify the Administrator, who shall prepare and submit to the Mayor and Board of
4 Supervisors legislation either transferring jurisdiction over such Properties from MOH to either the
5 City's Real Estate Division or to another City Department for such department's use or seeking
6 to sell such properties, as determined by the Administrator. It shall be City policy to encourage the
7 sale of such Surplus Property in accordance with the requirements of Administrative Code Section 23.3
8 and other applicable laws and to designate use of the net proceeds of such sales for the purpose of
9 financing affordable housing in San Francisco.

10
11 Section 5. The San Francisco Administrative Code is hereby amended by adding
12 Section 23A.9, to read as follows:

13 Sec. 23.A9. SURPLUS PROPERTY CITIZENS' ADVISORY COMMITTEE.

14 (a) There shall be a Surplus Property Citizens' Advisory Committee composed of 9 13
15 members appointed by the Board of Supervisors as follows:

16 (1) One member with expertise in the area of developing permanent housing for Homeless
17 people and those at-risk of homelessness, appointed by the Board of Supervisors.

18 (2) One member with experience in providing supportive services to help individuals and
19 families exit homelessness, appointed by the Board of Supervisors.

20 (3) One member who holds a Real Estate and or/ Broker's license, appointed by the Board of
21 Supervisors.

22 (4) One member who is currently or formerly homeless, appointed by the Board of
23 Supervisors.

24 (5) One member who is currently or formerly homeless with their family or is an advocate or
25 service provider for homeless families, appointed by the Board of Supervisors.

1 (6) One member who is a member of a union, appointed by the Board of Supervisors.

2 (7) One member who has expertise with disability community issues, appointed by the Board
3 of Supervisors.

4 (8) One member who is a homeless senior citizen or is an advocate or service provider for
5 homeless senior citizens, appointed by the Board of Supervisors.

6 (9) One representative from the Mayor's Office of Housing.

7 (10) One member who advocates on behalf of open space and/or neighborhood parks,
8 appointed directly by the Mayor, without confirmation by the Board of Supervisors.

9 (11) One member who broadly represents the interests of San Francisco's
10 neighborhoods, appointed directly by the Mayor, without confirmation by the Board of
11 Supervisors.

12 (12) The Mayor's Budget Director or his or her designee.

13 (13) The Chair of the Board of Supervisors Finance and Audits Committee or his or her
14 designee.

15 (b) The Board and Mayor shall attempt through its their appointments to ensure the broadest
16 possible representation from the different geographic areas of the City and County of San Francisco.

17 (c) The Surplus Property Citizens' Advisory Committee shall comply with all applicable public
18 records and meetings laws and shall be subject to the Conflict of Interest provisions of the City's
19 Charter and Administrative Code. The Surplus Property Citizens' Advisory Committee shall review
20 each Surplus Property Report and any applications for such Surplus or Underutilized Property
21 submitted to the Executive Director under Section 23A.8 above. Based on such review and testimony
22 from such public hearings as the Surplus Property Citizens' Advisory Committee may hold, by
23 December 15th of each year, the Surplus Property Citizens' Advisory Committee shall make written
24 recommendations to the Board of Supervisors as to (i) Property that was not listed by the City as
25 Surplus or Underutilized Property, but which should be so listed in the next year's Surplus Property

1 Report, (ii) which Property included in that year's Surplus Property Report as Surplus or Underutilized
2 Property is suitable for disposition for the purpose of directly assisting people who are homeless, (iii)
3 which applications for use of such Surplus or Underutilized Property should be granted, and (vi) which
4 Property should be disposed of for other uses, but the proceeds of which should be used in accord with
5 the policy set forth in Section 23A.10 below.

6
7 Section 6. The San Francisco Administrative Code is hereby amended by amending
8 Section 23A.10, to read as follows:

9 **SEC. 23A.10. BOARD OF SUPERVISORS REVIEW AND CRITERIA.**

10 The Board of Supervisors shall be guided by the following policy regarding the
11 disposition of Surplus and Underutilized Property, which policy shall be the official policy of
12 the City, ~~until the Board of Supervisors adopts a new policy by ordinance or July 1, 2004, whichever is~~
13 ~~sooner.~~

14 Subject to any disposition priority required by State law and other limitations expressly
15 set forth herein, Surplus and Underutilized Property shall be used in the following order of
16 priority:

17 (i) ~~First, for the development of affordable housing for people who are~~

18 Homeless and persons earning less than 20% of the Area Median Income for the San
19 Francisco PMSA as established by the United States Department of Housing and
20 Urban Development and reported by the Mayor's Office of Housing. Provided that:

21 1. The housing shall remain affordable for the useful life of the Property;

22 2. ~~Tenants' rents~~ Housing costs in such housing shall not exceed ~~33~~30% of

23 the ~~tenant~~resident's income;

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1 3. Projects in which people who are Homeless rehabilitate and renovate
2 property in exchange for their tenancy or "sweat equity" in the property shall be
3 encouraged.

4 (ii) Second, for other on-site services for people who are Homeless or for non-
5 profit agencies serving people who are Homeless-, including not limited to job training,
6 senior services, healthcare and childcare for people who are homeless.

7 (iii) Third, for the development of affordable housing for persons earning no more than
8 60% of the Area Median Income for the San Francisco PMSA as established by the United
9 States Department of Housing and Urban Development and reported by the Mayor's Office of
10 Housing, provided that the housing shall remain affordable for the useful life of the Property.
11 When the Executive Director determines Surplus Property is unsuitable for the uses described
12 in subsections (i), (ii) and (iii) above because it is unsafe, inconveniently located or located in an area
13 inappropriate for housing, or otherwise cannot not meet the purposes of this Chapter, or when the
14 Executive Director receives no acceptable applications pursuant to Section 23A.8, it shall be City
15 policy to encourage the sale of such Surplus Property in accordance with the requirements of
16 Administrative Code Section 23.3 and other applicable laws and to designate use of the net proceeds of
17 such sales and/or leases for the purpose of financing affordable housing in San Francisco that meets
18 the criteria set forth in subsection (i) above.

19
20 Section 7. The San Francisco Administrative Code is hereby amended by amending
21 Section 23A.11, to read as follows:

22 **SEC. 23A.11. DISPOSITION AND UTILIZATION OF SURPLUS, UNDERUTILIZED AND**
23 **UNUTILIZED PROPERTY.**

24 (a) Subject to (i) the terms and conditions of any gift, trust, deed restriction, bond
25 covenant or other covenants or restrictions, mortgage, deed of trust, lease, license, use


1 agreement or other agreement applicable to such Property, (ii) state or federal laws related to
2 the disposition of surplus City Property, including, without limitation, California Government
3 Code Section 54220 et. seq., and (iii) the jurisdictional authority over City Property granted to
4 certain Commissions under the City's Charter, including, without limitation, as set forth in
5 Charter Sections 4.112, 4.113, 4.114, 4.115, 5.101, 8A.102, the Board of Supervisors may by
6 resolution approve the dispositions recommended by the Executive Director in accordance with this
7 Chapter or ~~direct the Administrator-Executive Director (in cooperation with the City Attorney) to~~
8 ~~prepare documents regarding the conveyance of specific Surplus or Underutilized Property in~~
9 ~~a manner other than as recommended by the Executive Director, prepare other documents~~
10 ~~related to potential discretionary acts of City related to a change in use or development of~~
11 ~~such Property, and present such documents to the Board of Supervisors and other City~~
12 ~~departments or Commissions with jurisdiction over such Property for their approval~~approve
13 dispositions different from those recommended by the Executive Director. Upon the approval
14 of such a resolution, it shall be the duty of the Executive Director to take all steps necessary to
15 implement the resolution.

16 (b) Any final declaration that Property is Surplus or Underutilized and any final
17 conveyance of Property under this Chapter shall be in accordance with and subject to all
18 applicable laws, including (i) the terms and conditions of any gift, trust, deed restriction, bond
19 covenant or other covenants or restrictions, mortgage, deed of trust, lease, license, use
20 agreement or other agreement applicable to such Property, (ii) state or federal laws related to
21 the disposition of surplus City Property, including, without limitation, Government Code
22 Section 54220 et. seq., (iii) the jurisdictional authority over City Property granted to certain
23 Commissions under the City's Charter, including, without limitation, as set forth in Charter
24 Sections 4.112, 4.113, 4.114, 4.115, 5.101, 8A.102, and (iv) the requirements set forth in
25 Administrative Code Sec. 23.3 of further Board of Supervisors approval by resolution or

1 ordinance of final transaction documents after the completion of all required environmental
2 review under CEQA. Any such duly approved conveyance may be at no cost or less than fair
3 market value.

4 (c) Any conveyance of Property at less than fair market value or for homeless uses
5 under this section shall include covenants that require that the Property be used in
6 conformance with this Chapter and prohibits any ~~purchaser~~ developer of Property from
7 reselling, transferring or subleasing Property at a profit, or such other "anti-speculation"
8 requirements as the Executive Director ~~of the Mayor's Office of Housing~~ may approve. In the
9 case of home ownership development, the limited equity is subject to the Property remaining available
10 to the Homeless population in the calculation of any resale price.

11
12 APPROVED AS TO FORM:
13 DENNIS J. HERRERA, City Attorney

14
15 By: 
16 AMY BROWN
Deputy City Attorney



City and County of San Francisco

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

Tails

Ordinance

File Number: 040537

Date Passed:

Ordinance amending the San Francisco Administrative Code by amending Sections 23A.4, 23A.6, 23A.7, 23A.8, 23A.10, and 23A.11, and adding Section 23A.9, to specify procedures for identification of surplus City real property, assessment of the use of such property for housing for the homeless, and approvals for disposition and development of appropriate surplus real property and to establish a Citizens' Advisory Committee.

May 11, 2004 Board of Supervisors — AMENDED

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

Noes: 1 - Hall

Absent: 1 - Ma

Excused: 1 - Ammiano

May 11, 2004 Board of Supervisors — PASSED ON FIRST READING AS AMENDED

Ayes: 9 - Alioto-Pier, Daly, Dufty, Gonzalez, Ma, Maxwell, McGoldrick, Peskin,
Sandoval

Noes: 1 - Hall

Excused: 1 - Ammiano

May 18, 2004 Board of Supervisors — FINALLY PASSED

Ayes: 9 - Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, Maxwell, McGoldrick,
Peskin, Sandoval

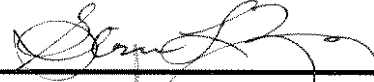
Noes: 2 - Hall, Ma

File No. 040537

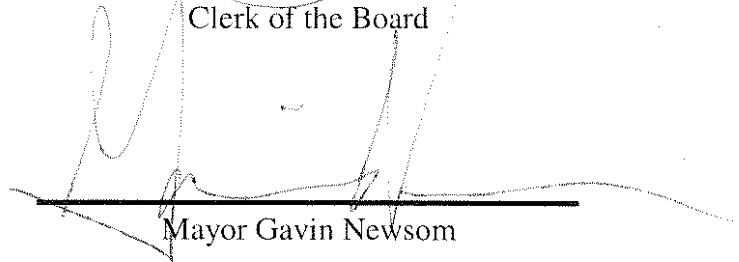
I hereby certify that the foregoing Ordinance
was **FINALLY PASSED** on May 18, 2004 by
the Board of Supervisors of the City and
County of San Francisco.

MAY 27 2004

Date Approved



Gloria L. Young
Clerk of the Board



Mayor Gavin Newsom