

BOARD of SUPERVISORS



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## MEMORANDUM

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Date: April 21, 2016

To: The Honorable Members, Board of Supervisors

From: Angela Calvillo, Clerk of the Board

Subject: Establishing Inclusionary Housing Technical Advisory Committee  
(File No. 160255)

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Board of Supervisors Rules of Order 2.21 establishes certain criteria that shall be included in legislation creating and establishing, or reauthorizing, new subordinate bodies (boards/commissions/task forces/advisory bodies) and requires the Clerk of the Board to report to the Board on how the proposed subordinate body meets that criteria.

**File No. 160255** Planning, Administrative Codes - Inclusionary Affordable Housing Fee and Requirements; Preparation of Economic Feasibility Report; Establishing Inclusionary Housing Technical Advisory Committee

### Executive Summary

The subject subordinate body meets the criteria specified in Board Rule 2.21 in every aspect, except that a sunset date is not included in the proposed legislation. The Sponsor, Supervisor Kim, has indicated that the Advisory Committee exist until the enactment of an ordinance effectively removes the Article from the Administrative Code.

### Specific Criteria and Information

- **Does a current body exist that addresses the same or similar subject matter?**

*No. No current body provides input to the Controller, Mayor, Planning Department and Board of Supervisors on the economic feasibility of the City's inclusionary housing requirements.*



- **Is language included that requires the body to meet at least once every four months**

*Yes. Section 5.29-6 states "The Advisory Committee shall hold a regular meeting not less than once every four months until the sunset date set forth in Section 5.29-7."*

- **Does the legislation provide a 1) description of the qualifications, 2) the number of seats, and 3) the date of commencement?**

*There are a total of eight seats:*

- *The Board of Supervisors shall appoint members to Seats 1 through 4; and*
- *The Mayor shall appoint members to Seats 5 through 8.*

*All members shall have experience and expertise in development finance. A commencement date is not specified in the proposed Ordinance, so the establishing date of this body shall be the effective date of the Ordinance.*

- **Is language included that provides term limits (i.e., commencement date? staggered terms?)**

*Yes. Section 5.29-4 states "Each member appointed to the Advisory Committee in 2016 shall serve **until three months after the date the Controller produces the first economic feasibility analysis** required by Planning Code Section 415.10, at which point the member's term shall expire. The Board of Supervisors and the Mayor shall appoint new members to the Advisory Committee in anticipation of each subsequent economic feasibility analysis by the Controller, and those members' terms shall similarly expire three months after the date the Controller produces the economic feasibility analysis required by Planning Code Section 415.10. Members shall not hold over after the expiration of their terms.*

- **Is an Administering department included?**

*Yes. Section 5.29-4(e) states "The Controller's Office shall provide clerical and administrative support and staffing for the Advisory Committee."*

- **Does the language establish attendance requirements?**

*Yes. Section 5.29-4(d) states "Any member who misses three regular meetings of the Advisory Committee without the express approval of the Advisory Committee at or before each missed meeting shall be deemed by operation of law to have resigned from the Advisory*



*Committee ten days after the third unapproved absence. The Advisory Committee shall inform the appointing authority of the resignation."*

▪ **Does language encompass reporting requirements?**

*Yes. The body will provide input and advice to the Controller, the Mayor, the Planning Department and the Board of Supervisors regarding the content of the economic feasibility analysis required by Planning Code, Section 415.10. The Advisory Committee shall hold technical workshops to evaluate the fiscal feasibility of various inclusionary housing fees and on-site and off-site alternatives, including evaluating a range of project types, inclusionary percentages, and resident income levels, and assessing whether fiscal feasibility varies within the City across different neighborhoods. The Advisory Committee may, but is not required to, prepare written reports.*

▪ **Does the legislation contain a Sunset date?**

*No. Notwithstanding Rule 2.21 of the Board of Supervisors Rules of Order, which provides that advisory bodies created by the Board should sunset within three years, the author, Supervisor Kim intends the Advisory Committee to exist for longer than three years and has included the following language in the legislation.*

*Section 5.29-7 states "The Board of Supervisors and Mayor intend the Advisory Committee to last until the enactment of an ordinance removing this Article XXIX from the Administrative Code.*

▪ **Is language included that indicates that members serve at the pleasure of the appointing authority**

*Yes. Section 5.29-4(a) states "Each member shall serve at the pleasure of the member's appointing authority."*

*Section 5.29-4(b) states "If a vacancy occurs in any seat on the Advisory Committee, the appointing authority for the vacated seat shall appoint a successor to that seat."*