

BOARD of SUPERVISORS



City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

March 28, 2014

File No. 140235

Sarah Jones
Environmental Review Officer
Planning Department
1650 Mission Street, 4th Floor
San Francisco, CA 94103

Dear Ms. Jones:

On March 11, 2014, Supervisor Campos introduced the following legislation:

File No. 140235

Ordinance requiring the Planning Department to include certain informational questions regarding anti-discriminatory housing policies based on sexual orientation and gender identity on a project sponsor's application for specified residential and mixed-use projects, requiring an annual report from the Human Rights Commission on the data collected from such applications, and affirming the Planning Department's California Environmental Quality Act determination.

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script, appearing to read "A. Ausberry".

By: Andrea Ausberry, Committee Clerk
Land Use & Economic Development Committee

Attachment

c: Nannie Turrell, Environmental Planning
Jeanie Poling, Environmental Planning

*Not a project under CEQA
Guidelines Sections 15060(c)
and 15378 because there
is no direct or indirect
physical change in the
environment.*

*Nannie Turrell
March 31, 2014*

1 [Planning Department - Application Information on Anti-Discriminatory Housing Policies]

2

3 **Ordinance requiring the Planning Department to include certain informational**
4 **questions regarding anti-discriminatory housing policies based on sexual orientation**
5 **and gender identity on a project sponsor’s application for specified residential and**
6 **mixed-use projects, requiring an annual report from the Human Rights Commission on**
7 **the data collected from such applications, and affirming the Planning Department’s**
8 **California Environmental Quality Act determination.**

9 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
10 **Additions to Codes** are in *single-underline italics Times New Roman font*.
11 **Deletions to Codes** are in ~~*italics Times New Roman font*~~.
12 **Board amendment additions** are in double-underlined Arial font.
13 **Board amendment deletions** are in ~~Arial font~~.
14 **Asterisks (* * * *)** indicate the omission of unchanged Code
15 subsections or parts of tables.

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

17 Section 1. The Planning Department has determined that the actions contemplated in
18 this Ordinance comply with the California Environmental Quality Act (California Public
19 Resources Code, Sections 21000 et seq.). The Board of Supervisors hereby affirms this
20 determination. A copy of said determination is on file with the Clerk of the Board of
21 Supervisors in File No. _____ and incorporated herein by reference.

22 Section 2. This Ordinance is uncodified.

23 (a) The Planning Department shall include in all applications for residential or mixed-
24 use projects of ten dwelling units or more, the following questions:
25

1 (1) Does the applicant or sponsor, including the applicant or sponsor's parent
2 company, subsidiary, or any other business or entity with an ownership share of at least 30%
3 of the applicant's company, engage in the business of developing real estate, owning
4 properties, or leasing or selling individual dwelling units in states or jurisdictions outside of
5 California?

6 (2) If the answer to question 1 is in the affirmative, in which states or jurisdictions?

7 (3) If the answer to question 1 is in the affirmative, does the applicant or sponsor, as
8 defined in question 1, have a national policy prohibiting discrimination based on sexual
9 orientation and gender identity in the sale, lease, or financing of any dwelling units in every
10 property where the applicant or sponsor has an ownership or management interest in the
11 United States?

12 (4) If the answer to question 3 is in the affirmative, please provide a copy of that policy
13 as part of the application.

14 (b) The Planning Department shall not accept an application as complete unless the
15 applicant answers the application questions that this legislation presents. The Planning
16 Department's processing of an application shall be unaffected by the applicant's answers to
17 the questions that this legislations presents.

18 (c) The Board of Supervisors delegates to the Planning Department the authority to:
19 (1) determine how such questions shall be presented in application forms, (2) modify the
20 language of the questions to accomplish the purpose of this Ordinance, and (3) compile
21 information regarding the response to the questions presented in this legislation.

22 (d) On an annual basis after the effective date of this legislation, the Planning
23 Department shall submit to the Human Rights Commission all relevant information from the
24 previous year regarding the response to the questions that this legislation presents.

25

1 (e) Upon receipt of the information from the Planning Department, the Human Rights
2 Commission shall prepare and present a written report on the data gathered through this
3 legislation to the Board of Supervisors for its consideration.
4

5 Section 3. Effective Date. This ordinance shall become effective 30 days after
6 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
7 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
8 of Supervisors overrides the Mayor's veto of the ordinance.
9

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

12 By: _____
13 John D. Malamut
Deputy City Attorney

14 n:\legan\as2013\1400259\00892439.doc
15
16
17
18
19
20
21
22
23
24
25

1 [Planning Department - Application Information on Anti-Discriminatory Housing Policies]

2
3 **Ordinance requiring the Planning Department to include certain informational**
4 **questions regarding anti-discriminatory housing policies based on sexual orientation**
5 **and gender identity on a project sponsor's application for specified residential and**
6 **mixed-use projects, requiring an annual report from the Human Rights Commission on**
7 **the data collected from such applications, and affirming the Planning Department's**
8 **California Environmental Quality Act determination.**

9 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
10 **Additions to Codes** are in *single-underline italics Times New Roman font*.
11 **Deletions to Codes** are in ~~*italics Times New Roman font*~~.
12 **Board amendment additions** are in double-underlined Arial font.
13 **Board amendment deletions** are in ~~Arial font~~.
14 **Asterisks (* * * *)** indicate the omission of unchanged Code
15 subsections or parts of tables.

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

17 Section 1. The Planning Department has determined that the actions contemplated in
18 this Ordinance comply with the California Environmental Quality Act (California Public
19 Resources Code, Sections 21000 et seq.). The Board of Supervisors hereby affirms this
20 determination. A copy of said determination is on file with the Clerk of the Board of
21 Supervisors in File No. _____ and incorporated herein by reference.

22 Section 2. This Ordinance is uncodified.

23 (a) The Planning Department shall include in all applications for residential or mixed-
24 use projects of ten dwelling units or more, the following questions:
25

1 (1) Does the applicant or sponsor, including the applicant or sponsor's parent
2 company, subsidiary, or any other business or entity with an ownership share of at least 30%
3 of the applicant's company, engage in the business of developing real estate, owning
4 properties, or leasing or selling individual dwelling units in states or jurisdictions outside of
5 California?

6 (2) If the answer to question 1 is in the affirmative, in which states or jurisdictions?

7 (3) If the answer to question 1 is in the affirmative, does the applicant or sponsor, as
8 defined in question 1, have a national policy prohibiting discrimination based on sexual
9 orientation and gender identity in the sale, lease, or financing of any dwelling units in every
10 property where the applicant or sponsor has an ownership or management interest in the
11 United States?

12 (4) If the answer to question 3 is in the affirmative, please provide a copy of that policy
13 as part of the application.

14 (b) The Planning Department shall not accept an application as complete unless the
15 applicant answers the application questions that this legislation presents. The Planning
16 Department's processing of an application shall be unaffected by the applicant's answers to
17 the questions that this legislations presents.

18 (c) The Board of Supervisors delegates to the Planning Department the authority to:
19 (1) determine how such questions shall be presented in application forms, (2) modify the
20 language of the questions to accomplish the purpose of this Ordinance, and (3) compile
21 information regarding the response to the questions presented in this legislation.

22 (d) On an annual basis after the effective date of this legislation, the Planning
23 Department shall submit to the Human Rights Commission all relevant information from the
24 previous year regarding the response to the questions that this legislation presents.

25

1 (e) Upon receipt of the information from the Planning Department, the Human Rights
2 Commission shall prepare and present a written report on the data gathered through this
3 legislation to the Board of Supervisors for its consideration.
4

5 Section 3. Effective Date. This ordinance shall become effective 30 days after
6 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
7 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
8 of Supervisors overrides the Mayor's veto of the ordinance.
9

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

12 By: _____
13 John D. Malamut
14 Deputy City Attorney

15 n:\legal\as2013\1400259\00892439.doc
16
17
18
19
20
21
22
23
24
25

