

1 [Administrative Code - Dissolving Surplus Property Citizens' Advisory Committee]

2

3 **Ordinance amending Administrative Code, Sections 23A.4, 23A.6, 23A.8, and 23A.11,**
4 **and deleting Section 23A.9, to dissolve the Surplus Property Citizens' Advisory**
5 **Committee.**

6

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

14

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

16

17 Section 1. Findings.

18

19 (a) Ordinance No. 93-04 established the Surplus Property Citizens' Advisory
20 Committee to make recommendations to the Board of Supervisors regarding the use of
21 surplus City property.

22

23 (b) Rule 2.21 of the Board of Supervisors' Rules of Order requires the Clerk of the
24 Board to determine and identify each year every subordinate body that has not met at least
25 once every four months, and to ask the City Attorney to prepare legislation repealing the
ordinance or resolution that created the body.

26

27 (c) The Clerk of the Board has determined that the Surplus Property Citizens'
28 Advisory Committee has not met since 2008.

29

30 Section 2. The Administrative Code is hereby amended by revising Sections 23A.4,
31 23A.6, 23A.8 and 23A.11, and deleting Section 23A.9, to read as follows:

32

33 **SEC. 23A.4. DEFINITIONS.**

34

35 For purposes of this section:

1 ~~(a)~~ “Administrator” shall mean the City Administrator as set forth in Section 3.104 of
2 the City’s Charter.

3 ~~(b)~~ “*Citizens’ Advisory Committee*” shall mean the group of citizens appointed pursuant to
4 ~~Section 23A.9.~~

5 ~~(c)~~ “Enterprise Departments” shall mean the following City departments: the Port, the
6 Airport, the Public Utilities Commission, the Municipal Transportation Agency, the Recreation
7 and Parks Commission and the Fine Arts Museums Board of Trustees.

8 ~~(d)~~ “Executive Director” shall mean the Executive Director of the Mayor’s Office of
9 Housing and Community Development.

10 ~~(e)~~ “Homeless” shall mean:

11 ~~1-(a)~~ an individual or family who lacks a fixed, regular and adequate nighttime
12 residence; or

13 ~~2-(b)~~ an individual or family who has a primary nighttime residence that is:

14 ~~A-(1)~~ a supervised publicly or privately operated shelter designed to
15 provide temporary living accommodations; or

16 ~~B-(2)~~ an institution that provides a temporary residence for individuals
17 who have been institutionalized; or

18 ~~C-(3)~~ a public or private place not designed for, or ordinarily used as, a
19 regular sleeping accommodation for human beings.

20 ~~(f)~~ “Property” shall mean any real property owned by the City and County of San
21 Francisco, excluding land and buildings reserved for open space or parks purposes, or any
22 land dedicated for public right-of-way purposes, or any land used or reserved for transit lines,
23 or public utility rights-of-way, or any publicly dedicated streets or rights-of-way. “Property”
24 shall not include any real property owned by or on behalf of the San Francisco Unified School
25 District.

1 ~~(g)~~ “Surplus Property” shall mean any Property that is not required to fulfill the mission
2 of the City department, commission or agency with jurisdiction or control of such Property or
3 that is not required to fulfill the mission of another governmental agency pursuant to an inter-
4 governmental transfer;

5 ~~(h)~~ “Underutilized Property” shall mean an entire Property or portion thereof, with or
6 without improvements, that is used by the City only at irregular periods of time or
7 intermittently, or that is used by the City for current purposes that can be satisfied with only a
8 portion of such Property, or that is not currently occupied or used by the City and for which
9 there are no plans by the City to occupy or use such Property within the next fiscal year.

10
11 **SEC. 23A.6. COMPILATION OF INFORMATION BY ADMINISTRATOR.**

12 The Administrator shall review the list of Property submitted by City departments
13 pursuant to Section 23A.5 above and shall strike from this initial list any Property that is under
14 the jurisdiction of the Recreation and Park Department, is part of the public right-of-way, or is
15 subject to deed restrictions or other legal restrictions that would prevent the City from
16 disposing of such Property pursuant to this Chapter. The Administrator shall further consult
17 with other City Departments, the Mayor, and members of the Board of Supervisors ~~and the~~
18 ~~Citizens’ Advisory Committee~~ to identify any Property listed on the initial list for which a City
19 Department other than the Department with current jurisdiction has a specific operational
20 need and shall remove such Properties from the Surplus Property Report. The Administrator
21 shall thereafter initiate the transfer of jurisdiction over those identified Properties to the
22 Departments that can utilize them. The Administrator shall state in writing the reasons for the
23 removal of each Property from the initial list and shall provide such report to the Mayor’s
24 Office of Housing; and Community Development and the Board of Supervisors, ~~and the Citizens~~
25 ~~Advisory Committee~~. By June 1st of each year, the Administrator shall compile a

1 comprehensive report for the remaining Property listed that includes, at a minimum, the
2 following information: the street address, if any, and the block and lot number for each
3 Property; the City Department with jurisdiction over each Property; a description of the zoning
4 applicable to and surrounding such Properties; a plat map for each Property; the area in
5 square footage for each Property; a description of the surrounding properties and
6 neighborhood; any limitations on the development of the Property; and pictures of the
7 Property (the "Surplus Property Report"). The Surplus Property Report shall also include a list
8 of any and all City-owned properties that are adjacent to each listed Property and appear to
9 be vacant or underutilized, along with the identification of the City Department with jurisdiction
10 over such adjacent property. No later than June 30th of each year, the Administrator shall
11 transmit the completed Surplus Property Report to the Mayor's Office of Housing *and*
12 Community Development and to the Board of Supervisors. The Administrator shall maintain and
13 release written records of all information compiled under this Chapter in conformance with all
14 state and local laws governing the retention and disclosure of public records.

15

16 **SEC. 23A.8. DEVELOPMENT OF PROPERTY.**

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18 (b) Upon receipt of all applications for development of housing or other on-site
19 services for the Homeless, the Executive Director shall work with the City Attorney's Office to
20 prepare legislation containing the Executive Director's recommendations as to the terms of
21 disposition and development of each Surplus Property for submission for the Board of
22 Supervisors' approval in accord with the policies and procedures set forth in this Chapter. The
23 Clerk of the Board of Supervisors shall calendar a hearing before a committee of the Board of
24 Supervisors no later than January 30 of each year to review the status of applications ~~and the~~

25

1 ~~recommendations of the Surplus Property Citizens' Advisory Committee made pursuant to Section~~
2 ~~23A.9(c) below.~~

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

13 * * * *

14
15 **~~SEC. 23A.9. SURPLUS PROPERTY CITIZENS' ADVISORY COMMITTEE.~~**

16 ~~(a) There shall be a Surplus Property Citizens' Advisory Committee composed of 13 members~~
17 ~~appointed as follows:~~

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

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

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

24 ~~—— (4) One member who is currently or formerly homeless, appointed by the Board of~~
25 ~~Supervisors.~~

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

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

4 ~~—— (7) One member who has expertise with disability community issues, appointed by the~~
5 ~~Board of Supervisors.~~

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

8 ~~—— (9) One representative from the Mayor's Office of Housing.~~

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

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

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

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

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

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

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

7 ~~(d) This subsection (d) shall not apply to the representative from the Mayor's Office of~~
8 ~~Housing, the Mayor's Budget Director or his or her designee or the Chair of the Board of Supervisors~~
9 ~~Finance and Audits Committee or his or her designee. The remaining ten members of the Surplus~~
10 ~~Property Citizens' Advisory Committee shall be appointed for a term of two years; provided, however,~~
11 ~~that the ten members first appointed shall, by lot at the first meeting, classify their terms so that five~~
12 ~~shall serve for a term of one year and five shall serve for a term of two years.~~

13
14 **SEC. 23A.11. DISPOSITION AND UTILIZATION OF SURPLUS, UNDERUTILIZED**
15 **AND UNUTILIZED PROPERTY.**

16 * * * *

17 (d) Any City department other than an Enterprise Department wishing to dispose of
18 Surplus or Underutilized Property under such department's jurisdiction in a manner other than
19 pursuant to this Chapter, regardless of whether such Surplus or Underutilized Property is
20 listed on the then current Surplus Property Report, shall notify the Administrator, and the
21 Executive Director ~~and the Surplus Property Citizens' Advisory Committee~~ prior to seeking any
22 approvals of any proposed disposition. The notice shall include the same information about
23 the Surplus or Underutilized Property required under Section 23A.5. The Administrator, and
24 the Executive Director ~~and the Surplus Property Citizens' Advisory Committee~~ shall review such
25 information and, within 45 days after submission, make recommendations to the Board of

1 Supervisors regarding the disposition of the Surplus or Underutilized Property *and* consistent
2 with the policy set forth in Section 23A.10. The Board of Supervisors may by resolution
3 approve a disposition consistent with such recommendations and this Chapter or approve a
4 different disposition. Upon approval of such a resolution, it shall be the duty of the
5 Administrator, the Executive Director and other City officials, as appropriate, to take all steps
6 necessary to implement the resolution.

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

12
13 Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
14 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
15 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
16 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
17 additions, and Board amendment deletions in accordance with the “Note” that appears under
18 the official title of the ordinance.

19
20 APPROVED AS TO FORM:
21 DENNIS J. HERRERA, City Attorney

22 By: _____
23 JON GIVNER
24 Deputy City Attorney

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