

1 [Temporary Housing for Homeless People During Shelter Crisis - LMC San Francisco I  
2 Holdings, LLC - 1515 South Van Ness Avenue]

3 **Ordinance approving an agreement between the City and LMC San Francisco I**  
4 **Holdings, LLC, to allow the City to use the property at 1515 South Van Ness Avenue to**  
5 **utilize and operate a facility to provide temporary housing and services to homeless**  
6 **persons; directing the City Administrator, Public Works, Department of Homelessness**  
7 **and Supportive Housing, Department of Building Inspection, and other City**  
8 **departments to make repairs or improvements, consistent with health and safety**  
9 **standards, to use the property for temporary housing to address encampments in the**  
10 **Mission District; authorizing Public Works, Department of Homelessness and**  
11 **Supportive Housing, and Department of Public Health to enter into contracts without**  
12 **adhering to competitive bidding and other requirements for construction work,**  
13 **procurement, and personal services at the facility; and affirming the Planning**  
14 **Department's determination under the California Environmental Quality Act.**

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16 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.  
17 **Additions to Codes** are in *single-underline italics Times New Roman font*.  
18 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.  
19 **Board amendment additions** are in double-underlined Arial font.  
20 **Board amendment deletions** are in ~~strikethrough Arial font~~.  
21 **Asterisks (\* \* \* \*)** indicate the omission of unchanged Code  
22 subsections or parts of tables.

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

24 Section 1. The Planning Department has determined that the actions contemplated in  
25 this ordinance comply with the California Environmental Quality Act (California Public  
Resources Code Sections 21000 et seq.). Said determination is on file with the Clerk of the

1 Board of Supervisors in File No. 170467 and is incorporated herein by reference. The Board  
2 affirms this determination.

3 Section 2. Background.

4 (a) California Government Code Sections 8698 through 8698.2 authorize the  
5 governing body of a political subdivision, including the Board of Supervisors, to declare the  
6 existence of a shelter crisis upon a finding by the governing body that a significant number of  
7 persons within the jurisdiction are without the ability to obtain shelter, and that the situation  
8 has resulted in a threat to the health and safety of those persons. These Government Code  
9 provisions authorize the City to suspend state or local statutes, ordinances, and regulations  
10 setting housing, health, or safety standards for new public facilities opened to homeless  
11 persons in response to the shelter crisis, to the extent that strict compliance would prevent,  
12 hinder, or delay the mitigation of the shelter crisis, and allow the City to enact its own  
13 standards for the shelters that ensure basic public health and safety.

14 (b) In Ordinance No. 57-16, enacted on April 22, 2016, the Board of Supervisors  
15 found that a significant number of persons within the City are without the ability to obtain  
16 shelter, and that the situation has resulted in a threat to the health and safety of those  
17 persons. For that reason, and based on factual findings set forth in that ordinance, the Board  
18 of Supervisors declared the existence of a shelter crisis in the City and County of San  
19 Francisco in accordance with California Government Code Sections 8698 through 8698.2.

20 (c) LMC San Francisco I Holdings, LLC, an affiliate of Lennar Multifamily  
21 Communities (“Lennar”) owns the improved property located at 1515 South Van Ness Avenue  
22 (the “Property”). The Property currently contains a one-story warehouse building, which  
23 Lennar intends to demolish and replace with a new project on the Property, including a mix of  
24 residential housing and commercial shops. Lennar intends to begin demolition and  
25 construction on or around January 15, 2018. Lennar has offered as a gift, subject to the terms

1 of the gift agreement described in Section 3 of this Ordinance, to allow the City to use the  
2 Property temporarily to provide temporary housing for homeless persons before Lennar  
3 begins construction work on its new project.

4 (d) In light of the ongoing shelter crisis, the tent encampment crisis in the Mission,  
5 the encampment directly outside the Property, and the need of people living on the street for  
6 safe and sanitary temporary shelter and services from the City, and the short-term availability  
7 of the Property for use by the City to provide temporary housing, the Board finds that the City  
8 must expeditiously award contracts to complete repairs or improvements to the Property and  
9 to allow its use for temporary housing as described in this ordinance.

10 Section 3. Agreement to Use Property.

11 (a) Lennar and the City intend to enter one or more agreements ~~have entered an~~  
12 ~~agreement (collectively,~~ the “Agreement”) for the City to make repairs and improvements to  
13 the Property and thereafter to operate a facility to provide temporary housing and services to  
14 homeless persons. Under the Agreement, construction work will be performed by the City or  
15 its contractors, at no cost to Lennar, and the City will indemnify Lennar for any losses relating  
16 to the City’s use of the Property. A copy of the Agreement is on file with the Clerk of the  
17 Board of Supervisors in File No. 170467.

18 (b) The Board approves the Agreement in substantially the form contained in File  
19 No. 170467, and authorizes the Department of Homelessness and Supportive Housing, City  
20 Administrator, Department of Public Works, and Director of Real Estate to enter into any  
21 amendments or modifications to the Agreement (including bifurcation into a construction  
22 access agreement and an operations agreement) that those departments determine, in  
23 consultation with the City Attorney, are in the best interest of the City, do not otherwise  
24 materially increase the obligations or liabilities of the City, are necessary or advisable to  
25 effectuate the purposes of the Agreement, and are in compliance with all applicable laws.

1 (c) Within 30 days of the Agreement being fully executed by all parties, the  
2 Department of Homelessness and Supportive Housing shall submit to the Clerk of the Board  
3 of Supervisors a completely executed copy for inclusion in File No. 170467.

4 Section 4. Repairs or Improvements for Temporary Shelter at 1515 South Van Ness  
5 Avenue.

6 In response to the shelter crisis declared in Ordinance No. 57-16, City departments,  
7 including the City Administrator, Department of Public Works, Department of Homelessness  
8 and Supportive Housing, and Department of Building Inspection, shall exercise the authority  
9 granted by California Government Code Sections 8698 through 8698.2, and shall take any  
10 necessary or appropriate steps to repair or improve the Property to provide temporary housing  
11 for homeless persons, subject to the following limitations:

12 (a) The City may only perform repairs or improvements after the City and Lennar  
13 execute an agreement allowing the City to use the Property;

14 (b) The Fire Marshal and the Directors of the Department of Public Works,  
15 Department of Homelessness and Supportive Housing, and Department of Building Inspection  
16 shall each make a written determination, before the City commences work, that the proposed  
17 repairs or improvements will satisfy basic public health and safety standards to allow for  
18 human occupancy;

19 (c) The repairs or improvements shall comply with the Americans with Disabilities  
20 Act and other federal health and safety requirements, and shall otherwise comply with the  
21 requirements of the Agreement; and

22 (d) The City shall initiate the repairs or improvements on or before June 1, 2017.

23 Section 5. Contracting Authority.

24 (a) Notwithstanding any provision of the Municipal Code, the Department of Public  
25 Works, the Department of Public Health, and the Department of Homelessness and

1 Supportive Housing may enter into contracts to provide professional and/or construction  
2 services to assist the City in the repair or improvement of the Property, and contracts to  
3 provide professional services or to procure goods or materials to assist in the operation of the  
4 temporary housing facility at the Property, without adherence to the requirements of  
5 Administrative Code Chapters 6, 12B, 14B, and 21.

6 (b) Within 30 days of any contract authorized by this Section 5 being fully executed  
7 by all parties, the Department of Homelessness and Supportive Housing, Department of  
8 Public Health, or the Department of Public Works shall submit to the Clerk of the Board a  
9 completely executed copy for inclusion in File No. 170467.

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11 Section 6. Effective Date; Retroactive Operation.

12 (a) This ordinance shall become effective 30 days after enactment. Enactment  
13 occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or  
14 does not sign the ordinance within ten days of receiving it, or the Board of Supervisors  
15 overrides the Mayor’s veto of the ordinance.

16 (b) The ordinance shall apply to any work performed at the Property and any  
17 agreements entered by the City on or after April 25, 2017.

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

21 By: \_\_\_\_\_  
22 JON GIVNER  
23 Deputy City Attorney

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