

**MINUTES OF A REGULAR MEETING OF THE  
COMMISSION ON COMMUNITY INVESTMENT AND INFRASTRUCTURE  
OF THE CITY AND COUNTY OF SAN FRANCISCO HELD ON THE  
2nd DAY OF JUNE 2015**

The members of the Commission on Community Investment and Infrastructure of the City and County of San Francisco met in a regular meeting at City Hall, 1 Dr. Carlton B. Goodlett Place, Room 416, in the City of San Francisco, California, at 1:00 p.m. on the 2nd day of June 2015, at the place and date duly established for holding of such a meeting.

**REGULAR MEETING AGENDA**

**1. Recognition of a Quorum**

Meeting was called to order at 1:08 p.m. Roll call was taken.

Commissioner Bustos - present  
Commissioner Mondejar – present  
Commissioner Singh – present  
Chair Rosales – present

All Commission members were present.

**2. Announcements**

A. The next scheduled Commission meeting will be a regular meeting held on Tuesday, July 21, 2015 at 1:00 p.m. (City Hall, Room 416).

B. Announcement of Prohibition of Sound Producing Electronic Devices during the Meeting

Please be advised that the ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised the Chair may order the removal from the meeting room of any person(s) responsible for the ringing of or use of a cell phone, pager, or other similar sound-producing electronic device.

C. Announcement of Time Allotment for Public Comments

**3. Report on actions taken at previous Closed Session meeting – None**

**4. Matters of Unfinished Business**

a) Workshop on the status of the U.S. Department of the Navy's environmental remediation at the Hunters Point Shipyard; Hunters Point Shipyard Project Area (Discussion)

Presenters: Tiffany Bohee, Executive Director; Tamsen Drew, Senior Project Manager, Hunters Point Shipyard /Candlestick Point Redevelopment Project; Amy Brownell, Environmental Engineer, San Francisco Department of Public Health (DPH)

**PUBLIC COMMENT**

Speakers: Ace Washington, Community Activist

Mr. Washington stated he was surprised no one was there from the Hunters Point (HP) Community. He stated he would be working with Lennar and the Navy in the future to make sure the site was safe for people to move into, because he felt that this kind of situation needed more community involvement. Mr. Washington acknowledged the project was underway and could not be stopped but highlighted that all activities needed to be documented and recorded.

Commissioner Singh inquired about what organization Ms. Brownell worked for.

Ms. Brownell replied that she worked for the San Francisco Department of Public Health.

Commissioner Bustos stated that much time and money had been put into cleaning up the Shipyard and had faith OCII had done their due diligence; however, there was still more to clean up. In order to ensure overall community confidence, community members, OCII and the City needed to come together to make sure the land was clean and livable. Mr. Bustos acknowledged Mr. Washington's comment about helping people be able to stay in San Francisco and find homes. He thanked Ms. Brownell for her work on this project. Regarding technology, he inquired whether the Navy would be using the latest technology to monitor and detect any lingering problems.

Ms. Brownell commented she had been meeting with the Hunters Point Citizen's Advisory Committee and subcommittee and had very effective meetings and discussions with community members and would continue to do so. She added the Navy also attended these meetings. Ms. Brownell responded the Navy always used the latest technology and gave as an example of the treatment of chlorinated groundwater plumes, which involved using zero-valent iron or finely ground-up iron and injecting it into the ground. The iron was highly reactive with the chemicals in the soil, reducing the concentrations immediately and the plumes subsequently. For the transfer land, Ms. Brownell explained the Navy had certified that their work was complete; however they would continue to monitor the groundwater levels and make sure the injections continued. She clarified the Navy was obligated to return and deal with any lingering issues or new issues that might arise. For the parcels still undergoing clean-up, Ms. Brownell explained they held monthly meetings with the regulatory agencies and the Navy and were constantly working on this issue with new ideas and technologies.

Commissioner Mondejar thanked Ms. Brownell for her work. She inquired about whether Ms. Brownell was the point person for problems or issues arising with this item in the future.

Ms. Brownell responded the Navy held community meetings every two months and had provided their own contact information. She advised the public go directly to the Environmental Protection Agency or the state agencies regarding the clean-up work. Ms. Brownell stated those concerned could also contact her and she could put them in touch with the appropriate person. She added, under Article 31, the Department of Public Health had regulatory authority for the land that had already transferred and for the three parcels which were about to transfer and would be the point of contact for the dust control, soil importation and all other issues during redevelopment.

Commissioner Mondejar inquired about the individual that had come up for public comment for this item at the last meeting and wondered how that comment had been handled. She remembered the comments were very direct and pointed and stated the public needed responses to any comments, accusations or complaints and those matters needed to be resolved.

Ms. Drew responded the individual in question had been in touch with the Environmental Protection Agency and had exchanged emails with her. She added the public could always contact OCII via phone or email and their issues would be followed up on.

Chair Rosales inquired about slide 46 bullet where it stated “the owner’s inspection, monitoring, maintenance and annual reporting” and inquired about who the owner was; inquired about building foundations.

Ms. Brownell responded the owner would be OCII for a brief moment, however per the development agreement; the land would immediately be turned over to Lennar. For the parcels not yet turned over, Lennar would be conducting all activities in question and once Lennar built streets, Lennar would transfer ownership to the Department of Public Works (DPW). Ms. Brownell explained future inspection, monitoring and maintenance would be covered by DPW and would also be responsible for conducting the annual checklist in the future and providing an annual report. To the foundations question, Ms. Brownell responded the owner of the building only had to verify the building was still there but the sidewalks, landscaped areas and private streets surrounding the building would have to be checked and certified.

## **5. Matters of New Business:**

### **CONSENT AGENDA**

- a) Approval of Minutes: Regular Meeting of May 5, 2015.
- b) Authorizing a second amendment of the Fillmore Heritage Garage Management Agreement with Imperial Park (U.S.), LLC, a Delaware Limited Liability Company, to extend the term until June 30, 2016 consistent with the Successor Agency’s Property Management obligations under Redevelopment Dissolution law (Action) (Resolution No. 31-2015)
- c) Authorizing a Third Amendment to the Personal Services Contract with Twin III Building Maintenance Company, a sole proprietorship, that extends the term by 12 months to June 30, 2016 and increases the amount by \$16,232 for an aggregate contract amount not to exceed \$369,000 to fulfill property management obligations for Shoreview Park; former Hunters Point Redevelopment Project Area (Action) (Resolution No. 32-2015)

### **PUBLIC COMMENT**

Speakers: Ace Washington, Community Activist; Oscar James, resident of Bayview Hunters Point (BVHP) and former employee of the San Francisco Redevelopment Agency (SFRA).

Mr. Washington inquired whether the Commissioners were going to pull this item from the agenda. He stated this was the first time he had been there with his team to ask for an extension.

Mr. James stated before he came to the meeting, he had gone to Shoreview Park and it was a mess. He stated the people maintaining this property formerly had been doing a good job but now it looked like no one was taking care of it. He pointed out the sandbox had been gated up for over 20 years due to the ringworms in the sand. He requested the sandbox be removed and replaced and the park be brought up to code. He also referred to the underground leaks under the concrete foundation at the park and that a broken valve on the sprinkler system needed to be fixed. He stated it was about time for these repairs so that the park was clean and safe for children to play in.

Commissioner Bustos motioned to move Items 5 (a, b, c) and Commissioner Singh seconded that motion.

Secretary Guerra called for a voice vote on Items 5 (a, b, c).

Commissioner Bustos – yes  
Commissioner Mondejar – yes  
Commissioner Singh – yes  
Chair Rosales – yes

**ADOPTION:** IT WAS VOTED BY FOUR COMMISSIONERS THAT THE MINUTES FROM THE REGULAR MEETING OF MAY 5, 2015, BE ADOPTED.

**ADOPTION:** IT WAS VOTED BY FOUR COMMISSIONERS THAT RESOLUTION No. 31-2015, AUTHORIZING A SECOND AMENDMENT OF THE FILLMORE HERITAGE GARAGE MANAGEMENT AGREEMENT WITH IMPERIAL PARK (U.S.), LLC, A DELAWARE LIMITED LIABILITY COMPANY, TO EXTEND THE TERM UNTIL JUNE 30, 2016 CONSISTENT WITH THE SUCCESSOR AGENCY'S PROPERTY MANAGEMENT OBLIGATIONS UNDER REDEVELOPMENT DISSOLUTION LAW, BE ADOPTED.

**ADOPTION:** IT WAS VOTED BY FOUR COMMISSIONERS THAT RESOLUTION No. 32-2015, AUTHORIZING A THIRD AMENDMENT TO THE PERSONAL SERVICES CONTRACT WITH TWIN III BUILDING MAINTENANCE COMPANY, A SOLE PROPRIETORSHIP, THAT EXTENDS THE TERM BY 12 MONTHS TO JUNE 30, 2016 AND INCREASES THE AMOUNT BY \$16,232 FOR AN AGGREGATE CONTRACT AMOUNT NOT TO EXCEED \$369,000 TO FULFILL PROPERTY MANAGEMENT OBLIGATIONS FOR SHOREVIEW PARK; FORMER HUNTERS POINT REDEVELOPMENT PROJECT AREA, BE ADOPTED.

### **REGULAR AGENDA**

- d) Workshop on the Marketing Report for the Affordable Housing Program for Fiscal Year 2014-15 (Discussion)

Presenters: Tiffany Bohee, Executive Director; Jeff White, Housing Program Manager; Maria Benjamin, Director, Home Ownership & Below Market Rate Programs, Mayor's Office of Housing and Community Development (MOHCD); Brooke Barber, Assistant to Maria Benjamin, MOHCD; Sally Oerth, Deputy Director

### **PUBLIC COMMENT**

Speakers: Al Norman, President of Bayview Merchants and Commissioner for Southeast Community Commission

Mr. Norman was in favor of this item and commended the presenters on their presentation. He stated he was very satisfying to hear the discussion about ethnicity, equality and fairness regarding housing.

Commissioner Bustos inquired about what groups were included in the Certificate of Preference (COP) Program and whether people displaced from the Western Addition were included. He referred to Slide 12 and inquired whether the chart indicating 1,614 people or 33% who had passed away meant OCII and the City had failed them in their promises.

Ms. Benjamin responded the COP program included the Western Addition and Hunters Point. Ms. Benjamin responded some of those deceased had already been housed and passed away with their certificates.

Commissioner Bustos was happy to hear that information. He reminded the public they had made a promise to get housing for those displaced due to Redevelopment and knew families that had owned multiple unit buildings which the City had acquired in order to get them out. Mr. Bustos reminded everyone it was the City that forced this situation on the displaced people and the priority was to continue to get them back into the City. He referred to Page 9 which stated 18% were from outside of San Francisco and inquired whether that meant people who had once lived in San Francisco, moved away and returned back to San Francisco.

Ms. Benjamin responded that it referred to those individuals who did not live in San Francisco and had applied for the lottery and got in.

Commissioner Bustos responded this was a large number of people.

Mr. White responded they were surprised to see that as well but this was a very small amount of projects they had marketed during that reporting period and was essentially 1180 Fourth Street with 99 units for formerly homeless. He explained in Mission Bay, the preference list was traditionally COP holders first, then Ellis Act holders and then San Francisco residents, but clarified that these preferences were always subject to conflicts with other financing sources. This project in particular had state housing community development transit-oriented development funds and did not permit a local preference such as this one, because it constituted a conflict. In this case the preference was COP holders and then the general public.

Commissioner Bustos inquired about whether they could negotiate this when they partnered with any financial agencies because of the housing conflict in the City and the issue of people having been displaced.

Mr. White responded in the affirmative. He explained only a minority of their projects had state funding, so this issue did not come up very often and could negotiate this item.

Ms. Benjamin added they had tried to negotiate with the State and they denied it. She explained the State had very strict funding rules, which would have had to be changed to make preference with state tax dollars and the State would not even consider that. Ms. Benjamin added this was only negotiable with the State if there was preference to working people who lived in the City.

Commissioner Bustos inquired about whether COP holders which had dropped out were replaced with new COP holders. He referred to a slide that showed 13 COP holders, only 3 were housed for those units and inquired whether the remaining 10 applicants had been replaced.

Ms. Benjamin responded those ten would go back into the lottery and would have to re-apply for the next opportunity. She explained that 13 COP holders applied for Fourth Street housing, of which 3 were housed, so 10 were either housed someplace else or they did not use their certificate at that time and could still use it later.

Commissioner Bustos inquired whether all 13 COP holders who showed up and applied would have been housed, if nothing else had happened; inquired about why there was an income restriction on COP holders when they were forced out of their original homes; inquired whether 1180 Fourth Street was a mixed development.

Ms. Benjamin responded in the affirmative to the first question. To the income restriction question, Ms. Benjamin responded the certificate got holders preference in the lottery, but they had to meet the building's criteria. So if the building funding source criteria stipulated it could not serve over a certain income, then they would not get housed at that particular development. Ms. Benjamin responded there were low and very low income units at 1180 Fourth Street, so those households that were over income may have been over 60% but under 80% AMI.

Commissioner Bustos inquired whether they could negotiate with the State regarding this issue for COP holders, who were in a special situation. He reminded the public these four families had been forced out and given certificates for reasons which had nothing to do with income and was not fair. Mr. Bustos inquired whether the Governor could issue an executive order to help with this situation. He stressed if all these people had been successful, there would have been 13 COP holders off the COP waiting list, but because of the established rules, there were only three now. Also, some COPs were over-income and could have been included.

Ms. Benjamin responded these were all good ideas and could be explored. She explained just because those four households were not housed at that location, it did not mean they would not be housed at other locations when other opportunities arose in the future. She suggested that Commissioners not consider the list of 519 COP holders as a waiting list because they might not actually be waiting for these units. Some of those people already lived in units and were happy with their living situation; some might be waiting for a particular kind of unit or location and were not in urgent need. Ms. Benjamin added this development was very attractive due to the availability of lower income units, but she was seeing more people turning down opportunities to wait for the next opportunity which they might find more favorable.

Commissioner Bustos responded there was a sense of urgency with evictions and affordable housing for everyone who wanted to secure a place to live in San Francisco.

Chair Rosales inquired about how Ms. Benjamin knew what people were thinking, that is, whether they were waiting for the next opportunity or not.

Ms. Benjamin responded she had that sense through many conversations with people and follow-up with COP holders, who had stated they didn't want to live at that location or had decided to wait until the next opportunity. She clarified these conversations were completely anecdotal.

Chair Rosales suggested a survey to find out what had happened to those applicants who did not get the units, and then they could connect the interest with the outcome. She explained otherwise it seemed like the City was disappointing a large number of potential beneficiaries, who were not getting into the system, but perhaps they were not disappointing so many people after all and perhaps only two out of the 13 people had been disappointed. Ms. Rosales stressed the need to match the opportunities with the actual interest. She agreed with Commissioner Bustos the reason for the COP was because that person or family had been ousted from their home but now, in order to make good on the promise to be able to stay in the City, there was some magic formula that COP holders had to meet. Ms. Rosales stressed there should not be any restrictions on COP holders, especially those of color and those that wanted to live in a particular area. She felt the current housing guidelines were not fair.

Ms. Benjamin responded the lottery did not even matter in the COP program, because COP holders always had first preference. So if they wanted the unit and they qualified for it, they would get it.

Chair Rosales responded they should not have any qualifications for COP holders and be able to work around legal restrictions of state law.

Mr. White responded about negotiating with the State. He explained the tax credit program was federal and that 60% AMI was the limit the project had to qualify in order to take advantage of the tax credit program. He stated it would take an act of Congress to change that. Also, he explained there would be no way to know how many interested applicants there would be beforehand because the financing and tax credits are awarded much earlier than the event; and then project financing is developed around that structure. Mr. White added there are BMRs in the City's inclusionary program, which exceed 60% AMI and the COP holders would always be first in line for the BMR's at a higher AMI.

Chair Rosales reiterated this identified the need for a survey, because then you could connect the beneficiary with the desired outcome more directly than through the current system in place.

Ms. Benjamin agreed with the idea of a survey, especially since they had just reached out to a group of new people for the first time and needed to know what their housing desires and needs were. She indicated they would move forward to create the survey.

Chair Rosales asked for clarification that the new addresses were not duplicates and that these were 1,164 new households and also that a household could be one person.

Ms. Benjamin responded in the affirmative.

Commissioner Bustos referred to page 13 in regards to the 73 new certificates issued in 2014 and inquired about who these people were, because most of the certificates had been issued a long time ago.

Ms. Benjamin responded the new holders were children of the original families that had been displaced. Some families had many children and each child represents one new certificate, therefore there has been an increase in COPs.

Chair Rosales clarified this would result in a separate certificate for each child.

Ms. Benjamin responded in the affirmative, if a person could prove they were part of the household at the time of displacement with a birth certificate showing their parents' names, then each one would receive a Certificate of Preference.

Commissioner Bustos inquired about who defined who should get a COP; inquired about extending and expanding the COP program because people were being displaced every day in the City through evictions. He wanted to explore the possibility of long-term residents who were getting evicted and being able to get a COP. Mr. Bustos stated the City needed to do something bold to help these people. He suggested they meet with other City agencies to discuss this and referred to the Ellis Act. Mr. Bustos added that an act of Congress could be accomplished through a trailer bill or a budget and stated they had the ear of Nancy Pelosi who was well aware of the housing crisis in the City and had the resources and the good will to get this accomplished.

Ms. Benjamin responded the original document was taken from the SFRA, which defined how the program was structured, where the records were located and who the displaced persons were. Those names were contained in the microfiche which the City still had and the rules were set up in that document. She explained when the COP program was taken over by the City in 2008, they adopted the program as it had been set up by the SFRA and it had not been changed to date. Ms. Benjamin responded that people had to have lived in the building for ten years in order to qualify under the Ellis Act and five years if disabled. She added they were looking into the feasibility of a neighborhood preference in affordable housing which might address some of these issues.

Commissioner Mondejar thanked Ms. Benjamin for her presentation. She asked for clarification about who issued the AMI and when it was issued; inquired about when it was applied; inquired about the meaning of “over-income” and whether that meant over by a dollar or whether there was a range.

Ms. Benjamin responded that AMI was set by the Department of Housing and Urban Development (HUD). She explained they took into consideration regional statistical data and, therefore, would base the AMI on San Francisco alone, whose AMI is higher than neighboring communities. She clarified the AMI was issued annually. Ms. Benjamin responded the AMI was supposed to come out at the beginning of the year; however, for 2015, it was not issued until March. To the application question, Ms. Benjamin responded it depended on when the developer came in; if they came in before the new AMI was issued, they used the previous year’s AMI and if after the new AMI, they used the new one. She stated some developers have decided to withhold sale of the units while awaiting the new AMI to come out, which was their choice. If they thought the AMI would go up, they could meet their costs and serve a higher income. Ms. Benjamin responded “over-income” could mean over by one dollar and that there was no percentage range. She explained there was a line and if you were over the line, then you were disqualified.

Commissioner Mondejar pointed out that during the COP program presentation; they had only discussed HP and Western Addition. She inquired about the Yerba Buena South of Market area, when Moscone Center and the Yerba Buena Gardens (YBG) had been built. She stated there were many Filipino families that had been displaced.

Ms. Benjamin responded Yerba Buena South of Market was not part of the COP program.

Ms. Barber responded once the project area closed, the COP expired and added the Yerba Buena project area had closed. She explained this information was contained in the COP program manual and now the only current COP program areas were in Hunters Point and Western Addition because those were still active redevelopment areas.

Commissioner Mondejar inquired about whether Yerba Buena South of Market would be included if they decided to extend the COP program. She asked for clarification that this meant there were existing COP holders who were not able to take advantage of the certificate; inquired about when the Yerba Buena certificates had expired.

Ms. Benjamin responded in the negative because the Yerba Buena South of Market redevelopment area was no longer active. She responded those people were no longer COP holders because their COP’s had already expired and were no longer on the City’s current lists.

Ms. Barber responded she did not know when the Yerba Buena certificates had expired.

Commissioner Mondejar stated she was aware of Filipino families that had been issued COP’s and felt they should still be considered and deserved to receive additional help. She inquired whether these people were aware their certificates had expired; inquired about whether the City knew exactly how many total COP’s had been issued by the SFRA since day one. Ms. Mondejar believed there were over 4,000 families displaced by redevelopment. Ms. Mondejar inquired about the organization(s) that helped search for COP holders’ addresses.

Ms. Benjamin responded that 6,609 certificates in total had been issued, but those did not include Yerba Buena and South of Market, only Hunters Point and Western Addition. She responded they would find out about the Yerba Buena and South of Market numbers because that data should be available. Ms. Benjamin responded that in 2010 the SFRA had used different companies to find COP addresses but with



dissolution and the change of staff, much of that data was lost. However, the City had picked the project back up in 2012. She added the project was completed by Keane.

Commissioner Mondejar inquired about the survey or form being sent out and whether it was currently being implemented; inquired about when the marketing outreach would begin. Ms. Mondejar commented the workshops were an excellent idea especially during the housing crisis and would help potential tenants and owners become knowledgeable about the housing market and environment in San Francisco. Ms. Mondejar referred to Page 9 and inquired about what “Other SF” meant; inquired about whether the 18% referred to zip code 94121.

Ms. Benjamin responded they had sent a letter out to the 1,164 people stating they might qualify for a COP with an explanation of the program, indicating to them they should respond right away. She indicated they had not received anything back yet but expected to start receiving responses the following week. Ms. Benjamin responded that marketing outreach began right before construction. She responded that “Other SF” referred to San Francisco residents from other zip codes. To the last question, she responded in the negative, that the 18% was outside of San Francisco. Ms. Benjamin apologized for using two green colors in the chart.

Commissioner Singh inquired about what the email address was for housing information; inquired about whether people were actually getting housing as a result of this; inquired about children and grandchildren of COP holders.

Ms. Benjamin responded this was the email housing alert and that the email address was [www.SFMOHCD.org](http://www.SFMOHCD.org). She explained those interested people could sign up for rental opportunities or home ownership opportunities or both and there were a total of 17,000 people signed up to get those listings. Ms. Benjamin responded in the affirmative and added this was the most effective way to find out about housing opportunities. She responded if the children or grandchildren were living with their parents at the time of displacement, they would qualify for a COP.

Commissioner Bustos inquired about when the Western Addition development area would expire.

Ms. Benjamin responded the COP’s for the Western Addition would expire in January 2016.

Ms. Oerth clarified the Western Addition project area had already expired but the COP program allowed for a five-year extension after the project area had expired. She added they were at the end of the first extension and could do two more five-year extensions, so they would be extending the time period for another five years.

Commissioner Bustos stated OCII had considered and discussed holding housing workshops to invite people to learn how to prepare to become homeowners and stated they would love to partner with MOHCD on this project.

Ms. Benjamin responded in the affirmative and added they put on those kinds of workshops every month and added that all the City housing agencies held workshops and seminars on that type of information.

Chair Rosales referred to Ms. Benjamin’s comment about “negotiating with the developers” and was interested in understanding why they had to negotiate. She inquired about whether that included OCII developers.

Ms. Benjamin responded this had to do with rentals only and each developer or property agent had their own resident selection criteria which they had to submit to the City at the time they submitted the marketing plan. It was their criteria, which was reviewed by the City to make sure it met the needs of the

City populations. Ms. Benjamin gave as an example if it were stated within the criteria the income had to be three times income to rent ratio, her Office would suggest they bring that down to two times income to rent. Ms. Benjamin responded this did include OCII developers.

Chair Rosales stated she wanted to see more uniformity in this type of criteria, so developers knew what was expected of them before they started doing business with OCII.

Ms. Oerth added they had experienced certain themes within developer criteria that had led to negotiations with them and had been trying to formalize the qualifications around those types of criteria. She stated the ratio of income/rent issue had come up many times and had included this information in their loan agreement and created a standard for that preference. Ms. Oerth explained they could allow for some differences and nuances as long as key parameters, such as non-discrimination, were guaranteed and as long as they adhered to what was already included in OCII requirements.

Ms. Benjamin added that DALIA would help with this by standardizing applications and eliminating certain individual behavior preferences by the developers.

Chair Rosales inquired about the “neighborhood preference” and inquired whether it could be done city-wide.

Ms. Benjamin responded in the affirmative and added this was under legal review.

Chair Rosales inquired about whether the lottery was legally required. She inquired about why they do not just handle COP holders first before including anyone else, since COP holders had first preference for housing; inquired about why COP holders had to compete with others for the housing and why they did not just match them up.

Ms. Benjamin responded the lottery was not legally required, but it was stated in some of the development agreements that the housing would be distributed through a lottery system. She explained they let COP holders know the opportunity was there and at that point, the COP holder had to confirm their interest. When they indicated their desire for that particular housing site, they were immediately separated from the general population. Ms. Benjamin added COP holders had their own lottery within their own population. She explained they needed a lottery for the general population because they often had more units than COP applicants and the developers needed to be able to lease up the buildings in a timely manner. Ms. Benjamin stressed that COP holders were processed first and added that the developers did not hold the general lottery without having processed the COP holders already.

Chair Rosales pointed out that in Slide 7 for 1180 Fourth Street, there were 13 COP holders and 99 units and inquired whether that meant if all 13 had wanted housing, they would have gotten them first; inquired about whether there could there have been 90 applicants instead of 13 if DALIA had been up and running.

Ms. Benjamin responded in the affirmative to the first question. She responded in the affirmative to the second question.

Chair Rosales stated that early in her tenure as Commissioner, they had received an annual report on housing, which included some demographics. She inquired about what the percentage of the target population was, or rather who were the people who could fit into the beneficiary class, but who were not reflected in the numbers applying and inquired about why that was; inquired about who the target populations were as compared to the populations demographically by ethnic background who had applied for affordable housing.

Ms. Benjamin responded that she had reviewed census data for low income people in San Francisco and had looked at how many there were and at the percentage of different ethnic groups and age groups that were applying for affordable housing and the numbers did not match. She explained that this was where they came up with the target populations and who to outreach directly to, so that these people were aware of the housing opportunities.

Chair Rosales suggested that for the Latino population they use the Spanish radio and TV because many Latinos listened to radio.

Commissioner Bustos suggested they use the church for outreach as well.

Commissioner Mondejar inquired about over-income and about what governed the over-income rule. She understood that every development had different funding agreements, but inquired about who interpreted the “over-income” statement; inquired about whether this would be based on the AMI for that year; inquired when, in what year, the YBG project area was completed; inquired about when DALIA would be initiated.

Ms. Benjamin responded that federal, state and private funding sources determined what the maximum income group would be that could be served with their money and that this was stipulated in every agreement. She explained that this was not negotiable and that most of the loan agreements indicated not only the maximum income percentage, but also how to calculate that percentage. She added that some agreements had wording such as “no more than”. To the AMI question, Ms. Benjamin responded in the affirmative, and added that this could be beneficial because very often salaries did not go up at the rate that the AMI increased. She added that the AMI had increased 5% last year, but many salary raises did not. To the YBG question, Ms. Benjamin responded that she did not have enough information on YBG to answer any questions about it. Regarding DALIA, she responded that they would be starting with the home ownership units this month, which was one small project. She explained that the City owned 3 units formerly owned by the SFRA and had been unable to resell them until now and they would start with those units, using the ownership leg of DALIA. She added that this would be considered a test and that DALIA may still need some tweaking.

Chair Rosales thanked everyone for their contribution to this presentation.

- e) Adopting procedures for filing of appeals of the certification of an environmental impact report for Environmental Leadership Development Projects under the California Environmental Quality Act (Discussion & Action) (Resolution No. 33-2015)

Presenters: Tiffany Bohee, Executive Director; Jim Morales, Interim General Counsel and Deputy Director

## **PUBLIC COMMENT**

Speakers: Oscar James, resident of BVHP

Mr. James stated that he was in support of this item because communities needed these types of procedures to protect themselves in the event that they had any suspicions or problems with the environmental situation of a neighborhood project and that this allowed the community to have some input. He asked OCII to pass this item.

Commissioner Mondejar wanted clarification that only those who had submitted a complaint or commented on the problem would be able to appeal.

Mr. Morales responded in the affirmative and added that an important underlying principal of CEQA and environmental litigation was that someone who wanted to challenge or litigate an EIR must exhaust their administrative remedies. He explained they must give the decision-maker, or the body reviewing the environmental information, the opportunity to hear the complaint about the environmental documentation as well as the opportunity to fix it and if the decision maker, which in this case was OCII, was not provided with that opportunity, an appeal could not be filed and thus the sufficiency of that EIR could not be challenged. Mr. Morales explained that this was designed to allow the decision maker time to correct any problems that might exist with the underlying analysis.

Chair Rosales commented that it was good public policy and good government for these kinds of fast track projects that people who wanted to challenge OCII actions on the approval or certification of an EIR could go to the Board of Supervisors before pursuing a litigation path. Ms. Rosales pointed out one typographical error in step 12 and requested that the word “any” in the second line from the bottom, referring to organizations, be removed.

Mr. Morales stated that they would make that change.

Commissioner Bustos motioned to move Item 5e and Commissioner Singh seconded that motion.

Secretary Guerra called for a voice vote on Item 5e.

Commissioner Bustos – yes  
Commissioner Mondejar – yes  
Commissioner Singh – yes  
Chair Rosales – yes

**ADOPTION:** IT WAS VOTED BY FOUR COMMISSIONERS THAT RESOLUTION NO. 33-2015, ADOPTING PROCEDURES FOR FILING OF APPEALS OF THE CERTIFICATION OF AN ENVIRONMENTAL IMPACT REPORT FOR ENVIRONMENTAL LEADERSHIP DEVELOPMENT PROJECTS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, BE ADOPTED.

**6. Public Comment on Non-agenda Items - None**

**7. Report of the Chair**

Chair Rosales announced that she did not have a report.

**8. Report of the Executive Director**

Executive Director Bohee announced that OCII’s adopted budget would come before the Board of Supervisors’ Budget and Finance Committee on June 15<sup>th</sup> and that they had received notice from the Board’s budget analyst indicated that they would file a report with some recommendations. Ms. Bohee added that, if necessary, the Board would hear the budget again on June 22. She was sure this robust budget, which included funds for accelerated housing, community development and job creation programs, would pass without any problems.

Executive Director Bohee announced that the Governor’s Budget Trailer Bill had included some redevelopment cleanup items, including authorization for San Francisco and OCII, as successor

agency, to have specific bond financing authority for remaining affordable housing obligations. She explained that OCII would be able to use the tax increment coming in from OCII's redevelopment project areas. Bonding would allow OCII to accelerate its housing obligations instead of waiting over a 10, 20 or even 30-year period for the tax increment on a "pay-go" basis and this bond authorization would also apply to Transbay parks and open space obligations. Ms. Bohee stated that this would entail \$500,000,000 in funding from bonding for the approximately 3,000 affordable housing unit obligation within the major approved projects and approximately \$60 million for Transbay parks and infrastructure. Ms. Bohee added that they also had state authorized solutions, either through the Trailer Bill or SB 441, sponsored by Senator Leno, which accomplished the same purpose, so they had two paths to rely on to accomplish these goals. Ms. Bohee explained that this would provide for the six new affordable housing RFP's that relied on the contingent bond financing through one of the state sources in the next year. She added that these were not new obligations, but the State solutions would allow acceleration of the remaining ones.

**PUBLIC COMMENT** – None

**9. Commissioners' Questions and Matters**

Commissioner Bustos referred to Mr. Norman's request about having a discussion with developers regarding subcontractors getting paid on time and he wanted to make sure this would take place.

Executive Director Bohee responded that they were looking into this and were putting together a small group to address this issue.

Commissioner Mondejar referred to Mr. James' comment regarding Shoreview Park repairs; inquired about an update on the search for interns to work on community development and open space programs.

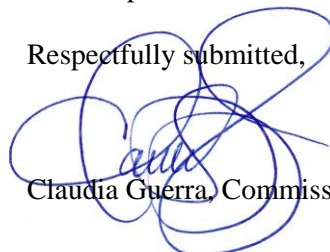
Executive Director Bohee responded that staff had spoken with Mr. James right after his comment. She clarified that the Twin III Building Maintenance contractor was the same contractor that Mr. James had recommended. Ms. Bohee explained that the City had agreed to take that property and OCII had proposed to transfer \$1.3 million to the City to provide for repairs to the park. Prior to dissolution, there was a community process and a plan, but now it was OCII's intent to not only transfer the park to the City but also transfer the money to provide the repairs. Ms. Bohee responded that the Mayor's Office had an ongoing intern program and OCII expected to get some help from that program and also that the Commission Secretary was working on gathering that information as well. Ms. Bohee stated that they hoped to make progress on that issue soon.

**10. Closed Session - None**

**11. Adjournment**

The meeting was adjourned by Chair Rosales at 4:10 p.m.

Respectfully submitted,



Claudia Guerra, Commission Secretary