

1 [Administrative, Planning Codes - Streamlined Contracting for Homeless Services and Siting
2 for Homeless Shelters]

3 **Ordinance amending the Administrative Code and Planning Code to streamline**
4 **contracting for homeless shelters, and siting of homeless shelters by, among other**
5 **things, authorizing the Department of Homelessness and Supportive Housing (HSH) to**
6 **enter into and amend contracts without requiring competitive bidding for professional**
7 **and other services relating to sites and programs for people experiencing**
8 **homelessness (Projects Addressing Homelessness); authorizing the Department of**
9 **Public Works to enter into and amend contracts without adhering to the Environment**
10 **Code or to provisions relating to competitive bidding, equal benefits, local business**
11 **enterprise utilization, and other requirements, for construction work and professional**
12 **and other services relating to Projects Addressing Homelessness; permitting**
13 **Homeless Shelters in PDR (Production Distribution Repair) and SALI**
14 **(Service/Arts/Light Industrial) districts; authorizing HSH to operate Navigation Centers**
15 **for more than two years; and affirming the Planning Department's determination under**
16 **the California Environmental Quality Act, and making findings of consistency with the**
17 **General Plan, and the eight priority policies of Planning Code, Section 101.1.**

18 **NOTE:** **Unchanged Code text and uncodified text** are in plain Arial font.
19 **Additions to Codes** are in *single-underline italics Times New Roman font*.
20 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
21 **Board amendment additions** are in double-underlined Arial font.
22 **Board amendment deletions** are in ~~strikethrough Arial font~~.
23 **Asterisks (* * * *)** indicate the omission of unchanged Code
24 subsections or parts of tables.
25

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

2
3 Section 1. Findings.

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. In 2016, through the
9 enactment of Ordinance No. 57-16, the Board of Supervisors declared the existence of a
10 shelter crisis in San Francisco, based on findings that in January 2015, there were 6,686
11 individuals in San Francisco who were homeless. Since that time, the shelter crisis has
12 grown. According to the January 2017 Point in Time Homeless Count administered by the
13 Department of Homelessness and Supportive Housing (HSH), there were approximately
14 7,499 people experiencing homelessness in San Francisco on a single night. Of those
15 persons, 58% were unsheltered, 21% were under the age of 25 years, and 32% were over the
16 age of 51 years with attendant deteriorating physical and mental health.

17 (b) On October 2, 2018, Mayor London Breed declared her intent that the City add
18 1,000 new shelter beds for people experiencing homelessness, with half of the new beds
19 becoming available by the summer of 2019, and the remainder becoming available by 2020.
20 The beds will become available as a result of establishing new Navigation Centers, expanding
21 existing Navigation Centers, and opening a new type of shelter called a SAFE Center, a name
22 that stands for Shelter Access for Everyone.

23 (c) In early 2018, the Board of Supervisors enacted Ordinance No. 29-18, which
24 waived competitive bidding requirements for contracts and leases relating to a number of
25 identified Shelter Crisis Sites, as well as the City's existing Navigation Centers and homeless

1 shelters. That ordinance allowed HSH to expedite the award of contracts and grants for
2 construction and services relating to homeless individuals, and to open three Navigation
3 Centers with 340 beds and a permanent supportive housing site with 51 units. However, the
4 expedited contracting and leasing authority that was granted by Ordinance No. 29-18 will
5 expire on March 1, 2019. It is in the public interest to extend this authority so long as the City
6 is experiencing a shelter crisis.

7 (d) In 2016, the Board of Supervisors enacted Ordinance No. 117-16, requiring the
8 City to open and operate six Navigation Centers to address street homelessness and connect
9 homeless people to health and mental health services, housing, and other benefits. The City
10 has complied with that mandate, and plans to expand upon this successful model of shelter
11 and service delivery. Ordinance No. 117-16 provided that once a Navigation Center opened,
12 it could operate for no more than two years without approval of extension of the time limit by
13 resolution of the Board of Supervisors. In light of the success of Navigation Centers, the
14 capital investments that are required to open a center, and the fact that Navigation Centers
15 have not been found to have had adverse impacts on the neighborhoods in which they have
16 been located, the Board of Supervisors has, in Resolution No. 180522, approved the
17 extension of two Navigation Centers beyond the two-year limit. For the same reasons, it is in
18 the public interest to permit Navigation Centers generally to operate longer than two years
19 without re-authorization. The City plans to expand upon the successful model of shelter and
20 service delivery with greater geographic diversity across a majority of supervisorial districts.

21 (e) For all HSH-funded projects that involve new construction, a change in use, or an
22 expansion of an existing use at a specific location, HSH complies with the requirements of
23 Administrative Code Chapter 79 (Citizens' Right-to-Know Act of 1998) and Chapter 79A by
24 providing community notice that it is considering approval of such a project, and by
25 establishing a process by which members of the public may obtain additional information

1 about the project, and submit comments. Before opening a new facility, HSH staff collaborate
2 with the member of the Board of Supervisors who represents the district in which the facility
3 will be located, to conduct a thorough community outreach process that includes, at a
4 minimum, written notice to neighbors located within 300 feet of the facility, information about
5 how neighbors may provide input into the proposed programming at the facility, and the
6 hosting of a community meeting. After opening a facility, HSH takes steps to ensure that its
7 immediate surroundings are kept clean and secure.

8 (f) The Planning Department has determined that the actions contemplated in this
9 ordinance comply with the California Environmental Quality Act (California Public Resources
10 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of
11 Supervisors in File No. 190047 and is incorporated herein by reference. The Board affirms
12 this determination.

13 (g) The Planning Department has determined that the actions contemplated in this
14 ordinance are consistent, on balance, with the City's General Plan and eight priority policies of
15 Planning Code Section 101.1. The Board adopts these findings as its own. A copy of this
16 determination is on file with the Clerk of the Board of Supervisors in File No. 190047, and is
17 incorporated herein by reference.

18
19 Section 2. The Administrative Code is hereby amended by adding Chapter 21B,
20 consisting of Sections 21B.1, 21B.2, 21B.3, and 21B.4, to read as follows:

21
22 **CHAPTER 21B: COMMODITIES AND SERVICES RELATING TO PROJECTS**

23 **ADDRESSING HOMELESSNESS.**

24
25 **SECTION 21B.1. PURPOSE AND GOALS.**

1 In recognition of the fact that a significant number of persons within San Francisco lack the
2 ability to obtain shelter, resulting in a threat to the health and safety of those persons, and that such
3 threat constitutes a shelter crisis, the intent of this Chapter 21B is to expedite the procurement of
4 professional and other services relating to Projects Addressing Homelessness. For purposes of this
5 Chapter 21B, "Projects Addressing Homelessness" means projects designed to prevent homelessness
6 through the provision of housing subsidies or other services, and projects designed to provide shelter,
7 housing, food, and/or social services to people experiencing homelessness.

8
9 **SECTION 21B.2. WAIVER OF COMPETITIVE BIDDING REQUIREMENTS.**

10 Notwithstanding Section 21.1 of the Administrative Code or any other provision of the
11 Municipal Code, the Department of Public Works and the Department of Homelessness and Supportive
12 Housing may enter into and/or amend contracts, including grants, for professional and other services
13 or commodities relating to Projects Addressing Homelessness without adhering to the requirements of
14 Section 21.1 or any other competitive procurement requirements. The power to amend such contracts
15 and grants extends to contracts and grants entered into prior to the effective date of the ordinance in
16 Board File No. 190047 enacting this Chapter 21B.

17
18 **SECTION 21B.3. REPORTING.**

19 Within one year of the effective date of this Chapter 21B, and every year thereafter, the
20 Department of Homelessness and Supportive Housing and the Department of Public Works shall
21 submit to the Board of Supervisors a report that includes the following information for each contract or
22 grant that the department executed during the prior year without adhering to the requirements of
23 Section 21.1, pursuant to the authority in this Section 21B.3: the name of the contractor or grantee; the
24 services to be provided under the contract or grant; the amount of funds conveyed; the duration of the
25 contract or grant; and any measurable outcomes of the contract or grant.

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2 **SECTION 21B.4. SUNSET PROVISION.**

3 *This Chapter 21B shall expire by operation of law five years from its effective date, or on the*
4 *effective date of an ordinance making the finding that according to the most recent Point in Time*
5 *Homeless Count, there are fewer than 5,250 homeless persons in San Francisco, whichever date is*
6 *earlier. Upon expiration of this Chapter 21B, the City Attorney shall cause this Chapter to be removed*
7 *from the Administrative Code.*

8
9 Section 3. Article IV of Chapter 6 of the Administrative Code is hereby amended by
10 adding Section 6.76, to read as follows.

11
12 **SECTION 6.76. PUBLIC WORKS ADDRESSING HOMELESSNESS.**

13 *(a) The Department of Public Works is authorized to enter into and/or amend any contract for*
14 *any Public Work or Improvement, as defined in Administrative Code Section 6.1, including any*
15 *professional services for a Public Work or Improvement, without adherence to the requirements of this*
16 *Chapter 6, Administrative Code Chapters 12B and 14B, and the Environment Code; provided,*
17 *however, that the Public Work or Improvement is for the construction, repair, or improvement of one or*
18 *more sites that will be used for the primary purpose of providing housing, shelter, or services to people*
19 *experiencing homelessness. The power to amend such contracts extends to contracts entered into prior*
20 *to the effective date of the ordinance in Board File No. 190047 enacting this Chapter 21B.*

21 *(b) This Section 6.76 shall expire by operation of law five years from its effective date, or on*
22 *the effective date of an ordinance making the finding that according to the most recent Point in Time*
23 *Homeless Count, there are fewer than 5,250 homeless persons in San Francisco, whichever date is*
24 *earlier. Upon expiration of this Section 6.76, the City Attorney shall cause this Section to be removed*
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6 earlier. Upon expiration of this Chapter 21B, the City Attorney shall cause this Chapter to be removed
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15 professional services for a Public Work or Improvement, without adherence to the requirements of this
16 Chapter 6, Administrative Code Chapters 12B and 14B, and the Environment Code; provided,
17 however, that the Public Work or Improvement is for the construction, repair, or improvement of one or
18 more sites that will be used for the primary purpose of providing housing, shelter, or services to people
19 experiencing homelessness. The power to amend such contracts extends to contracts entered into prior
20 to the effective date of the ordinance in Board File No. 190047 enacting this Chapter 21B.

21 (b) This Section 6.76 shall expire by operation of law five years from its effective date, or on
22 the effective date of an ordinance making the finding that according to the most recent Point in Time
23 Homeless Count, there are fewer than 5,250 homeless persons in San Francisco, whichever date is
24 earlier. Upon expiration of this Section 6.76, the City Attorney shall cause this Section to be removed
25 from the Administrative Code.

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2 Section 4. Chapter 106 of the Administrative Code is hereby amended by revising
3 Sections 106.1 and 106.3, to read as follows:

4
5 **SEC. 106.1. NAVIGATION CENTERS REQUIRED.**

6 As specified further in this Chapter 106, the City ~~may open and operate~~*shall open and*
7 ~~operate no fewer than six~~ Navigation Centers to address street homelessness and connect
8 homeless people to health and mental health services, housing, benefits, and other services.
9 For purposes of this Chapter, "Navigation Center" means a temporary, low-barrier-to-entry
10 shelter that, through case management and social service programs, aids in moving homeless
11 people off the streets and into permanent housing or transitional or stable supportive housing
12 that eventually leads to permanent housing.

13
14 **SEC. 106.3. PROGRAM IMPLEMENTATION.**

15 * * * *

16 ~~(b) Navigation Centers shall be temporary facilities, and once opened shall operate on a~~
17 ~~specific site for no fewer than six months and no more than two years without approval of adjustment~~
18 ~~or extension of the time limit by resolution of the Board of Supervisors.~~

19 (b) The City may enter into grant agreements with nonprofit organizations to provide services
20 relating to Navigation Centers.

21 * * * *

22
23 Section 5. Article 2 of the Planning Code is hereby amended by modifying Section
24 210.3 as follows:

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2 **SEC. 210.3. PDR DISTRICTS.**

3 * * * *

4 (19) During a declared shelter crisis, Homeless Shelters that satisfy the provisions of
5 California Government Code Section 8698.4(a)(1) shall be P, principally permitted and may be
6 permanent. Otherwise, ~~In this District,~~ Homeless Shelter uses are permitted only with
7 Conditional Use authorization and only if each such use (a) would operate for no more than
8 four years, and (b) would be owned or leased by, operated by, and/or under the management
9 or day-to-day control of the City and County of San Francisco. If such a use is to be located
10 within a building or structure, the building or structure must be either (a) preexisting, having
11 been completed and previously occupied by a use other than a Homeless Shelter, or (b)
12 temporary. Other than qualifying Homeless Shelters constructed during a declared shelter crisis, ~~In~~
13 this District, construction of a permanent structure or building to be used as a Homeless
14 Shelter is not permitted.

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16 Section 6. Article 8 of the Planning Code is hereby amended by modifying Section 846
17 as follows:

18 **SEC. 846. SALI – SERVICE/ARTS/LIGHT INDUSTRIAL DISTRICT.**

19 * * * *

20

SPECIFIC PROVISIONS FOR SALI DISTRICTS		
Article Code Section	Other Code Section	Zoning Controls
§ 846.23b § 890.88(d)	§ 102	<u>During a declared shelter crisis, Homeless Shelters that satisfy the provisions of California Government Code Section 8698.4(a)(1) shall be P, principally permitted and may be permanent.</u>

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		<p>Otherwise In this District, Homeless Shelter uses are permitted only with Conditional Use authorization and only if each such use (a) would operate for no more than four years, and (b) would be owned or leased by, operated by, and/or under the management or day-to-day control of the City and County of San Francisco. If such a use is to be located within a building or structure, the building or structure must be either (a) preexisting, having been completed and previously occupied by a use other than a Homeless Shelter, or (b) temporary. <u>Other than qualifying Homeless Shelters constructed during a declared shelter crisis.</u> In this District, construction of a permanent structure or building to be used as a Homeless Shelter is not permitted.</p>
* * * *	* * * *	* * * *

Section 7. Effective Date; Retroactive Operation; Ratification of Prior Acts.

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

(b) Sections 2 and 3 of this ordinance (Chapter 21B and Section 6.76 of the Administrative Code, respectively) shall be retroactive to March 1, 2019.

(c) The Board of Supervisors hereby ratifies and confirms all actions taken by City officials or City agencies in accordance with the provisions of Chapter 21B and Section 6.76 of the Administrative Code, respectively, from March 1, 2019, to the effective date of this ordinance.

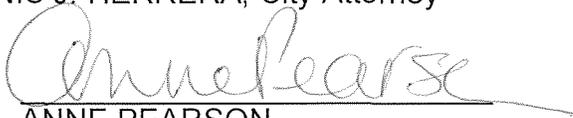
Section 8. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors intends to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal

1 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
2 additions, and Board amendment deletions in accordance with the "Note" that appears under
3 the official title of the ordinance.

4
5 Section 9. Undertaking for the General Welfare. In enacting and implementing this
6 ordinance, the City is assuming an undertaking only to promote the general welfare. It is not
7 assuming, nor is it imposing on its officers and employees, an obligation for breach of which it
8 is liable in money damages to any person who claims that such breach proximately caused
9 injury.

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

13 By:



14 ANNE PEARSON
15 Deputy City Attorney

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City and County of San Francisco

Tails Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 190047

Date Passed: April 02, 2019

Ordinance amending the Administrative Code and Planning Code to streamline contracting for homeless shelters, and siting of homeless shelters by, among other things, authorizing the Department of Homelessness and Supportive Housing (HSH) to enter into and amend contracts without requiring competitive bidding for professional and other services relating to sites and programs for people experiencing homelessness (Projects Addressing Homelessness); authorizing Public Works to enter into and amend contracts without adhering to the Environment Code or to provisions relating to competitive bidding, equal benefits, local business enterprise utilization, and other requirements, for construction work and professional and other services relating to Projects Addressing Homelessness; permitting Homeless Shelters in PDR (Production Distribution Repair) and SALI (Service/Arts/Light Industrial) Districts; authorizing HSH to operate Navigation Centers for more than two years; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

March 11, 2019 Land Use and Transportation Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

March 11, 2019 Land Use and Transportation Committee - RECOMMENDED AS AMENDED

March 19, 2019 Board of Supervisors - PASSED ON FIRST READING

Ayes: 11 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Walton and Yee

April 02, 2019 Board of Supervisors - FINALLY PASSED

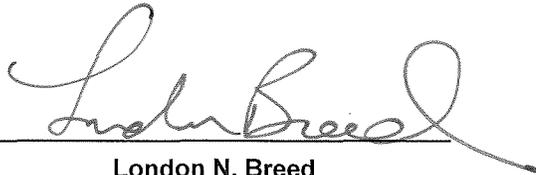
Ayes: 11 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Walton and Yee

File No. 190047

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 4/2/2019 by the Board of Supervisors of the City and County of San Francisco.



Angela Calvillo
Clerk of the Board



London N. Breed
Mayor



Date Approved