

London N. Breed  
MAYOR



Miguel Bustos  
CHAIR

Mara Rosales  
VICE-CHAIR

Bivett Brackett  
Dr. Carolyn Ransom-Scott  
COMMISSIONERS

Sally Oerth  
INTERIM EXECUTIVE DIRECTOR

**MINUTES OF A REGULAR MEETING OF THE  
COMMISSION ON COMMUNITY INVESTMENT AND INFRASTRUCTURE  
OF THE CITY AND COUNTY OF SAN FRANCISCO HELD ON THE  
15th DAY OF DECEMBER 2020**

The members of the Commission on Community Investment and Infrastructure of the City and County of San Francisco met in a regular meeting via teleconference at 1:00 p.m. on the 15th day of December 2020. The public was invited to watch the meeting live on SFGOVTV: <https://sfgovtv.org/ccii>

**PUBLIC COMMENT CALL-IN:** 1-415-655-0001 **ACCESS CODE:** 146 996 6099

In accordance with Governor Gavin Newsom's statewide order for all residents to "Stay at Home" - and the numerous preceding local and state proclamations, orders and supplemental directions - aggressive directives were issued to slow down and reduce the spread of the COVID-19 virus. Individuals were encouraged to participate in the meetings remotely by calling in during the public comment section of the meeting.

**REGULAR MEETING AGENDA**

**1. Recognition of a Quorum**

Meeting was called to order at 1:01 p.m. by Chair Bustos. Roll call was taken.

Commissioner Brackett - present  
Commissioner Scott - present  
Vice-Chair Rosales - present  
Chair Bustos - present

All Commissioners were present.

**2. Announcements**

- a) The next regularly scheduled Commission meeting will be held remotely on Tuesday, January 5, 2021 at 1:00 pm.
- b) Announcement of Time Allotment for Public Comments from participants dialing in: Please be advised a member of the public has up to three minutes to make pertinent public comments on each agenda item unless the Commission adopts a shorter period on any item. Please note that during the public comment period, all dial-in participants from the public will be instructed to call a toll-free number and use their touch-tone phones to register any desire for public comment. Comments will be taken in the order that it was received. Audio prompts will signal to dial-in participants when their audio input has been enabled for commenting.

Secretary Cruz read instructions for the public to call in.

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

**4. Matters of Unfinished Business**

- a) Approving the second of two, five-year extensions of Residential A and C Certificates as authorized under the Property Owner and Occupant Preference Program (Certificate of Preference Program) (Discussion and Action) (A substitute resolution will be recommended under the Regular Agenda.)

**5. Matters of New Business:**

**CONSENT AGENDA**

- a) Approval of minutes of regular meeting of November 17, 2020

**PUBLIC COMMENT - None**

Commissioner Scott motioned to move Item 5(a) and Vice-Chair Rosales seconded that motion.

Secretary Cruz called for a voice vote on Item 5(a).

Commissioner Brackett – yes

Commissioner Scott - yes

Vice-Chair Rosales - yes

Chair Bustos – yes

**ADOPTION:** IT WAS VOTED BY FOUR COMMISSIONERS THAT APPROVAL OF MINUTES OF THE REGULAR MEETING OF NOVEMBER 17, 2020, BE ADOPTED.

**REGULAR AGENDA**

Agenda items 5(b) and 5(c) related to the Certificate of Preference (COP) Program were presented together but acted on separately

- b) Amending the Property Owner and Occupant Preference Program (Certificate of Preference Program) to extend the duration of Residential Certificates until the Successor Agency completes its affordable housing obligations (Discussion and Action) (Resolution 40-2020)

Presenters: Sally Oerth, Interim Executive Director; Pamela Sims, Senior Development Specialist, Housing Division

**PUBLIC COMMENT**

Speakers: Oscar James, Bayview Hunters Point resident; Ed Donaldson; Richard Hashimoto; Lauren Berentini, Bay Area Legal Aid

Mr. James was in support of the extension of the COP program and urged Commissioners to support this. He commented that many people in possession of certificates were not aware of the program and so more time was needed to reach out to all the holders.

Mr. Donaldson thanked OCII for all the work put into the COP Program. He expressed concern regarding the language of the resolution, specifically completion of the project areas versus the completion of the affordable housing obligation, which, he pointed out, were two different things. Mr. Donaldson clarified that if they were considering the project areas, then they were also looking at the market rate opportunities as well as the business certificate opportunities.

Mr. Hashimoto referred to an article in the previous Sunday's Examiner about the COP program and pointed out that it did not mention anything about the Japanese American community or Japantown, which, during urban renewal, was decimated even further than it was after WWII with the incarceration of Japanese Americans. He reported that before the war, Japantown consisted of 36 blocks and then was reduced to 24 blocks after the war. After redevelopment, it was reduced to six blocks. He explained that the Redevelopment agency had promised the Japanese American community that they could redeem the COP's for reduced market housing; however, it took the agency 20+ years to build anything in Japantown and when they did, the housing was too small for the families there. Mr. Hashimoto commended Commissioner Brackett for coming up with the idea of indefinite extension. He was also in support of being able to hand down the certificates to children and grandchildren. He explained that, after 20 years, when Redevelopment finally did build something, it was too late, because Japanese Americans had already purchased their own homes. Mr. Hashimoto stated that it made sense to offer an indefinite extension or even better, a permanent extension, to eliminate any limit on the program.

Ms. Berentini stated that the Legal Aid housing law practice focused on enforcing low-income tenant rights to be able to stay in their homes and community. She explained that the fair housing law and race equity issues were priorities of their anti-displacement work. Accordingly, Legal Aid supported these items. She reiterated that federally funded urban renewal programs caused irreparable harm to families of color in San Francisco by forcing displacement and that extending the COP program and considering expansion of eligibility would be a start to make amends to the communities of color who were removed from their homes and neighborhoods. Ms. Berentini stated that they appreciated OCII's commitment to honor the promises the City made to these families with this program.

Commissioner Scott thanked Ms. Sims for her presentation and expressed gratitude to Commissioner Brackett for bringing them to this point. She thanked the public for their comments regarding this program as well as the inclusion of Japantown. Ms. Scott was in support of this extension.

Vice-Chair Rosales supported this revision and the substitute resolution because it gave OCII not just a direction forward but a pass forward with the committee to be formed, which she stated should be formed as quickly as possible to be able to move forward with an action plan for COP holders. Ms. Rosales commended Commissioner Brackett and staff for their work on this project.

Commissioner Brackett thanked fellow Commissioners for their support of this program as well as for the hard work staff had put into it. She stated that this demonstrated how OCII was always putting the community first. Ms. Brackett referred to Mr. Hashimoto's comments and inquired about how COP's were issued to people in Japantown; inquired about the language issue brought up by another caller regarding the business and market rate housing, which was not included; inquired about how they should move forward with the resolution, which referred to the project area, but were market rate now and not affordable housing.

Ms. Oerth responded that COP program referenced the Hunters Point and the Western Addition project areas and that the certificates issued to residents at that time who were located in the Western Addition redevelopment project area included Japantown. She stated that they would have to get back to Commissioners with the specific details. She responded that the matter before Commissioners was to extend the residential certificates eligible for below market rate units in all

OCII projects until all OCII affordable housing obligations were completed. The other issues were not addressed here and would have to be discussed in the future.

Commissioner Brackett clarified that those issues would be added to the working group items that would be discussed later.

Chair Bustos thanked the public and the community for their input into this program. He thanked Commissioner Brackett for moving this forward to the next level, for doing the right thing, and thanked fellow Commissioners and staff for working so hard on this issue. Mr. Bustos expressed pride in the fact that staff and the community had worked together to undo the wrong and to correct the errors.

Commissioner Brackett motioned to move Item 5(b) and Commissioner Scott seconded that motion.

Secretary Cruz called for a voice vote on Item 5(b).

Commissioner Brackett – yes  
Commissioner Scott - yes  
Vice-Chair Rosales - yes  
Chair Bustos – yes

**ADOPTION:** IT WAS VOTED BY FOUR COMMISSIONERS THAT RESOLUTION NO. 40-2020, AMENDING THE PROPERTY OWNER AND OCCUPANT PREFERENCE PROGRAM (CERTIFICATE OF PREFERENCE PROGRAM) TO EXTEND THE DURATION OF RESIDENTIAL CERTIFICATES UNTIL THE SUCCESSOR AGENCY COMPLETES ITS AFFORDABLE HOUSING OBLIGATIONS, BE ADOPTED.

- c) Authorizing the Commission President to appoint a committee consisting of no more than two commission members and additional public members to review and recommend changes to the Certificate of Preference Program (Discussion and Action) (Resolution 41-2020)

Commissioner Brackett motioned to move Item 5(c) and Commissioner Scott seconded that motion.

Commissioner Brackett stated that she would like to extend to the community the opportunity to be part of the working group and that if anyone was interested, they could submit a letter of intent and interest to OCII to join the working group.

Secretary Cruz called for a voice vote on Item 5(c).

Commissioner Brackett – yes  
Commissioner Scott - yes  
Vice-Chair Rosales - yes  
Chair Bustos – yes

**ADOPTION:** IT WAS VOTED BY FOUR COMMISSIONERS THAT RESOLUTION NO. 41-2020, AUTHORIZING THE COMMISSION PRESIDENT TO APPOINT A COMMITTEE CONSISTING OF NO MORE THAN TWO COMMISSION MEMBERS AND ADDITIONAL PUBLIC MEMBERS TO REVIEW AND RECOMMEND CHANGES TO THE CERTIFICATE OF PREFERENCE PROGRAM, BE ADOPTED.

- d) Authorizing a Second Amendment to the Option Agreement with F4 Transbay Partners LLC, a Delaware Limited Liability Company, for the purchase of Transbay Block 4; Transbay Redevelopment Project Area (Discussion and Action) (Resolution No. 42-2020)

Presenters: Sally Oerth, Interim Executive Director; Paige Peltzer, Development Specialist, Real Estate and Development Services

**PUBLIC COMMENT** – None

Commissioner Scott thanked Ms. Peltzer for her presentation.

Commissioner Brackett referred to the 3-month timeline with an additional 3-month extension and inquired about whether about they might need more than 6 months given the current level of the pandemic because they wanted to give staff sufficient time to make the best negotiations. If they needed more time, Ms. Brackett inquired about how that would impact the appraisal period.

Ms. Oerth responded that they were hopeful they would be able to conclude all negotiations within the proposed timeframe. She explained that the previous extension had come about as a force majeure due to COVID 19 and because they were all trying to figure out how to work remotely. However, now that has been accomplished and they would be focused on finalizing these deal terms within the proposed timeframe.

Vice-Chair Rosales motioned to move Item 5(d) and Commissioner Brackett seconded that motion.

Secretary Cruz called for a voice vote on Item 5(d).

Commissioner Brackett – yes  
Commissioner Scott - yes  
Vice-Chair Rosales - yes  
Chair Bustos – yes

**ADOPTION:** IT WAS VOTED BY FOUR COMMISSIONERS THAT RESOLUTION NO. 42-2020, AUTHORIZING A SECOND AMENDMENT TO THE OPTION AGREEMENT WITH F4 TRANSBAY PARTNERS LLC, A DELAWARE LIMITED LIABILITY COMPANY, FOR THE PURCHASE OF TRANSBAY BLOCK 4; TRANSBAY REDEVELOPMENT PROJECT AREA, BE ADOPTED.

- e) Workshop on the OCII Racial Equity Action Plan: Initial Update on Status of Implementation (Discussion)

Presenters: Sally Oerth, Interim Executive Director; Monica Davis Stean, Human Resources and Administrative Services Manager

**PUBLIC COMMENT**

Speaker: [Unidentified]

[Unidentified] stated that he was an African-American male and he expressed concern regarding problems with racial equity classes implemented by different departments. He explained that it was difficult to get people to speak up during the classes and if someone did speak, they were told to stop and allow someone else to speak. However, he reported that these were mixed race classes and no one else would speak up. The person facilitating obviously was uncomfortable with black folks asking questions but shouldn't tell the speaker to stop talking to allow someone else to speak when no one else was speaking.

Commissioner Scott commended Ms. Davis Stean for her presentation and also the caller for coming forth with problems. She was grateful to hear from someone who understood fully what it was like to be in difficult situations in the workplace. She thanked Ms. Davis Stean for being so clear about the steps needed to implement this plan and the reasons for doing so.

Commissioner Brackett thanked Ms. Davis Stean for her presentation and for tying in racial equity with the life cycle of employees. She explained that sometimes this discussion would become about hiring, but here they were not speaking about internal promotion or disciplinary activities. Ms. Brackett appreciated bringing forth the idea of implicit bias in how they gauge and quantify to be able to identify how bias worked in organizational capacities. She referred to the City's program and the number of complaints over the years by people of color regarding the filtering process in order to be considered as a candidate and how that had been adversely impacting people of color and people of marginalized backgrounds as well. Ms. Brackett inquired about any updates on that issue. She referred to boards and commissions and representation, such as one person occupying seats on several different boards and inquired about how they could address equity and change in how those seats got filled in the future. Ms. Brackett commended Ms. Stean and staff for their work during 2020.

Ms. Davis Stean responded that certain barriers had been found in the application and recruitment process of hiring people of color. She explained that one benefit for OCII was that their recruitment process was open, and their hands were not bound by some of the state processes, so they could be more flexible and more streamlined in their recruitment. Ms. Davis Stean reported that they did follow state practices and blanked out certain identifying factors regarding bias so that they would not hinder someone from being considered for interviews. She reported that they were considering expanding their internship program so they could begin building a better pipeline and engaging their community partners to get them the skill set they needed to be competitive for the future. Ms. Davis Stean added that there was still much room for improvement and that she personally wanted to bring back the idea of pursuing a career instead of just getting a job. Ms. Davis Stean responded that she did not have the information on the boards and commissions question but would look into the bylaws and the process of how the mayor's appointments on the Commission were handled. She commented that clearly this Board of Supervisors was very invested in racial equity and they wanted to make sure this would be continued.

Vice-Chair Rosales thanked staff for the presentation and stated that this was an area very close to her heart because she had been dealing with the issue of racial equity and civil rights her entire career and especially now with workforce issues. Ms. Rosales stated that she wanted them to be intentional in their actions but have recommendations rather than just reports. She was pleased to hear that they had some flexibility in this area and was excited about the future for this process. Ms. Rosales referred to slide 6 regarding the establishment of a departmental historic background and inquired about whether that would be documented by an external consultant or staff and inquired about how that would be managed. She was pleased to see this historic part be included because they needed to look at the past and analyze their history in order to create policy moving forward. Ms. Rosales referred to slide 7 and inquired about the demographic assessment. During the presentation it was stated that OCII had 46 employees and inquired about whether OCII had any part-time employees; inquired about whether this analysis would be done by job classification to find out if there was an over-concentration of one particular racial or ethnic group in certain job classifications; inquired about whether this would be done internally by staff; inquired about whether they had considered creating a mentorship program.

Ms. Davis Stean responded that there would be a section where they would identify their department history and contribution to racial equity. She explained that this history was currently being developed internally; for example, the use of eminent domain and blind analysis on neighborhoods of color to identify specific policies and practices that were done in the past which contributed to racial inequity in the City. She reported that all this would become part of the working document. Ms. Davis Stean remarked that she learned a lot about the COP program from this meeting and that the COP program would become part of OCII's history and background. Ms. Davis Stean responded that they had two part-time employees. To the job classification question, she responded in the affirmative and stated this was important because there was a history of occupational segregation. For example, administrative staff was predominantly female and black or hispanic and they tended to never move

beyond that position, so they needed to disaggregate that. She added that they also needed to look at supervisory positions and also wanted to break out the Asian-Pacific Islander group into more diverse groups. Ms. Davis Stean responded that they did not have a mentorship program at this time but would consider this as well as an affinity group with subject matter expertise and leadership programs. They would build on this idea.

Chair Bustos thanked Ms. Davis Stean for bringing her passion and leadership to this effort. He thanked Ms. Oerth for her leadership in bringing this forward as well.

## **6. Public Comment on Non-Agenda Items**

Speakers: Oscar James, BVHP resident; Mr. Williams

Mr. James commended staff on this meeting and especially for their work on the COP program. He related that the COP program had come into existence in 1969 and at the same time, they were developing the Yerba Buena district. He commented that those residents did not get any certificates nor did the residents in Japantown. Mr. James suggested that perhaps someone who knew residents from that time could let those people know about the COP program and get them involved in it. He thanked Commissioner Brackett for her work on this project and Secretary Cruz for showing him how to get into the meetings.

Mr. Williams stated that his grandparents had been displaced in the 60's. He reported that he had gone online to study the program and had looked specifically at the 1400 block of Webster in the Fillmore where his grandparents had lived and noticed that some of the addresses were not included. Mr. Williams believed that the certificates should be handed down to grandchildren.

Commissioner Brackett inquired about whether Mr. Williams would be interested in being part of the new COP program working group.

Mr. Williams responded in the affirmative and said he would contact the agency later.

## **7. Report of the Chair**

Chair Bustos stated that he had no report.

## **8. Report of the Executive Director**

Ms. Oerth stated that she had no report but wanted to express her gratitude and appreciation for all the hard work from everyone over the past year and wished everyone a better 2021.

## **9. Commissioners' Questions and Matters**

Chair Bustos stated that 2020 had been a rough year and that last year at this time, they had not been thinking about how challenging this year would be. He thanked Secretary Cruz for keeping everyone together and making working remotely a success and for keeping the Commission moving forward. He thanked his fellow Commissioners for their passion and dedication to the people of this City. Mr. Bustos remarked that when community, staff and Commissioners came together, great things happened. He wished everyone a happy new year with hope for the future with a vaccine and a new administration. There was much to look forward to.

Commissioner Scott thanked Ms. Oerth for stepping in to work in her new position in the face of the unexpected change. She thanked fellow Commissioners for their knowledge, history, wisdom and heart. She thanked Secretary Cruz for her essential work, as well as Ms. Sesay for her work and dedication for so many years. She thanked the community and public for their dedication to these issues. She expressed deep hope for success during these challenges Ms. Scott reminded everyone that they were the voice for our City residents and that there was a brighter future coming. She wished Christmas blessings to all.

**10. Closed Session - None**

**11. Adjournment**

Commissioner Scott motioned to adjourn this meeting and Commissioner Brackett seconded that motion.

Chair Bustos adjourned the meeting at 2:25 p.m.

Respectfully submitted,



Jaimie Cruz  
Commission Secretary