

November 24, 2022

LeeAnn Pelham
Executive Director
San Francisco Ethics Commission
25 Van Ness Avenue, Suite 220
San Francisco, CA 94102-6053
c/o Michael Canning, Senior Policy Analyst

Re: Request for Waivers of Sections 3.234(a)(1) and (a)(2) of the Campaign and Governmental Conduct Code

Dear Director Pelham:

My name is Phillip Christopher Wong, and I am a Project Manager with the City and County of San Francisco's Office of Economic and Workforce Development ("OEWD"). In this formal waiver request, I would like to please request your consideration and review of my request to waive certain post-employment restrictions under the Campaign and Governmental Conduct Code ("C&GCC"). An approved waiver would allow me to assume a director role at BRIDGE Housing, a non-profit affordable housing organization. This director role will allow me to contribute to one of the City's highest-priority public housing revitalization projects, Potrero HOPE SF.

I am seeking two waivers under sections 3.234(a)(1) and (a)(2) of the C&GCC. First, section 3.234(a)(1) (Permanent Restriction on Representation In Particular Matters) bars former City employees from representing a non-City party before a court or administrative agency on a particular matter in which the employee represented the City. Second, section 3.234(a)(2) (One-Year Restriction on Communicating with Former Department) bars former employees from communicating with their former City departments with the intent to influence a governmental decision, for a period of one year from the employee's separation from City employment. This request will explain that the requirements for these waivers provided under section 3.234-4(a)(1) of Ethics Commission Regulations (Requests for waivers from permanent and one-year bans) are satisfied, including that such waivers would not create the potential for undue influence or unfair advantage. Such waivers, if granted, would allow a dedicated public servant with deep connections to San Francisco to move into a leadership role with a non-profit City partner to continue working towards the long overdue and critical goals of the City's highest-priority HOPE SF initiative.

In considering this opportunity, I requested informal advice from Michael Canning, Senior Policy Analyst with the Ethics Commission. Mr. Canning advised me on the post-employment restrictions waiver process, outlined in an addendum to this letter. The first step in this process is this written request. Additionally, other parties will submit written and

public testimony on my behalf to demonstrate support from a broad range of stakeholders who believe I can carry out this role's required duties with integrity and without the potential for undue influence or unfair advantage. I hope this written request, along with input from other parties, will support a positive Commission staff recommendation to the members of the Ethics Commission at the December 9, 2022 hearing. OEWD Director Kate Sofis, who is responsible for the day-to-day management of OEWD, will receive a copy of this written request.

Prior and Current Employment

Prior Employment

I have worked in different capacities for OEWD since 2012. I started as an intern with OEWD on July 9, 2012, which continued until April 2013. During my internship, I worked on a variety of projects, notably a capital improvement project to address and improve the blighted conditions at the intersection of 32nd Avenue and Taraval Street. While my primary task was to learn the minutiae of City processes and the interplay among myriad internal and external stakeholders, I felt it was also my responsibility to understand the importance and joy of public service. As a first-generation Chinese American and San Francisco native, the opportunity to work for my City was, and continues to be, immensely humbling and satisfying. In April 2013, I was hired as a Project Assistant with OEWD's Joint Development team to provide administrative and project support.

Current Employment

In August 2016, I was promoted to a Project Manager position as part of a new OEWD team tasked with implementing the City's approved Development Agreement projects. This team is now called the OEWD Housing Delivery Team and is led by Judson True, Director of Housing Delivery for the Office of the Mayor. Our team's work centers on Development Agreement projects, which result from discretionary approvals (collectively referred to as major approvals) from the Planning Commission, the Board of Supervisors, and the Mayor establishing and legislatively enacting the terms and obligations of public-private partnerships to develop large sites largely described within Development Agreements. These projects typically yield substantial community benefits, such as greater impact fees, new open spaces, and frequently more affordable housing, that would otherwise be unattainable through the standard project approval process. Development Agreement projects are also subject to substantial community engagement requirements and an annual review process. These projects have long contract terms ranging from 10 to 25 years. The long-term nature of these projects is part of the reason they experience several staffing changes, as would be true for any long-term initiative.

My assigned projects have included the 5M Project (Board of Supervisors File No. 150788), the 1629 Market Street Project (Board of Supervisors File No. 180891), Hunters View HOPE SF (no Development Agreement, Board of Supervisors File No. 080692), Sunnydale HOPE

SF (Board of Supervisors File No. 161164), and Potrero HOPE SF (Board of Supervisors File No. 161161).

I am not involved in negotiating major approvals, Development Agreements, or contracts. The Joint Development team at OEWD manages the negotiation phase and public approvals phase of these projects. I implement major approvals through coordination with City agency staff, for-profit and nonprofit developers, and other stakeholders.¹

Current Work on HOPE SF Initiative

Potrero HOPE SF is one of the four public housing communities that make up the City's HOPE SF public housing revitalization initiative that started under then Mayor Gavin Newsom in 2006. The three other HOPE SF sites are Sunnydale HOPE SF, Hunters View HOPE SF, and Alice Griffith HOPE SF. All four HOPE SF sites represent the largest and most distressed public housing communities in San Francisco. Potrero HOPE SF received major approvals in early 2017, and no new or additional contracts or agreements have been made in the past 12 months.

HOPE SF is a multi-decade City commitment and deeply invested partnership among the Mayor's Office of Housing and Community Development, the San Francisco Housing Authority, several City agencies, affordable housing development and services partners, and the HOPE SF communities. HOPE SF addresses a critical need for the City's most disenfranchised communities by positively transforming the housing, community, and economic opportunities that have long been denied to them. It is not a secret that the construction of replacement, high-quality public, and affordable housing is an increasing challenge with astronomic construction costs, competitive public financing, and complex bureaucratic processes. The City and its partners, however, are diligently and conscientiously working with these vulnerable yet resilient communities to rectify the highly distressed conditions of existing public housing and the malignancies of persistent poverty and redlined opportunities. Then Mayor Newsom, other leaders, and their successors saw the great opportunity to take an affirmative stance on changing these conditions through this critical City-led partnership, which has only increased in importance as the projects become more difficult to complete.

My specific tasks on the Potrero HOPE SF project include:

1. Coordinate with City agencies to address project implementation issues that arise, as outlined/prescribed by the Potrero HOPE SF major approvals;
 - a. Mayor's Office of Housing and Community Development ("MOHCD") is the lead project agency for the HOPE SF projects. I primarily assist with issues related to public infrastructure design and construction and, to a lesser extent, coordinate issues that arise during building permitting.

¹ The development partners that I have worked with on my assigned projects are Brookfield Properties, Strada Investment Group, the John Stewart Company, Mercy Housing, Related California, and BRIDGE Housing.

2. Coordinate phase-specific public improvement/infrastructure plan review with the Public Works Infrastructure Task Force, the non-profit development partner (i.e., BRIDGE Housing), and other City departments via bi-weekly and as-needed meetings;
 - a. Public Works is the permit issuer, regulatory authority, and lead infrastructure agency facilitating technical discussions and permit approvals.
 - b. Proceeding with infrastructure design review and permitting first requires phase approval from the Planning Department, which I do not participate in.
3. Assist with coordination of subdivision mapping reviews conducted by the Public Works Infrastructure Task Force, the Public Works Bureau of Street Use and Mapping, the Office of the City Attorney, the non-profit development partner (i.e., BRIDGE Housing), and other relevant City departments;
 - a. E.g., tentative subdivision maps, final maps, and plat and legal description review for property right documents such as quitclaims, grant deeds, and easements.
 - b. Proceeding with subdivision mapping first requires phase approval from the Planning Department, which I do not participate in.
4. Coordinate legislative actions (e.g., street vacation ordinances, major encroachment permit resolutions/ordinances, infrastructure acceptance ordinances, and subdivision mapping motions) consistent with Potrero HOPE SF major approvals and Planning Department phase approvals;
 - a. I typically coordinate with the Public Works Infrastructure Task Force, City Attorney, the non-profit development partner (i.e., BRIDGE Housing), and other City departments to ensure Board of Supervisor filings are complete. MOHCD, HOPE SF, and Public Works typically give presentations at public hearings.
5. Coordinate with MOHCD on building permit review by the Department of Building Inspection (“DBI”), the San Francisco Fire Department, and other departments;
 - a. I do not review permit applications. I typically request that plan reviewers initiate review based on construction start and financing deadlines for priority City projects through an established DBI point-of-contact for priority housing projects.
6. Facilitate executing work order agreements between MOHCD and the performing City departments for cost recovery for time and materials spent working on Potrero HOPE SF projects consistent with Section 6.10 of its Development Agreement;
 - a. I assist MOHCD in reviewing these quarterly reimbursement requests from City departments for accuracy and consistency with work performed.
7. Assist with the annual reporting process; and
 - a. Each Development Agreement project is required by State and City Law to complete an annual public report detailing the project work that occurred during that calendar year if active construction occurred. The Planning Department leads this process, and I am one of many City reviewers who assists with this reporting process. ([example reports hyperlinked here](#))
8. Present project implementation milestones in monthly interdepartmental priority project update meetings via various reporting mechanisms.

Here is a list of duties I do not currently perform related to the Potrero HOPE SF project:

1. Negotiate Potrero HOPE SF major approvals or contracts;
2. Review or approve permit or development phase applications;
3. Assist project loan evaluations and financing;
4. Assist with coordinating tenant relocations or other SF Housing Authority processes;
5. Facilitate community meetings;
6. Assist with the disposition of market-rate parcels as described in the major approvals; MOHCD, SF Housing Authority, and OEWD's Joint Development team lead this work; or
7. Assist with amendments to the major approvals.

Notably, my current work is publicly accessible and transparent. It is subject to public information and disclosure laws and regulations and consists of implementing (not negotiating) City-led projects. This level of transparency would continue in my work at BRIDGE Housing under the legal checks and balances provided by the HOPE SF partnership and as governed by the Potrero HOPE SF major approvals, Federal, State and City Laws, and community/stakeholder accountability.

Potential Employment at BRIDGE Housing

Pending a ruling by the Ethics Commission on my waiver requests at the next hearing on December 9, 2022, I would begin employment with BRIDGE Housing as their Director of Potrero HOPE SF. In this role, I would be a leadership partner with the City and Potrero HOPE SF stakeholders. My primary task would be to implement the project's major approvals, for example, coordinating with the City and various partners on the design review and permitting processes, budget approvals process, and construction start and completion actions. This work would be conducted in full partnership and transparency with the City and the larger BRIDGE Housing team, which includes a team of project managers, community development specialists, and design, engineering, and construction firms.

While this is a different role than the one, I currently play, working on the Potrero HOPE SF project at BRIDGE Housing would allow me to advance the same fundamental mission that I am advancing in my current role – the implementation of major approvals for the development and construction of high-quality public and affordable housing, creating connectivity with the City's infrastructure, and supporting the creation of community-based and economic opportunities associated with this enormous endeavor. While BRIDGE Housing remains obligated to deliver the Potrero HOPE SF project in partnership with the City and HOPE SF stakeholders, with or without me in the role of director, my public service focus and expertise in implementing multi-phase development projects will add assurance that the City and its partners will keep their promises to this highest-priority community.

Application of Sections 3.234(a)(1) and (a)(2) and Regulation Section 3.234-4(a)(1)

As explained below, waivers for sections 3.234(a)(1) and (a)(2) would be appropriate and meet the requirements provided under the regulations section 3.234-4(a)(1), including that such waivers would not create the potential for undue influence or unfair advantage.

Regulation Section 3.234-4(a)(1) – No Undue Influence or Unfair Advantage

Regulation section 3.234-4(a)(1) provides requirements for a waiver, including that the waiver would not create the potential for undue influence or unfair advantage. Regulation Section 3.234-4(a)(4) provides the Commission with guidance to determine whether there would be undue influence or unfair advantage. Specifically, the Commission may consider: the nature and scope of the communications the individual will have with his or her former department; the subject matter of such communications; the former position held by the employee; the type of inside knowledge that the individual may possess; and any other factors the Commission deems relevant.

(i) Nature and Scope of Communications

The nature and scope of my communications with my former department, OEWD, would be similar to those conducted in my day-to-day work, including bi-weekly and as-needed meetings, that typically have written notes and follow-ups, and email communications which are subject to public information and disclosure laws.

(ii) Subject Matter of Communications

The subject matter of my communications would relate to the implementation of the project, including the design and permitting of infrastructure and buildings and the associated legislative actions necessary for the financing, construction, and acceptance of public facilities and buildings when applicable. Moreover, as explained above, the subject matter of my communications would relate to the implementation of Potrero HOPE SF with no involvement in negotiation or making of a new contract in relation to Potrero HOPE SF. The subject matter of my communications is also subject to public information and disclosure laws.

(iii) Inside Knowledge

Given the transparency of Potrero HOPE SF to involved stakeholders, I do not possess any material inside knowledge about Potrero HOPE SF that is not already available to other Potrero HOPE SF stakeholders, including those currently involved at BRIDGE Housing.

Section 3.234(a)(1) – Permanent Restriction on Representation In Particular Matters

Section 3.234(a)(1) bars former City employees from representing a non-City party before a court or administrative agency on a particular matter in which the employee represented the City.

In my current role, I represent the City on the implementation of Potrero HOPE SF. In my new role, I would represent BRIDGE Housing on the implementation of Potrero HOPE SF, which would constitute the same particular matter. However, section 3.234(a)(1) should be waived because my representation of BRIDGE Housing in a director role would not create undue influence or unfair advantage.

A waiver of section 3.234(a)(1) would allow me to work at BRIDGE Housing on implementing and fulfilling the obligations outlined in the Potrero HOPE SF major approvals as I have done in my current role. I do not possess privileged or confidential information related to the approval or implementation of the Potrero HOPE SF project, nor would my work at BRIDGE Housing be confidential and without oversight by the Mayor’s Office of Housing and Community Development or other stakeholders. There is general parity of information among all HOPE SF partners leading the project, whether it is the City or BRIDGE Housing. An example of specific contractual protections to avoid undue influence or unfair advantage can be found within the Potrero HOPE SF Development Agreement Section 7.8, which provides for a meet and confer process if the City disagrees or disapproves with the way that “implementing approvals” (i.e., the way that contractual obligations are achieved/satisfied) are processed by legal parties, including BRIDGE Housing. Another example is the various community meeting requirements to ensure adequate engagement and transparency with all stakeholders (e.g., monthly and annual meetings and community meetings before the start of major development phases).

As an employee of a non-profit affordable housing organization, my role would be to further the important mission of Potrero HOPE SF, as I have done in my current role. The City, contractually and in practice, refers to BRIDGE Housing and the other HOPE SF affordable housing organizations as the City’s partners in the HOPE SF initiative. A waiver would be consistent with the City’s messaging to, and contractual relationship with, its non-profit development partners to maintain a City-centered and public-service-centered focus in this work, which is buttressed by the contractual and legal requirements set forth in the Potrero HOPE SF major approvals and the authority of the City to enforce those requirements.

Section 3.234(a)(2) – One-Year Restriction on Communicating with Former Department

Section 3.234(a)(2) bars former employees from communicating with their former City departments with the intent to influence a governmental decision, for a period of one year from the employee’s separation from City employment.

While section 3.234(a)(2) may be an appropriate restriction in other situations, its application is not directly relevant here because Potrero HOPE SF already received major approvals, and implementation already receives the highest-priority treatment from City agencies. For example, Executive Directives 13-01 and 17-02 direct City departments to give the highest priority treatment to development projects such as Potrero HOPE SF. Communicating with my former department would be an appropriate and not an unfair advantage as Potrero HOPE SF already receives the highest-priority treatment both as a matter of official City policy and in practice through the City's various processes. Accordingly, a waiver to section 3.234(a)(2) does not create a potential for undue influence or unfair advantage.

A waiver of section 3.234(a)(2) would allow me to continue collaborating with City colleagues who have the same information that I possess in my current role and is also possessed by BRIDGE Housing. This transparency is a central tenet of this HOPE SF partnership, which requires maintaining highly visible actions and collaboration for work on the HOPE SF initiative. My current role has ensured that the project moves forward quickly and effectively and is conducted with integrity via open and transparent communications and actions, which would be a requirement for the role at BRIDGE Housing. A waiver would ensure that the City partnership and nature, scope, and subject matter of communications remain open, transparent, and seamless to maintain the momentum to complete and, ideally, accelerate this critical public housing revitalization project.

Closing Notes

My work for the City, especially on the HOPE SF initiative, prompted me to seek ways to articulate and put into practice the normative reasons and mission-driven motivations for public service that I feel intuitively. I found some answers during my studies at San Francisco State University's Master of Public Administration Program. I started in August 2019 and graduated as a distinguished and merit-based scholar in December 2021 while working full-time at OEWD and being the primary caregiver to my 90-year-old maternal grandmother, Pura Ye. As a graduate of this professional program, I explicitly understand and accept that I must adhere to a professional code of ethics, such as those set forth by the American Society for Public Administration: *to Advance the public interest, Uphold the Constitution and the law, Promote democratic participation, Strengthen social equity, Fully inform, and advise, Demonstrate personal integrity, Promote ethical organizations, and Advance professional excellence*. With the great privilege of working for the City and the HOPE SF initiative, regardless of the stakeholders and the interactions, my goal is to achieve the central tenets of this code of ethics and to live my life and conduct my work with integrity, compassion, and empathy. I hope that my desire to proceed through the comprehensive, transparent, and public Ethics Commission waiver process to continue advancing a public housing revitalization project, which is the City's highest priority, at a non-profit affordable housing organization is demonstrable proof that I hold myself and my prospective employer to high ethical standards and strongly believe these waiver requests are appropriate and will not result in undue influence or unfair advantage.

In closing, I offer gratitude for the work of the staff of the Ethics Commission and its Commissioners and advising City Attorneys. I extend this gratitude to the many individuals who have advised me that this waiver request is worth pursuing. I reserve my deepest gratitude for the many individuals who will continue advancing this important work with or without me and to the communities that continue to patiently wait. It is an enormously difficult responsibility to normalize people's intentions with what maximizes public benefit and minimizes or eliminates real or suspected corruption. I have deep respect for this process in the same way that I have deep respect for the communities I serve. There is not a single individual that will guarantee that Potrero HOPE SF will be successful in its lofty goals. Still, I firmly believe that if given the chance, I can meaningfully contribute to the incredibly dedicated team that will keep the promises that for too long have been unfulfilled.

With gratitude,

Phillip Christopher Wong

Phillip Christopher Wong

CC: Kate Sofis, Director, Office of Economic and Workforce Development
Anne Taupier, Director of Development, Office of Economic and Workforce Development
Judson True, Director of Housing Delivery, Office of the Mayor
Eric Shaw, Director, Mayor's Office of Housing and Community Development
Lydia Ely, Director, Mayor's Office of Housing and Community Development

Addendum

The general outline of the Ethics Commission's waiver process provided by email from Michael Canning, Senior Policy Analyst - Ethics Commission, on October 31, 2022:

1. Commission Staff receives waiver request.
2. Staff drafts memo recommending approval or denial of waiver.
3. Item agendaized for next regular meeting (if received at least two calendar weeks prior).
EC Reg. 3.234-4(a)(3).
4. Regular Commission meeting
 - a. Commission calls waiver agenda item in open session.
 - b. Staff will summarize the law and their recommendation.
 - c. Requestor will make their presentation.
 - i. Requestor will be given time (usually 3-5min. The Commission may grant further time at its discretion) to present the request.
 - ii. Requestor should lay out the reasons showing that *a waiver would not create the potential for undue influence or unfair advantage* using the factors laid out in Ethics Commission regulation 3.234-4(a)(4).
 - d. A designated representative of the public agency may make a presentation to the Commission supporting or opposing the waiver request. *EC Reg. 3.234-4(a)(3).*
 - e. Commission will seek clarifications from requestor and ask them to address or otherwise acknowledge factors laid out in the regulations to specify approval or denial of the request.
 - f. Commission discussion of waiver request.
 - g. Commission motion on how to resolve waiver request.
 - h. Public comment on Commission motion.
 - i. Requestor may ask that supporters make presentations during this time.
 - i. Commission vote to approve or deny waiver.
5. Commission Staff will draft and submit to Requestor an approval or denial of the waiver based on the Commission's motion.