

**From:** [Pelham, Leeann \(ETH\)](#)  
**To:** [Contreras, Ronald \(ETH\)](#)  
**Subject:** Fw: 12/9/2022 Agenda Item 8 – Letter of support for Phillip Wong's waiver request  
**Date:** Thursday, December 8, 2022 8:54:56 PM  
**Attachments:** [JCherry comment letter item 8 - Phillip Wong waiver request.pdf](#)

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**From:** Cherry, Jonathan (ECN) <[jonathan.cherry@sfgov.org](mailto:jonathan.cherry@sfgov.org)>  
**Sent:** Thursday, December 8, 2022 8:40 PM  
**To:** Pelham, Leeann (ETH) <[leeann.pelham@sfgov.org](mailto:leeann.pelham@sfgov.org)>  
**Cc:** Canning, Michael (ETH) <[michael.a.canning@sfgov.org](mailto:michael.a.canning@sfgov.org)>; Wong, Phillip (ECN) <[phillip.c.wong@sfgov.org](mailto:phillip.c.wong@sfgov.org)>  
**Subject:** 12/9/2022 Agenda Item 8 – Letter of support for Phillip Wong's waiver request

Dear Ms. Pelham and Mr. Canning,

Please find attached a letter of support for Phillip Wong's waiver request, agenda item 8 at this Friday's meeting of the Ethics Commission.

Thank you and best regards,

Jonathan

**Jonathan Cherry**

Office of Economic and Workforce Development  
[jonathan.cherry@sfgov.org](mailto:jonathan.cherry@sfgov.org)

Date: December 8, 2022  
To: Chair Lee and Members of the Ethics Commission  
Through: LeAnne Pelham, Executive Director  
From: Jonathan Cherry, OEWD  
Re: 12/9/2022 Agenda Item 8 – Letter of support for Phillip Wong’s waiver request

Chair Lee and Members of the Commission:

I am writing to express my support for Phillip Wong and his request for a waiver of certain post-employment restrictions in the San Francisco Campaign and Governmental Conduct Code. I would also like to specifically respond to certain elements of the staff report on this item dated December 2, 2022.

I have worked with Phillip since 2018. I can say with confidence that in the eleven years I have worked as an employee of the City, and in my over 20 years of professional work experience, there is simply no one that I have worked with that I could say brings a higher level of personal integrity and commitment to public service than Phillip. Phillip is a lifelong San Franciscan who is truly dedicated to this community, and an exemplary public servant in all of his interactions.

As other commenters have explained in much detail and through a variety of examples, Phillip is undoubtedly the best candidate for the role of Potrero HOPE SF Director at BRIDGE Housing. In the course of his 10-year career with the City, starting as an intern at 2012, Phillip has worked on many projects across San Francisco that have helped improve the city and its neighborhoods. In the HOPE SF Director role at BRIDGE Housing, Phillip will continue to build on this career of public service. Rather than repeating the character references already offered by others, I would like to provide a response to aspects of the December 2, 2022 staff report.

**Campaign and Governmental Conduct Code Subsection 3.234(a)(1) restricts only specific activities, not employment.**

The staff report on page 2 references Ethics Commission [Regulation 3.234-1](#) and explains the policy goals of the permanent restriction on representation. However, not mentioned in the staff report is that Regulation 3.234-1 also begins with the following paragraph (emphasis added):

*“(a) Scope of Restriction; Only Activities, Not Employment Prohibited. Subsections 3.234(a)(1) restricts only specific activities. Nothing in that subsection requires a former officer or employee to decline employment with any person or entity. The restriction applies solely to activities, not employment.”*

Phillip has come to this Commission for guidance prior to starting employment with BRIDGE Housing, in an effort to be transparent with his current employer (the City), his potential future employer, and the public. Denying Phillip's request for a waiver, given the particular facts of his situation, would likely have the exact effect that the applicable regulation claims is not the intent of Subsection 3.234(a)(1). It is possible that there may be specific hypothetical proceedings or limited specific matters in the future that could present conflicts with Subsection 3.234(a)(1) based on specific aspects of the Potrero HOPE SF project that have been under Phillip's purview. No evidence of such matters has been presented. However, a rejection of Phillip's request for a waiver would have the practical effect of the Commission denying Phillip this employment opportunity. This cannot have been the intent of either Subsection 3.234(a)(1) or the applicable Regulation, and the Regulation indeed states this explicitly.

**Potrero Terrace and Potrero Annex are an entire community, not a single "matter". Phillip's new role would be fundamentally different than his current role.**

In fact, the Potrero HOPE SF project encompasses two communities within the wider Potrero Hill neighborhood – Potrero Terrace and Potrero Annex – 60 apartment buildings in all constructed beginning in World War II. At approximately ¼ mile wide and ½ mile from end to end, the Potrero Hope SF project is roughly comparable to Chinatown in its dimensions.

The idea presented in the staff report that the entire "implementation of Potrero HOPE SF" is a single "matter" for purposes of Regulation 3.234-1 is a vast oversimplification of the multifaceted Potrero HOPE SF effort. Rebuilding this community is a multi-phase effort spanning many years, and involving a broad range of stakeholders and issues. While Phillip has provided strong contributions toward this overall project, his current role at OEWD is primarily geared toward maintaining open channels of communication among City staff in multiple departments, who are themselves the ones reviewing various aspects of the project. As Phillip detailed in his waiver request, he was not involved in the project's overall approvals by the Board, is not involved in negotiating any contracts or awards for the project, and is not himself in a position to approve or deny any permits associated with the work. Further, his role is primarily geared toward coordinating the City's review of infrastructure designs including streets, sidewalks, and utilities, while staff at MOHCD are the City staff primarily responsible for issues related to funding and development of the buildings, and HOPE SF staff provide overarching coordination for the HOPE SF effort.

Furthermore, the staff report oversimplifies the parallels between Phillip's current role with the City and the HOPE SF Director role at BRIDGE Housing. While quoting from one section of Phillip's letter that points out that both his current and proposed employment involve implementation of aspects of the same Potrero HOPE SF project, the two roles are in fact very different. In his current role, Phillip is involved in coordinating aspects of this project, and performs a similar role on several other very large housing development projects elsewhere in

the city. Potrero HOPE SF is not currently the primary focus of his job. As described above, he is also only involved in a sliver of the overall HOPE SF initiative and his new role would be much broader in scope, including issues such as hiring and supervising consultants and contractors, resident and community outreach, overseeing the design and construction of buildings, planning future phases, obtaining project funding and financing, and an array of workforce development issues, among others. Rather than merely “switching sides” on a particular matter, the role is fundamentally different than his current job. As Phillip clarifies on page 5 of his waiver request (emphasis added), “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 staff report’s examples of potential insider knowledge and unfair advantage appear unreasonably broad and are not supported by the facts of this particular waiver request.**

Page 7 of the December 2, 2022 staff report provides an interpretation of the Commission’s policies that would extend the post-employment restrictions far beyond what is reasonable. In a paragraph detailing “inside knowledge Mr. Wong may possess”, the staff report states:

*“As discussed above, even if Mr. Wong does not have proprietary information, his firsthand experience and years of service navigating City processes and professional relationships are examples of the kinds of knowledge that can be used to the unfair advantage of a non-governmental employer. Additionally, Mr. Wong’s statement speaks only to information shared by Potrero HOPE SF’s current stakeholders but does not consider other entities. For example, BRIDGE Housing presumably is one among a number of non-profit housing entities that may wish to enter into development agreements with the City. Such entities, however, would not have similar access to the benefits that Mr. Wong would be providing to BRIDGE Housing.”*

The report here appears to go far beyond the applicable regulations to suggest both that 1) the mere “firsthand experience and years of service” that Phillip possesses as a City employee make work for a non-government employer potentially problematic and 2) that working for BRIDGE Housing may unfairly give that nonprofit a potential advantage in potential future competition to participate in City projects.

Regarding the first point, in the absence of any particular “matter” where the City and Phillip’s future employer are currently in conflict, there is no evident reason why Phillip’s “years of service” should be an obstacle to his accepting employment with BRIDGE Housing. As others have pointed out in their letters, Phillip’s years of service are a large part of what make him an ideal candidate for this HOPE SF Director position.

Regarding the second point, the waivers at issue here are wholly unrelated to hypothetical development agreements that BRIDGE Housing may wish to enter with the City at some future

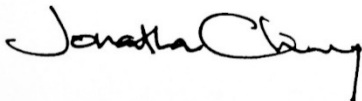
date. There is simply no prohibition against a former City employee working on projects in partnership with the City, even if such a situation were to arise. However, the best evidence that granting a waiver to Phillip is not an actual unfair advantage to BRIDGE Housing is that multiple letters provided in support of Phillip's request come from the very same nonprofit housing providers that the staff report suggests would be disadvantaged by Phillip's employment at BRIDGE Housing.

Failure to grant a waiver in this case would be contrary to the interests of the City, its employees, and its residents. Using a broad brush to simply paint the entire Potrero HOPE SF project as a single "matter" is unreasonable, and misunderstands the scope of the HOPE SF initiative as well as Phillip's planned employment. Most importantly, preventing Phillip from accepting employment at BRIDGE Housing would violate the explicit text of the applicable regulation.

Public servants like Phillip should be encouraged to bring unique circumstances like this forward with transparency and honesty so that the City's policies can be discussed and clarified. Refusing a waiver here based on the rationale in the staff report would have the effect of chilling the open participation of other future City employees in this Commission's work, and likely would also reduce the City's ability to hire the best and brightest young employees in the future. What future City employee would want to start walking up the staircase of a career of public service as a young intern, if they knew that the City would later use that same career experience to lock the doors leading from the same staircase? Denying this appeal would not only be detrimental to the City's own HOPE SF initiative, it would limit the career prospects of someone who has dedicated a decade of his life to this City government, someone who has earned a master's degree in public administration in the evenings while working full time during the day and also providing support to his family.

I cannot think of anyone more deserving of or better suited for this role than Phillip. Please grant this waiver request.

Thank you,



Jonathan Cherry

Office of Economic and Workforce Development

**From:** [Pelham, Leeann \(ETH\)](#)  
**To:** [Contreras, Ronald \(ETH\)](#)  
**Subject:** Fw: Letter in Support of Commission Waivers requested by Phillip Wong  
**Date:** Thursday, December 8, 2022 8:54:44 PM

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**From:** Cruz, Montana (ECN) <montana.cruz@sfgov.org> on behalf of Kate Sofis (ECN) <kate.sofis@sfgov.org>  
**Sent:** Thursday, December 8, 2022 8:04 PM  
**To:** Pelham, Leeann (ETH) <leeann.pelham@sfgov.org>; Canning, Michael (ETH) <michael.a.canning@sfgov.org>  
**Cc:** True, Judson (DPW) <judson.true@sfgov.org>; Taupier, Anne (ECN) <anne.taupier@sfgov.org>; Wong, Phillip (ECN) <phillip.c.wong@sfgov.org>  
**Subject:** Letter in Support of Commission Waivers requested by Phillip Wong

Director Pelham and Ethics Commission Members:

I am writing to you in strong support of the request of Phillip Wong to be granted a waiver of Campaign and Governmental Code ("C&CGC") Sections 3.234(a)(1) and (a)(2). Below are the primary and compelling reasons for my support.

First, as a project manager with the Office of Economic and Workforce Development (OEWD) Phillip's role has been solely focused on shepherding the implementation of Development Agreements. He collaborates with several public and non-profit stakeholders on the revitalization of three of San Francisco's most highly distressed public housing sites. Affordable housing developers of these sites share common goals with the City, to deliver thousands of units of housing for our most vulnerable populations. They are essential partners in this effort, without which our housing crisis would deepen.

Second, Phillip has dedicated over 10 years to the City. Through his public service, he has worked in earnest in every role he has held at OEWD. Which is evidenced by his advancement within OEWD and is solidified by Bridge's desire to have Phillip join their organization to lead this critical housing project for our City. He has come to work every day and led with empathy and compassion for both his City Colleagues and the Communities he engages with, and has held an unwavering commitment to the work, to the Community, and to our City. His role as Project Director at Bridge Housing will undoubtedly help to achieve the City's housing goals. There would be no better candidate to lead this work at Bridge than Phillip.

Finally, Phillip has always conducted his work with integrity. His ability to communicate clearly and keep stakeholders focused on the

end goal of delivering housing for our City is the highest example of public service. I have no doubt that he will continue to execute work with the highest level of professionalism and integrity.

Per section 3.234(c)(1) of the C&CGC, the **Commission is able to waive the permanent restriction on representation in particular matters and the one-year restriction on communicating with former department**, so long as the Commission determines that granting a waiver would not create the potential for undue influence or unfair advantage.

With the City's limited ability to provide advancement, denying his waiver would put barriers in his career and professional advancement. He has proven to be a person with integrity, honesty, and commitment and is deserving of this opportunity. We as a City would be fortunate to have a partner like Phillip at Bridge housing. Therefore, I urge the Commission to fully evaluate the potential for undue influence and unfair advantage, and that you grant Mr. Wong's waiver request. Please do not hesitate to contact me if you have questions about my recommendation.

Thank you,

Kate Sofis  
Executive Director  
Office of Economic and Workforce Development

**From:** [Canning, Michael \(ETH\)](#)  
**To:** [Contreras, Ronald \(ETH\)](#)  
**Cc:** [Pelham, Leeann \(ETH\)](#)  
**Subject:** FW: Phillip Wong - Waiver Request  
**Date:** Friday, December 9, 2022 8:48:08 AM

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Support letter received yesterday evening. 2 of 4

**Michael Canning | Senior Policy Analyst**

pronouns: he/him

**San Francisco Ethics Commission**

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**From:** Ely, Lydia (MYR) <lydia.ely@sfgov.org>  
**Sent:** Thursday, December 8, 2022 5:59 PM  
**To:** Canning, Michael (ETH) <michael.a.canning@sfgov.org>  
**Subject:** Phillip Wong - Waiver Request

Dear Mr. Canning,

I'm writing in support of Phillip Wong's waiver request which will be heard by the Ethics Commission on Friday, December 9.

I am the Deputy Director for Housing at the Mayor's Office of Housing and Community Development. We are the lead agency responsible for delivering over 1,000 units of affordable housing at the Potrero HOPE SF site. MOHCD has already invested \$73.5M in infrastructure and affordable housing support for Potrero, not including services support. Over the next four years we expect to invest another \$131M in vertical and horizontal improvements to make good on promises made over many decades to the Potrero community.

I want to speak to any possible concerns about the potential for Phillip, in his new role, to have undue influence on the Potrero HOPE SF project.

In his role, Phillip will be tasked with implementing the Development Agreement and Master Development Agreement that govern the development of infrastructure, affordable housing, market rate housing, new parks, transportation improvements, among other things. The DA and MDA were negotiated over many years by multiple City partners: the Planning Department, MOHCD, OEWD, the San Francisco Housing Authority, HUD, the City Attorney, the Department of Public Works, the Recreation and Parks Department, and the PUC, and approved by the Board of Supervisors over five years ago. These agreements took thousands of hours to develop; they are closely monitored by multiple entities and cannot be amended without the approval of all of the signatories, the Board of Supervisors and HUD. Phillip's new



role as Director will not afford him any special opportunities to re interpret or redirect the implementation of these agreements. If anything, Phillip's experience on the OEWD's implementation team has habituated him to implementing these plans and respecting the original intent as well as the letter of the agreement.

Moreover, there are myriad guardrails in place that will prevent Phillip Wong or anyone else from unduly benefiting from knowledge of experience of the project. First of all, on the affordable housing and infrastructure, MOHCD underwriting guidelines create a clear framework for development and impose clear limitations on benefits that a developer like BRIDGE can gain from participating in HOPE SF. MOHCD has developed limitations on developer fee for each vertical parcel; on infrastructure developer fee on a site basis; and on Master Plan developer fee. Beyond these structured and limited fees there are no opportunities for a non profit organization like BRIDGE Housing to gain.

Phillip Wong is one of San Francisco's best and brightest community development professionals. He brings excellence, commitment and skill to his work on behalf of Potrero HOPE SF. With Phillip Wong leading the Potrero HOPE SF BRIDGE team, we know progress will be made and that the development will proceed with integrity and commitment. Please support Phillip Wong's waiver request so that the Potrero HOPE SF project can proceed with rapid implementation and deliver much needed infrastructure improvements and housing to a long neglected community.

Thank you for your consideration. Sincerely,  
Lydia Ely

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Lydia Ely

Deputy - Housing

San Francisco Mayor's Office of Housing and Community Development

Cell: (415) 225 2936

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**From:** [Pelham, Leeann \(ETH\)](#)  
**To:** [Contreras, Ronald \(ETH\)](#)  
**Subject:** Fw: Letter in Support of Phillip Wong's Ethics Commission Waiver Request  
**Date:** Thursday, December 8, 2022 8:54:35 PM

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**From:** Petrick, Molly <MPetrick@sfgov.org>  
**Sent:** Thursday, December 8, 2022 6:49 PM  
**To:** Pelham, Leeann (ETH) <leeann.pelham@sfgov.org>  
**Cc:** Canning, Michael (ETH) <michael.a.canning@sfgov.org>; Wong, Phillip (ECN) <phillip.c.wong@sfgov.org>  
**Subject:** Letter in Support of Phillip Wong's Ethics Commission Waiver Request

Dear Ms. Pelham,

This letter is in strong support of Phillip Wong's request for waivers of Sections 3.234(a)(1) and (a)(2) of the Campaign and Governmental Conduct Code.

I have worked with Phillip Wong since he started with OEWD . He is an incredibly ethical, hard-working, and dedicated employee (and a really good, kind person in general) . While in his role at OEWD, he has been dedicated to the success of the SF Hope Projects (which are a priority for the City) as San Francisco desperately needs more affordable housing. Although we would miss him terribly on the City-side, he could still help the SF Hope Potrero project succeed while working at his new position with BRIDGE Housing. These projects are truly collaborative, so it shouldn't matter what "side" Phillip is working on. Furthermore, SF Hope Potrero has a Development Agreement with the City ([https://url.avanan.click/v2/\\_\\_\\_https://default.sfplanning.org/devagreements/HOPE-SF/Potrero/HOPE-SF\\_Potrero\\_Development\\_Agreement.pdf\\_\\_\\_YXAzOnNmZHQyOmE6bzphNjkyYjM3M2JmOWNINmRiYjZhYTEyZTcyNmQ2NmE0Mjo2OjZlMjQ6NTRlY2Y0OWEzNmI4ODIxODU0ZTcwNTQyY2M5YTAyNDZiMjQ0N2VhYTIkMjQ1OTQ2NGQ2MzgxZmE0OWI4ZDc1Mjp0OkY](https://url.avanan.click/v2/___https://default.sfplanning.org/devagreements/HOPE-SF/Potrero/HOPE-SF_Potrero_Development_Agreement.pdf___YXAzOnNmZHQyOmE6bzphNjkyYjM3M2JmOWNINmRiYjZhYTEyZTcyNmQ2NmE0Mjo2OjZlMjQ6NTRlY2Y0OWEzNmI4ODIxODU0ZTcwNTQyY2M5YTAyNDZiMjQ0N2VhYTIkMjQ1OTQ2NGQ2MzgxZmE0OWI4ZDc1Mjp0OkY)) that guides the development and the relationship with the City. The Development Agreement designates SF Hope Potrero as a "priority" project. It is difficult to imagine how Phillip would be able to influence the City in his new role as the project is already considered a top priority for the City. Therefore, granting this waiver would not create the potential for undue influence or unfair advantage. For example, Section 7.7 of the Development Agreement says:

7.7 Priority Processing for Implementing Approvals. City acknowledges and agrees that the Project is a critical City initiative. Accordingly, all City Agencies tasked with managing or reviewing various elements of the Implementing Approvals or other measures to implement the Project shall treat the Project as a priority, and shall make best efforts to dedicate sufficient attention and resources to the Project to facilitate the expeditious development thereof, as contemplated by this Agreement.

Lastly, denying this waiver could have broader impacts to the City's ability to recruit talented,

ethical, and hard-working individuals who are interested in civic service. Phillip Wong has found a career path he loves and wants to pursue working on affordable housing projects in San Francisco. He now has the opportunity to advance his career, while continuing to help advance affordable housing in San Francisco. Failing to grant this waiver is forcing Phillip to stay with the City without the potential for career advancement. It doesn't seem fair. I realize the rules are in place for a reason. However, I'm failing to understand how the rules apply to Phillip Wong's situation. I therefore strongly encourage the Ethics Commission to grant this waiver before you.

Sincerely,

Molly Petrick

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Molly Petrick

Development Utilities Infrastructure Manager

SFPUC

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**San Francisco Water, Power, and Sewer** | Services of the San Francisco Public Utilities Commission