



July 29, 2015

Members, Ballot Simplification Committee  
Department of Elections  
City and County of San Francisco  
1 Dr. Carlton B. Goodlett Place, Room 48  
San Francisco, CA 94102

Re: Comments on Draft Digest for "Mission District Housing Moratorium"  
Initiative

Dear Members of the Ballot Simplification Committee:

On behalf of the San Francisco Housing Action Coalition, we respectfully submit these comments on the draft digest which you will be considering at tomorrow's meeting.

As an initial matter, we would note that the proposed digest repeatedly refers to moratorium affecting the "demolition, conversion, or new construction" of housing projects. While we understand that these terms have specific, technical meanings in City law, we believe that their use in the digest would tend to mislead members of the general public as to the types of projects that may be affected.

In particular, the term "demolition" may give persons unfamiliar with the City's land use policies the impression that only the complete destruction of an existing building will be affected. In fact, however, the term "demolition" (defined by the measure with reference to Planning Code section 317) would also affect many standard renovations of existing buildings.

You have doubtless seen press accounts of several major apartment-building fires in the Mission District in the past few months.<sup>1</sup> In many cases, rehabilitation of an apartment building following a significant fire will require major work that will require a demolition permit (*see* Planning Code section 317(b)(2)(A)) or removal and replacement of significant portions of the structure (*see* Planning Code sections 317(b)(2)(B) & (C)). In such cases, the moratorium could actually lead to a *loss* of affordable housing.

"Demolition" also incorporates "relocation" of a wall roof or floor structure (*see* Planning Code sections 317(b)(2) & (9)). Consequently, this proposed measure could be read to prohibit a very wide array of activities such as: renovating existing rent-controlled

---

<sup>1</sup> *See, e.g.,* Mission Loc@l, "Inside Mission District building destroyed by fire," SF GATE (Mar. 25, 2015) (Mission & 22d Streets); Sernoffsky, "Mission District inferno: Parents, 3 kids hospitalized," SF Gate (Mar. 11, 2015) (24th St. and Treat Ave.)

buildings, or removing and replacing the interior partitions of an existing building containing more than 5 units. A young family seeking to renovate their existing condo unit could be prohibited from doing so. A landlord who owns a rent-controlled building with more than 5 units could not renovate the units or the building.

### **Proposed Changes**

#### **1. “The Way It Is Now”**

We suggest one minor edit to the “Way It Is Now” section, consistent with the discussion above. In particular, we propose that the language in the second paragraph of that section be changed by adding the word “renovate” as indicated by the underlined text in the following:

Persons seeking to build new housing, renovate or demolish existing housing, or to change the use of a property must obtain permits from the City.

#### **2. “The Proposal”**

First, the Planning Department’s July 23 memorandum to Director Arntz states as follows:

The Measure would require City Department staff, including Department of Building Inspection staff, Planning Department staff and the Planning Commission, to withhold permit issuance or approval for projects in the area identified above that meet applicable codes and regulations but propose either scopes of work. *This would include projects at any stage of review, from initial acceptance at the Planning Department to permit issuance from the Department of Building Inspection. This would delay approved entitled projects, already under City Department review, for at least an additional 18 months, from getting permits to proceed with construction.*

*The Planning Department estimates that the Measure would require withholding Planning Department or Planning Commission approval for 24 projects. These projects are proposing 1,495 units of housing....*

(Emphasis added.)

This is a significant impact, and we believe that it is crucial for the electorate to understand the concrete effect of this proposal. Therefore, we propose the addition of the following sentence at the end of the first paragraph to inform voters of this impact: “Construction of already-entitled projects proposing 1,495 new housing units, including hundreds of affordable housing units, would be delayed by the proposed moratorium.”

Furthermore, the final major paragraph in this section devotes 88 words—almost a full third of the allotted amount—to describing the proposed “Neighborhood Stabilization Plan” requirement, in considerable detail. We believe this extended emphasis on that one provision of the measure—which is not guaranteed to result in any binding policies or

plans—is disproportionate to the minor importance of the requirement in the grand scheme of the measure, *especially in light of the fact that the proposed digest appears to exceed the 300-word limit*. We therefore believe it is appropriate for that section to be shortened in proportion to its significance. We accordingly propose the following amendments:

“Proposition \_\_\_ would require the City to develop a Neighborhood Stabilization Plan by January 31, 2017, ~~†The goal of which this plan~~ would be to propose ~~legislation, policies, programs, and funding, and zoning controls~~ intended to ~~support enhance and preserve~~ affordable housing in the Mission, ~~such that at least 50% of all new housing be affordable to low-, moderate-, and middle-income households, and to ensure that those units would be available to residents of the Mission.~~”

However, we do propose moving that revised paragraph up to follow the first paragraph of this section, to explain the reason the moratorium is proposed. This essentially follows the “inverted pyramid” format employed in a typical newspaper article, which presents the who, what, when, where, how and—relevant to this change—*the why*, before providing additional details.

Additional minor changes are further proposed, also with an eye on the 300-word limit.

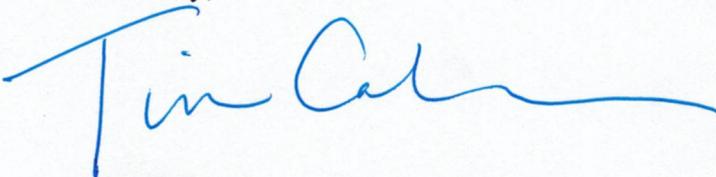
### 3. “A ‘YES’ Vote Means . . . A ‘NO’ Vote Means”

Finally, we suggest one edit to the “A ‘YES’ Vote Means” section: we believe that the generic reference in that section “certain types of development projects” is insufficiently specific. We believe the general electorate will have a far better understanding of what is being asked of them if the types of projects are described. This is particularly important because the chief focus of this entire measure is on *housing*—preserving it, building it, etc. We therefore propose adding the words “housing and business-related” in lieu of the word “development” as follows:

“**A “YES” Vote Means:** If you vote “yes,” you want to impose a moratorium of 18 to 30 months on certain types of housing and business-related development projects in the Mission District.”

We hope that these comments are useful as the Ballot Simplification Committee conducts the important task of drafting the digest. We would look forward to discussing these comments at tomorrow’s meeting.

Sincerely,



Tim Colen  
Executive Director

## Mission District Housing Moratorium\*

Digest by the Ballot Simplification Committee

**Status:** Draft for Consideration

**On:** Thursday, July 30, 2015

**Members:** Packard, Fasick, Fraps, Jorgensen, Unruh

**Word count:** *(suggested 300-word limit)*

**Deadline to Request Reconsideration:** TBD

---

**The Way It Is Now:** San Francisco's Mission District is a neighborhood roughly bounded to the west by Guerrero Street, to the south by Cesar Chavez Street, to the east by Potrero Avenue, and to the north by U.S. Route 101.

Persons seeking to build new housing, renovate or demolish existing housing, or to change the use of a property must obtain permits from the City.

**The Proposal:** Proposition \_\_\_ would impose an 18-month moratorium – meaning ~~a~~ complete suspension of City permits – on certain types of development projects in the Mission District, and would authorize a majority of ~~the members of~~ the Board of Supervisors to extend the moratorium ~~for~~ up to another 12 months, for a total moratorium period of up to 30 months. Construction of already-entitled projects proposing 1,495 new housing units, including hundreds of affordable housing units, would be delayed by the proposed moratorium.

Proposition \_\_\_ would require the City to develop a Neighborhood Stabilization Plan by January 31, 2017. ~~The goal of this plan~~ which would be to propose ~~legislation, policies, programs, and funding, and zoning controls~~ intended to ~~enhance and preserve~~ support affordable housing in the Mission, ~~such that at least 50% of all new housing be affordable to low, moderate, and middle income households, and to ensure that those units would be available to residents of the Mission.~~

The types of development projects ~~that~~ Proposition \_\_\_ will cover are:

- ~~the~~ demolition, conversion, or new construction (and significant renovations) of any housing project containing five or more units, including group housing like elder care facilities; and
- ~~the~~ demolition, conversion, or elimination of Production, Distribution and Repair (PDR) use, unless the elimination of the PDR use is necessary to construct a project ~~that consists~~ consisting of 100% affordable housing on the site. Under City law, PDR uses include a variety of business-related uses such as industrial, automotive, storage, and wholesale.

These prohibitions would not apply to ~~the~~ issuance of permits for 100% affordable housing projects.

Proposition \_\_\_ also makes findings regarding the need for the measure.

**A "YES" Vote Means:** If you vote "yes," you want to impose a moratorium of 18 to 30 months on certain types of housing and business-related development projects in the Mission District.

**A "NO" Vote Means:** If you vote "no," you do not want to make these changes to City law.