

August 4, 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: Response to D.C. Salaverry's Request
for Reconsideration of Approved Digest
"Mission District Housing Moratorium" Initiative**

Dear Members of the Ballot Simplification Committee:

I write to very briefly address the comments that Mr. Salaverry has made in his request for reconsideration of the Approved Ballot Digest in connection with this measure.

Mr. Salaverry states that "The Building Code sections on the need for demolition permits state that demolition permits are required if and only if a) 50% of the front or rear façade is removed AND 65% of the exterior walls at the foundation are also removed." See July 31, 2015, E-mail from David Carlos Salaverry to Barbara Carr. Respectfully, that misstates the law.

The test that Mr. Salaverry cites is one of several definitions of "demolition" found in Planning Code § 317, which definition the Initiative incorporates. That Code section defines the term "Residential Demolition" to include "any of the following:

(A) Any work on a Residential Building for which the Department of Building Inspection determines that an application for a demolition permit is required, or

(B) A major alteration of a Residential Building that proposes the Removal of more than 50% of the sum of the Front Facade and Rear Facade and also proposes the Removal of more than 65% of the sum of all exterior walls, measured in lineal feet at the foundation level, or

(C) A major alteration of a Residential Building that proposes the Removal of more than 50% of the

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Vertical Envelope Elements and more than 50% of the Horizontal Elements of the existing building, as measured in square feet of actual surface area.

(D) The Planning Commission may reduce the above numerical elements of the criteria in Subsections (b)(2)(B) and (b)(2)(C), by up to 20% of their values should it deem that adjustment is necessary to implement the intent of this Section 317, to conserve existing sound housing and preserve affordable housing.

Mr. Salaverry's e-mail focuses exclusively on subsection (B), and ignores completely subsections (A), (C) and (D).

Contrary to Mr. Salaverry's statements, work does qualify as a "demolition "if and only if" the criteria of subsection (B) are met. Subsection (A), which is an alternative to subsection (B), incorporates different—and less stringent—definitions of "demolition" from other places in the Planning Code. For example, if the property is listed as a public resource, a demolition permit is required in projects proposing:

1. Removal of more than 25 percent of the surface of all external walls facing a public street(s); or
2. Removal of more than 50 percent of all external walls from their function as all external walls; or
3. Removal of more than 25 percent of external walls from function as either external or internal walls; or
4. Removal of more than 75 percent of the building's existing internal structural framework or floor plates unless the City determines that such removal is the only feasible means to meet the standards for seismic load and forces of the latest adopted version of the San Francisco Building Code and the State Historical Building Code.

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(S.F. Planning Code § 1005(f).) Subsection (C) is also an alternative, and applies different standards from those identified by Mr. Salaverry.

Moreover, because Planning Code § 317(b)(9) defines "removals" to include "relocation" of a wall, roof or floor structure, this proposed measure could be read to prohibit a very wide array of activities such as: renovating existing rent-controlled buildings, or removing and replacing the interior partitions of an existing building containing more than 5 units.

In sum, it is unquestionably the case that "renovations" will be affected by this measure, and failing to tell the voters that is the case would be materially misleading. And the Committee has made clear that not all renovations will necessarily be affected, by amending the Digest to state that only "substantial" renovations will be covered—a change that even Mr. Salaverry himself agrees is "better." *See* July 31, 2015, E-mail from David Carlos Salaverry to Barbara Carr.

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We would urge the Committee to reject Mr. Salaverry's attempt to hide from the voters the fact that renovations will be affected by this measure, and to give the voters the false impression that only the complete destruction of a building would be impacted.¹

Sincerely,



Chris Skinnell

¹ I would note that the letter of the San Francisco Housing Action Coalition proposed that the reference to renovations be similarly qualified to refer to "significant" renovations. *See* July 29, 2015, Letter from Tim Colen to Members of the Ballot Simplification Committee, proposed redline (first bullet point). So Mr. Salaverry's implication that the opponents of the measure are seeking to "confuse and frighten" the voters is an unwarranted accusation.