

August 5, 2015

BALLOT SIMPLIFICATION COMMITTEE
1 Dr. Carlton B. Goodlett Place
City Hall, Room 48
San Francisco, CA 94102

Via email to: publications@sfgov.org

Re: **Ballot Measure – “Mission Housing Moratorium”**

Dear Members of the Committee:

This is in response to the Request for Reconsideration submitted by Chris Skinnell.

Mr. Skinnell’s Request is no more than a restatement of the suggestions made by the Housing Action Coalition in its letter of July 29th as well as the extensive commentary presented during nearly three hours of public comment at the proceedings on July 31. The opponents apparently believe that repetition will yield a more favorable result. Mr. Skinnell’s letter also contains numerous factual errors and misstatements regarding the Proposition, each of which are addressed below.

1. The Approved Digest Accurately Describes the Neighborhood Stabilization Plan.

Proposition I requires the City to work in concert with community members to “develop a Neighborhood Stabilization Strategy to be completed by January 31, 2017, and propose for adoption appropriate legislation, policies, programs, funding, and zoning controls, intended to enhance and preserve the stock of affordable housing in the Mission District... such that . . . at least 50% of all new housing be affordable to low, moderate and middle income households . . . “ (Sec. 2(e))

Opponents complain that the word “develop” is misleading and that “propose” is more appropriate. In fact, the opposite is the case. The verb used in the initiative is “develop,” and developing the plan is what will take the most effort and time (more than a year). Opponents further suggest that the plan must be submitted to the Board of Supervisors for approval. That may or may not be the case and, in any event, will only be part of the picture. Many aspects of the plan can be implemented by the Mayor’s Office, Mayor’s Office of Housing, City Planning, or by initiative. Therefore the suggestion that the Board of Supervisors will have to approve or enact the Neighborhood Stabilization Plan is incorrect and misleading.

The Approved Digest more than adequately describes the Plan and its workings and should be adopted.

2. “Suspend” Appropriately Describes the Action Required Under Prop. I.

“Suspend” is a word that is commonly understood. Suspend is a verb that describes what the ordinance will do: “suspend the issuance of city permits”.

Opponents request that the Committee substitute the word “stop” or “halt” instead of “suspend” (the issuance of permits). Their argument is based purely on the conjecture that: 1) the proponents want to “bar permanently” all projects, even ones that have been approved (not true); 2) the proponents will succeed in “barring permanently” these projects; and 3) a permanent bar to an entitled project is even legally achievable. That any of these possibilities will materialize is unlikely, and in any event does not reflect what the Ordinance does.

3. Adding Language Regarding Potential Impacts on Existing Pipeline Projects is Inappropriate, Inaccurate, Misleading, and Hypothetical.

The opponents next request the Committee to weigh in on an alleged potential impact of Proposition I on all pipeline projects, a suggestion which is completely false and uninformed. With due respect, it is not the province of the Committee to speculate as to the effect of the Ordinance. Nevertheless, opponents ask the Committee to use one broad stroke – essentially that it will stop all projects in their tracks - when, in fact, impacts are much more likely to range from project to project.

The Ordinance suspends the issuance of permits “for the demolition, conversion, or new construction of any housing project containing five or more units.” Many projects are unaffected by this because they are still in the first 18 months of the lengthy process of obtaining planning approval. Nothing in the Ordinance prevents these projects from moving forward with community meetings, discussions with Planning, preparation of Environmental Impact Reports, etc.. Some projects would be delayed in receiving Planning approval – assuming the project, as proposed would be ultimately approved by Planning.

For those projects that have already received approval from Planning (approximately 487 units of which 8% are affordable), some have received their permit for demolition, conversion or new construction and would not be affected at all. Others may receive their permits between now and the effective date of the Ordinance. (The date the vote count is declared by the Department of Elections). It is entirely conceivable that none of the entitled projects will be affected at all.

The language proposed by opponents is both inappropriate and misleading and advocates a particular position.

4. The Approved Digest Informs the Voter by Giving Examples of Typical PDR Uses.

The Approved Digest describes PDR uses as including a “variety of business-related uses such as furniture makers, recording studios, wholesale distributors, auto-repair shops, plumbing supply stores, art studios, and lumber yards.” (emphasis supplied) There is nothing misleading about this description. That it does not include “Industrial and Agricultural Uses,” “Commercial Storage,” or “Livery Stables” does not render the Digest misleading or less informative.

5. The Sequencing of “New Construction” in the Approved Digest is Consistent with the Initiative.

Opponents have requested that the words “new construction” be moved to before “demolition” at the first bullet point, divining that it is more important to the proponents and therefore should be moved. Notwithstanding the fact that the proponents are also concerned about the demolition and conversion of affordable housing, the Ordinance reads “demolition, conversion, or new construction” in that order. So does the Approved Digest. There is no good reason to change that.

6. The Description of “Affordable Housing” is Accurate and Appropriate.

After a good deal of discussion, the Committee settled on the language “affordable to low and moderate income households” and to provide in the “words to know” the tables showing the dollar amounts for each category. This makes understandable to the voter both the initiative’s exception and the affordable housing goals of the Neighborhood Stabilization Plan. It is especially important given common misunderstandings as to the meaning of “affordable housing”. The use of the terms “affordable to low and moderate income households” is consistent with the Committee’s Final Digest for this year’s Mission Rock Initiative as well as last year’s Proposition K.

Finally, the suggestion that the Initiative has any requirement that units be subsidized is blatantly a false one. There is no such language in the Initiative and no requirement that housing be subsidized.

7. The Further Language Suggested by Opponent is False and Redundant.

Again, the opponent wishes to improperly describe the affordable housing as “subsidized.” This is false and misleading.

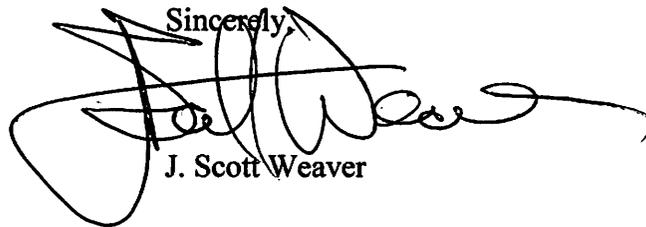
Additionally, opponents request that the Committee add language at paragraph 6: “issuance of permits for all other types of housing will be prohibited”. This phrase is false.

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Proposition I only suspends permits for demolition, conversion, or new construction of buildings containing five units or more. Opponents proposed language encompasses much more than that.

Furthermore, the proposed additional language is redundant. The digest makes clear that the initiative will suspend permits for demolition, conversion or new construction of buildings containing five or more housing units. Paragraph six describes the exception (100% affordable to low and moderate income households). There is no point in adding that, except for the exception, all other permits for demolition, conversion or new construction of housing units containing five or more units are suspended. It is already self-evident from the way the Approved Digest is structured that this is the case

Thank you for your attention and consideration.

Sincerely,

J. Scott Weaver

JSW:sme