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January 24, 2022

Rules Committee

San Francisco Board of Supervisors

The Honorable Aaron Peskin, Chair, Rules Committee

The Honorable Rafael Mandelman, Member, Rules Committee

The Honorable Connie Chan, Member, Rules Committee

1 Dr. Carlton B. Goodlett Place

San Francisco, CA 94102

Agenda Item #9, Board File 211289: Charter Amendment, Streamlining Review of Affordable Housing

Dear Chair Peskin and Rules Committee Members,

I do not support Board File #211289, the proposed Charter Amendment introduced by Supervisor Safai without any co-sponsors to streamline review of affordable housing projects.

We've been there; we've done that, rejecting this kind of legislation before, and it should **not** be enshrined in the City Charter.

As you know, the Board of Supervisors has previously rejected this type of legislation introduced by Mayor London Breed. Now, it seems Supervisor Safai is carrying the Mayor's water bucket and trying to sneak in a Trojan Horse to enshrine undeserved protections for building and construction union workers in the City Charter that don't belong there.

The Legislative Digest posted on the Board of Supervisors web site for File # 211289 notes the definition of affordable housing would be expanded to include households earning up to 140% of AMI, which is an amount higher than what is otherwise required by the Planning Code or considered to be "affordable" by the Mayor's Office of Housing and Community Development.

Safai's proposed Charter change seeks to enshrine in the City Charter a provision to baldly ensure his backers — the construction and building trades unions — are given protection that during construction of affordable housing projects, that developers would be required to pay prevailing wages, and use only a skilled and trained workforce.

What's more, the Legislative Digest posted on the Board of Supervisors web site for File # 211289 notes this Charter Amendment would amend the Charter to limit — or potentially eliminate — that currently permits discretionary review of eligible projects by the Planning Commission, Board of Supervisors, Board of Appeals, Historic Preservation Commission, and the Arts Commission.

CEQA requires environmental review of approved discretionary permits. The City Charter and other municipal codes require discretionary review of most permits for housing development projects.

Safai's legislation appears to streamline, and remove, any ministerial approval processes for housing projects with 25 or more residential units.

Send this legislation back to the junk pile and dust bin of poorly thought-out legislation that should **not** be enshrined in the City Charter!

I recommend that the Rules Committee reject Supervisor Safai's proposed Charter Amendment and forward to the full Board of Supervisors a strong recommendation to reject it and **not** place it on the June 2022 ballot.

Please place this testimony in the Public Correspondence file for File #211289.

Respectfully submitted,

Patrick Monette-Shaw

Columnist/Reporter

Westside Observer Newspaper

cc: The Honorable Catherine Stefani, Supervisor, District 2
The Honorable Gordon Mar, Supervisor, District 4
The Honorable Dean Preston, Supervisor, District 5
The Honorable Matt Haney, Supervisor, District 6
The Honorable Myrna Melgar, Supervisor, District 7
The Honorable Hillary Ronen, Supervisor, District 9
The Honorable Shamann Walton, Supervisor, District 10
The Honorable Ahsha Safai, Supervisor, District 11
Angela Calvillo, Clerk of the Board
Victor Young, Clerk of the Rules Committee
Lee Hepner, Legislative Aide to Supervisor Aaron Peskin
Tom Temprano, Legislative Aide to Supervisor Rafael Mandelman
Frances Hsieh, Legislative Aide to Supervisor Connie Chan



20 January 2022
Board of Supervisors
President, Shamann Walton
Chair Myrna Melgar, Land Use and Transportation Committee
1 Dr Carlton B Goodlett
San Francisco, CA 94102

Re: File # 211289, Streamlining Review of Affordable Housing¹

Dear President Walton, Land Use and Transportation Committee Chair Melgar, and the San Francisco Board of Supervisors:

The Race & Equity in all Planning (REP-SF) Coalition strongly urges that the Board of Supervisors reject the above-referenced file, a proposed charter amendment for the June 7, 2022 ballot. This proposed charter amendment, misleadingly titled "Streamlining Review of Affordable Housing" would undermine decades of nation-leading affordable housing advocacy in San Francisco, and would lead to displacement of the communities that have led that advocacy.

If the Board approves this dangerous measure for inclusion on the June 2022 ballot, it will redefine "affordable housing" to 140% of the Area Median Income (AMI). Per MOHCD², the affordable rent for a 1-BR 140% AMI apartment calculates out to \$3,729 per month. The average market rent³ for a 1-BR apartment in San Francisco is currently \$2,850 per month (this is updated from the reference in the charter amendment's findings). This means that the measure before you will streamline 100% market rate housing while masquerading as a measure that provides "affordable" housing.

There is another provision of this charter amendment that appears to provide streamlining of 100% affordable housing developments, but 100% affordable housing projects already enjoy all of the streamlining this measure proposes, rendering this charter amendment meaningless.

¹

<https://sfgov.legistar.com/View.ashx?M=F&ID=10359677&GUID=9DDFC8C1-3ECD-4657-B6B7-8EBCF2EB6A8C> (we have provided a footnote to this file because it is not searchable from within Legistar)

²

<https://sfmohcd.org/sites/default/files/Documents/MOH/Asset%20Management/2021%20AMI-RentLimits-HMFA.pdf>

³ <https://www.zumper.com/rent-research/san-francisco-ca>

The charter amendment doesn't serve the people it claims it would help. According to MOHCD⁴, 140% AMI means \$130,000/yr for a single person and \$186,500/yr for a family of four. The measure describes how "there is a need to make it easier to build affordable and middle income housing to keep our city diverse." It mentions "nurses, firefighters, teachers, small business owners, retail and non-profit workers, and Muni drivers." It also mentions "service sector employers", etc. You can already see how the campaign will be spun, claiming to provide affordable housing for workers in all these professions and sectors. Unfortunately, however, a firefighter⁵ doesn't make nearly this much money, and a teacher in the SFUSD⁶ may never see this high of a salary. You'll find a similar disconnect with every one of the professions listed.

Even more misleading is the way that this proposed charter amendment calls the projects it streamlines "Increased Affordability Housing Projects." Based on the way this measure is set up, if a project was required to provide 20 BMR units through our existing Inclusionary program, with this charter amendment, the developer would have to provide 23 BMR units- not a substantial increase at all. Additionally, as noted above, by setting the definition of "affordable" at 140% AMI, these projects don't actually provide a single unit of housing that would be "below market rate". What this measure does is streamline approvals for 100% market rate, unaffordable housing projects. It also appears to allow developers to bypass the HOME-SF and Inclusionary programs. As imperfect as they are, both HOME-SF⁷ and Inclusionary⁸ actually demand units that are "below market rate" (or in the case of the Inclusionary program at least the developer had to pay an affordable housing fee to the City if they don't provide the units).

Perhaps the most reprehensible provisions of this proposed ballot measure are the ones that create "streamlining" for these market rate housing developments. This charter amendment reeks of distrust of communities, shifting all power to profit-driven developers. Communities would no longer be able to organize to demand housing that's truly affordable, demand ground level uses that are truly community-serving, and demand open space that's accessible and usable.

This proposed charter amendment transfers all power for development to profit-driven developers who would be able to take whatever density bonuses they choose, and build whatever type of development that will feed their bottom line, regardless of the impacts their developments have on communities, including those struggling to make ends meet and who are vulnerable to displacement.

This wholesale transfer of power away from communities for the benefit of market rate developers is made even worse by making it impossible for the Board of Supervisors, the Planning Commission and the Board of Appeals from being able to either represent the needs of communities and hold developers accountable, or provide a venue for communities to be able

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<https://sfmohcd.org/sites/default/files/Documents/MOH/Asset%20Management/2021%20AMI-IncomeLimits-HMFA.pdf>

⁵ <https://www.salary.com/research/salary/benchmark/fire-fighter-salary/san-francisco-ca>

⁶ <https://uesf.org/members/2017-2020-contract/>

⁷ <https://sfplanning.org/home-sf#affordability-requirements>

⁸ <https://sfplanning.org/project/inclusionary-affordable-housing-program>

to represent themselves and advocate for equity and affordability and against gentrification and displacement. There is no need for this measure to be a charter amendment, except to diminish the voice and power of the parts of city government that might question the impacts that market rate development have on San Francisco residents.

We urge you to reject this charter amendment outright because instead of providing affordable housing, it silences communities, transfers power to developers, and pads developers' bottom lines while providing nothing of value for San Francisco. If this moves forward and a campaign is waged, it will generate so much confusion and cynicism for voters around what is truly "affordable housing" that all of the decades of advocacy that put San Francisco and its communities in the forefront of affordable housing development nationally will be thoroughly undone. We urge you to reject this dangerous measure.

Respectfully,

The Race & Equity in all Planning Coalition⁹

cc

Land Use and Transportation Committee of the Board of Supervisors

Clerk of the Board, Angela Calvillo

Legislative Aides of the Board of Supervisors

⁹ <https://www.repsf.org/>