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Subject: FW: Case No. 2021-011130PCA / Board File No. 211092] - Automotive Uses; Housing Density
Date: Thursday, December 9, 2021 11:33:07 AM

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Subject: Case No. 2021-011130PCA / Board File No. 211092] - Automotive Uses; Housing Density

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Re: Case No. 2021-011130PCA / Board File No. 211092] - Automotive Uses; Housing Density

Commission President Koppel and Commissioners:

We hereby submit the below comment regarding the subject legislation and recommend various changes to mitigate impacts to San Francisco's workforce and enhance its equitable application to City's vulnerable communities and future residents.

Any Density Bonus should be accompanied with mandatory Rent Control and/or On-Site Affordability.

The core premise of the Mayor's legislation is to principally permit residential developments on sites with existing Automotive Uses and to provide enhanced density on those eligible sites.

As an overarching comment, *any* financial assistance conferred upon an eligible project sponsor - including but not limited to density bonuses and any other waivers of Planning Code requirements - should render the entire resulting project subject to rent control. Specifically, resulting units should be subject to the limits on annual rent increase set forth in Chapter 37 of the San Francisco Administrative Code (the "Rent Ordinance").

This principle is a cornerstone of San Francisco's local ADU Program, which provides a path to approval wherein project sponsors voluntarily enter into Costa Hawkins

Regulatory Agreements in exchange for waivers from existing density limits and other Planning Code provisions.

We recommend that the Mayor's legislation be modified to explicitly state that any density bonus is an *exception* to existing density limits, and may only be granted via a waiver of existing limits in exchange for a voluntary commitment to rent control.

We also recommend the following changes:

- Require that in exchange for any waiver of density limits or other Planning Code requirements, **a project's inclusionary housing requirement must be satisfied with on-site affordable units.**
- **Prohibit the subdivision and separate sale (i.e., the "condo-ization") of units** to ensure that they will be affordable to and help stabilize future generations of long-term tenants in San Francisco.
- **Implement unit size minimums and unit size caps, family-friendly unit mixes, and minimum density requirements.** Nothing in the Mayor's proposal prevents the exploitation of streamlining for the unnecessary construction of large single family homes. As long as the market for large homes is robust, we should only be considering a streamlined path to approval for projects that implement affordable unit size caps, family-friendly unit mixes, and minimum density requirements. Similarly, minimum unit sizes will ensure that resulting units are habitable.
- **Prohibit group housing.** To ensure that resulting units are habitable for long-term residents, and to ensure the long-term stability of resulting communities, this proposal should be modified to prohibit sub-standard group housing.

We oppose the elimination of CU's for the removal of Automotive Uses.

The Mayor's legislation would also remove Section 202.5 from the Code, thereby eliminating the Planning Commission's ability to make findings with respect to the loss of vital blue-collar jobs in our communities. We urge the Commission to oppose this aspect of the legislation.

Automotive service and repair jobs and other blue-collar jobs associated with "Automotive Uses" are essential to the livelihoods of families across San Francisco. Among other findings, the Conditional Use requirement set forth in Section 202.5 requires the Planning Commission to find that the elimination of these blue-collar jobs is "necessary and desirable." Section 202.5 also expressly requires the Commission to consider the number of units - and affordable units - in replacement residential projects. Requiring the Commission to make these determinations is essential to the integrity of resulting projects and to the autonomy and self-determination of a necessary sector of our City's workforce.

Planning's Staff Report states that the Commission already sees very few of these CU's. If the Commission seeks to make recommendations based on the "tradeoffs" that result from the loss of blue-collar jobs - a premise that fundamentally devalues

the importance of these jobs to our communities - we argue that the “downside” of having that discussion in the context of a public hearing is minor.

We also recommend the following changes:

- **Eliminate the 10-year look-back for Legacy Businesses.** Any Legacy Business, including those that are eligible but have not yet been processed for inclusion on the Legacy Business Registry, should be ineligible for enhanced real estate speculation.
- **Distinguish between sub-categories of “Automotive Use.”** The Planning Code definition of “Automotive Use” includes 14 different use types. The Commission should at least distinguish between uses that are more likely to employ blue-collar workers - like automotive repair and gas station convenience stores - from uses that are more likely to be automated, like surface parking lots or parking structures.
- **Expand Section 202.5 findings to include workforce analysis.** In addition to the many findings set forth in Planning Code Section 202.5, the Commission should also consider the impact to the workforce and related communities when automotive repair and other workforce-intensive uses are the subject of potential conversion.
- **Require replacement PDR space.** In 2016, voters overwhelmingly approved of Prop X, which required developers to provide space to replace any Production, Distribution and Repair spaces that were destroyed or disrupted by a development project within the Mission and South of Market neighborhoods. This measure should be modified to require comparable replacement for any resulting loss of space with the intent of ensuring that these jobs remain in San Francisco.

Objection to “Cars to Casas” short-title.

As a general statement, we object to the rhetorically weighted and insensitive reference to this legislation as “Cars to Casas.” Given that many of the jobs associated with Automotive Uses are held by members of the Latino community in San Francisco, the use of a Spanish-language short-title to refer to a measure that threatens their livelihoods is insensitive and inappropriate.

Regardless, there is no reason why Planning Staff should rely on rhetorical shorthand in the context of a report that strives for objective analysis.

Sincerely,

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--

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