

BOARD of SUPERVISORS



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## MEMORANDUM

LAND USE AND TRANSPORTATION COMMITTEE

SAN FRANCISCO BOARD OF SUPERVISORS

TO: Supervisor Myrna Melgar, Chair  
Land Use and Transportation Committee

FROM: John Carroll, Assistant Clerk

DATE: December 4, 2023

SUBJECT: **COMMITTEE REPORT, BOARD MEETING**  
Tuesday, December 5, 2023

The following file should be presented as COMMITTEE REPORT during the Board meeting on Tuesday, December 5, 2023. This resolution was acted upon during the regular Land Use and Transportation Committee meeting on Monday, December 4, 2023, at 1:30 p.m., by the votes indicated.

**BOS Item No. 36**

**File No. 231175**

**[Urging the City Attorney and the Mayor to Respond to HCD's "Policy and Practice Review" by Seeking Extensions of Deadlines for Required Actions, and Certain Revisions and Corrections; and Setting City Policy for Implementation of the Housing Element]**

Resolution urging the City Attorney and the Mayor to request that the State Department of Housing and Community Development (HCD): 1) extend the deadlines for Required Actions in HCD's Policy and Practice Review to ensure that all of San Francisco's extensive, collaborative work to further housing development does not lead to de-certification of San Francisco's adopted Housing Element; 2) revise and correct HCD's Policy and Practice Review to be consistent with all policies in San Francisco's adopted Housing Element, including its policies and actions related to affordable housing and equity, as well as the City's legal obligations to affirmatively further fair housing, and to be consistent with San Francisco's status as a Charter City imbued with the power of local action over municipal affairs; and setting forth that as part of the City's Housing Element implementation, it is the policy of the City to address the dual goals of production of new housing as well as the preservation of existing housing.

RECOMMENDED AS COMMITTEE REPORT

Vote: Supervisor Myrna Melgar – Aye  
Supervisor Dean Preston – Aye  
Supervisor Aaron Peskin – Aye

Cc: Board of Supervisors  
Angela Calvillo, Clerk of the Board  
Alisa Somera, Legislative Deputy  
Anne Pearson, Deputy City Attorney

File No. 231175

Committee Item No. 5

Board Item No. 36

## COMMITTEE/BOARD OF SUPERVISORS

### AGENDA PACKET CONTENTS LIST

Committee: Land Use and Transportation

Date: December 4, 2023

Board of Supervisors Meeting:

Date: December 5, 2023

#### Cmte Board

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|-------------------------------------|-------------------------------------|--|
| <input type="checkbox"/>            | <input type="checkbox"/>            | Motion                                       |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Resolution - VERSION 2                       |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Ordinance                                    |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Legislative Digest                           |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Budget and Legislative Analyst Report        |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Youth Commission Report                      |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Introduction Form                            |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/>            | <input type="checkbox"/>            | MOU  |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Grant Information Form                       |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Grant Budget                                 |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Subcontract Budget                           |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Contract / DRAFT Mills Act Agreement         |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Form 126 – Ethics Commission                 |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Award Letter                                 |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Application                                  |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Public Correspondence                        |

#### OTHER

- |                                     |                                     |  |
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| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>HCD Report – October 25, 2023</u>                     |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Committee Report Request Memo – November 29, 2023</u> |
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Prepared by: John Carroll

Date: December 1, 2023

Prepared by: John Carroll

Date: December 4, 2023

Prepared by: \_\_\_\_\_

Date: \_\_\_\_\_

1 [Urging the City Attorney and the Mayor to Respond to HCD's "Policy and Practice Review" by  
2 Seeking Extensions of Deadlines for Required Actions, and Certain Revisions and  
3 Corrections; and Setting City Policy for Implementation of the Housing Element]

4 **Resolution urging the City Attorney and the Mayor to request that the State Department**  
5 **of Housing and Community Development (HCD): 1) extend the deadlines for Required**  
6 **Actions in HCD's Policy and Practice Review to ensure that all of San Francisco's**  
7 **extensive, collaborative work to further housing development does not lead to de-**  
8 **certification of San Francisco's adopted Housing Element; 2) revise and correct HCD's**  
9 **Policy and Practice Review to be consistent with all policies in San Francisco's**  
10 **adopted Housing Element, including its policies and actions related to affordable**  
11 **housing and equity, as well as the City's legal obligations to affirmatively further fair**  
12 **housing, and to be consistent with San Francisco's status as a Charter City imbued**  
13 **with the power of local action over municipal affairs; and setting forth that as part of**  
14 **the City's Housing Element implementation, it is the policy of the City to address the**  
15 **dual goals of production of new housing as well as the preservation of existing**  
16 **housing.**

17  
18 WHEREAS, On February 1, 2023, California's Department of Housing and Community  
19 Development (HCD) certified San Francisco's Housing Element, finding it fully compliant with  
20 State Housing Element Law; and

21 WHEREAS, Since then, both the Mayor and the Board of Supervisors have introduced  
22 multiple Ordinances proposing changes to the City's land use and housing policies to advance  
23 and conform to the goals in the City's Housing Element, including several significant  
24 Ordinances that have already been adopted to "reduce constraints" for market rate housing,  
25 specifically Board File Nos. 230026 (increasing density on certain single-family

1 parcels); 230374 (streamlining review of site permits); 230764, 230769 and 230855 (reducing  
2 inclusionary and other impact fees); and 230732 (facilitating housing in the downtown area),  
3 which are hereby declared to be a part of this resolution as if set forth fully herein; and

4 WHEREAS, San Francisco's Housing Element is the first to center racial and social  
5 equity in the formation of its housing goals and land use actions, and successful  
6 implementation will require a coordinated, interlocking, and balanced set of actions; and

7 WHEREAS, San Francisco exceeded its market rate housing production goals in prior  
8 Regional Housing Needs Assessment (RHNA) cycles, although it failed to produce more than  
9 half of its affordable housing production goals in those same cycles; and

10 WHEREAS, San Francisco will not be able to achieve its 2023-2031 affordable housing  
11 production goals with a singular focus on private development policies and practices without  
12 sufficient measures to address racial equity, fair housing practices, affordability, and  
13 displacement; and HCD's singular focus on efforts to streamline market rate development  
14 may even exacerbate the City's affordability crisis; and

15 WHEREAS, San Francisco is a Charter City with authority over municipal affairs and  
16 the power to take local action as long as the action is not inconsistent with the City's Charter,  
17 the California or United States Constitutions, and state laws that address matters of statewide  
18 concern; and

19 WHEREAS, HCD published a document entitled "San Francisco Housing Policy and  
20 Practice Review" (Policy and Practice Review) and transmitted it to San Francisco on  
21 October 25, 2023; and

22 WHEREAS, In the Policy and Practice Review, HCD imposes deadlines for Required  
23 Actions that mandate changes to local laws and actions within time periods that may conflict  
24 with or are contrary to San Francisco's Charter and other local and state laws; and

25

1           WHEREAS, Some timelines imposed by the Policy and Practice Review are as short  
2 as 30 days, which is not sufficient time to accommodate the City's obligation to consider and  
3 address the potential adverse impacts such actions would impose on the urgent need to  
4 preserve and enhance existing rent-controlled housing, retain neighborhood small  
5 businesses, provide job opportunities, consider the workforce represented by organized labor,  
6 and to protect communities at greater risk and disproportionately impacted by displacement,  
7 particularly Black, Indigenous and people of color (BIPOC), as well as other critical needs of  
8 San Francisco's residents; and

9           WHEREAS, The City committed to implementing many of the required actions in the  
10 Policy and Practice Review as part of its certified Housing Element, but the Policy and  
11 Practice Review purports to create shorter time frames to accomplish those same actions;  
12 and

13           WHEREAS, The Policy and Practice Review states that failure to implement the  
14 required actions in the time frames specified therein will cause HCD to initiate the process to  
15 de-certify the City's Housing Element and additional enforcement action; and

16           WHEREAS, The Policy and Practice Review directs the City to disregard certain local  
17 laws, including voter adopted amendments to the General Plan and Planning Code; and

18           WHEREAS, HCD has de-certified other jurisdiction's Housing Elements under a  
19 substantial compliance standard; and

20           WHEREAS, De-certification of a Housing Element would trigger various consequences,  
21 including the loss of state funding, and the "Builders Remedy," which is recently proving to  
22 reduce, rather than increase, the number of housing units developers are building in San Jose  
23 and surrounding areas; and

24  
25

1           WHEREAS, De-certification of San Francisco's Housing Element would diminish the  
2 construction and building trades' ability and rights to negotiate project labor agreements,  
3 leading to labor shortages and increasing disparities between wages and housing costs; and

4           WHEREAS, De-certification of San Francisco's Housing Element would deregulate  
5 development of market rate housing and put the approximately 65% of San Francisco's  
6 population that are renters, as well as San Francisco's historically marginalized low-income  
7 communities and communities of color, at heightened risk of displacement; and

8           WHEREAS, San Francisco's RHNA goal of over 82,000 housing units is based in large  
9 part on the Association of Bay Area Governments' Final RHNA Plan methodology, which  
10 allocates almost half of the regional housing need based on the factors related to job  
11 proximity, and results in jurisdictions with the most access to jobs – such as San Francisco -  
12 experiencing higher growth rates from their RHNA allocations than other jurisdictions in the  
13 region – such as Marin County, but the Policy and Practice Review fails to consider the  
14 changes in regional work patterns due to the COVID-19 pandemic and the ability for many  
15 employees to work from home; and

16           WHEREAS, Since the certification of San Francisco's Housing Element, the State has  
17 adopted two legislative interventions designed to increase and streamline the production of  
18 housing – Senate Bill 423 (SB 423) and Assembly Bill 1114 (AB 1114); and

19           WHEREAS, SB 423, included a late-in-the-process amendment specially requiring San  
20 Francisco, as the only jurisdiction out of California's 58 counties, to report its RHNA progress  
21 each year, while other jurisdictions are subject to the general requirement that RHNA  
22 progress be reviewed every four years, which will ultimately force San Francisco out of  
23 compliance with its RHNA goals, requiring San Francisco to ministerially approve certain  
24 housing projects in 2024; and

25

1           WHEREAS, AB 1114 will impose stringent deadlines for review of “postentitlement  
2 phase permits,” as that term is defined, and limit appeals of those types of permits, and will  
3 also address several of the Required Actions listed in the Policy and Practice Review; and

4           WHEREAS, De-certification of San Francisco’s Housing Element will lead to the  
5 displacement of low-income residents, renters, and seniors, which the City has a vested  
6 interest in protecting and advocating for, which is why San Francisco has adopted as a city  
7 priority policy protection of San Francisco residents from displacement; and

8           WHEREAS, De-certification of San Francisco’s Housing Element will jeopardize San  
9 Francisco’s ability to access state funding for transit infrastructure and affordable housing,  
10 which is contrary to the state’s overall climate goals to prioritize denser, affordable  
11 development near transit; and

12           WHEREAS, San Francisco has worked diligently to meet or exceed HCD’s requests  
13 throughout the Housing Element adoption process and worked collaboratively with HCD  
14 during HCD’s Policy and Practice Review investigation, despite a demonstrated pattern of an  
15 inconsistent application of state law across jurisdictions and ever-changing goal posts; and

16           WHEREAS, Over 57% of the RHNA plan for this RHNA cycle (which has greatly  
17 inflated production mandates over prior RHNA cycles) is targeted to three income categories  
18 that are “below market,” but HCD has not provided any new resources for assisting in the  
19 accomplishment of these affordable housing mandates, most notably funding; and

20           WHEREAS, HCD’s Policy and Practice Review fails to acknowledge the legal  
21 requirements of AB 686 (2018) to “affirmatively further fair housing,” and ignores  
22 Section 65584(d)(5) of the Government Code, which specifically provides that the RHNA plan  
23 shall further clear objectives, including affirmatively furthering fair housing, but HCD’s review  
24 does not address the displacement of low-income, BIPOC, Seniors, and disabled San  
25 Franciscans; and

1           WHEREAS, HCD’s Policy and Practice Review ignores Section 65584(d)(1) of the  
2 Government Code that specifically provides that the RHNA plan shall further the objective of  
3 “[i]ncreasing the housing supply and mix of housing types, tenure, and affordability in all cities  
4 and counties within the region in an equitable manner, which shall result in each jurisdiction  
5 receiving an allocation of units for low- and very low-income households,” and de-certification  
6 of San Francisco’s Housing Element and imposition of the “Builder’s Remedy” could box San  
7 Francisco into only prioritizing the lucrative development of market-rate housing, which is in  
8 contravention of the mandate for equitable distribution in the region; and

9           WHEREAS, San Francisco’s Housing Element has several priority Implementing  
10 Actions that are specifically intending to Affirmatively Further Fair Housing, such as Actions  
11 1.1.2, 1.1.3, 1.1.14, 1.1.15, 1.2.2, 1.2.3, 1.2.4, 1.2.5, 1.2.8, 1.4.6, 1.4.7, 1.5.2, 1.5.4, 1.5.5,  
12 1.7.1, 1.7.4, 1.7.5, 1.7.7, 1.7.8, 1.7.9, 1.7.11, 2.1.1, 2.1.2, 2.1.4, 2.1.5, 2.1.7, 2.2.1, 2.2.2,  
13 2.2.4, 2.2.8, 2.2.9, 2.3.1, 2.3.3, 2.3.4, 2.4.1, 2.4.2, 2.4.3, 2.4.4, 4.1.1, 4.1.2, 4.1.3, 4.1.4, 4.1.5,  
14 4.1.9, 4.2.1, 4.2.5, 4.4.2, 4.5.1, 4.5.5, 4.5.12, 5.2.1, 5.2.2, 5.2.3, 5.2.4, 5.2.6, 5.3.2, 5.3.3,  
15 5.4.1, 5.4.7, 5.4.8, 5.4.9, 6.1.2, 6.2.1, 6.3.1, 6.3.3, 6.3.6, 6.3.9, 7.4.3, 8.4.21, 8.6.2, 8.6.7,  
16 8.6.10; and

17           WHEREAS, HCD’s Policy and Practice Review appears to blame the slow rate of  
18 development permits and applications in 2023 entirely on San Francisco’s review and  
19 approval process, which analysis is incomplete, as it ignores the market realities of declining  
20 market rate demand, high interest rates, lack of financing, and other labor and development  
21 costs that are completely independent of San Francisco’s approval processes; and

22           WHEREAS, It is a City priority to retain and provide housing affordable to members of  
23 the City’s workforce so they may live and work in San Francisco consistent with  
24 Section 65584(d)(3) of the Government Code, which specifically says the RHNA plan shall  
25 promote an improved intraregional relationship between jobs and housing, including an



1 improved balance between the number of low-wage jobs and the number of housing units  
2 affordable to low-wage workers in each jurisdiction; however, HCD's Policy and Practice  
3 Review ignores Section 65584(d)(3) and the threatened de-certification of San Francisco's  
4 Housing Element and imposition of the "Builder's Remedy" would undermine this San  
5 Francisco priority; and

6 WHEREAS, HCD's Policy and Practice Review fails to acknowledge that more  
7 than 60,000 housing units have been documented by the City as sitting vacant in San  
8 Francisco, and while more than 50,000 housing units have been entitled, these projects have  
9 not moved into construction because of a lack of financing and equity lending, not due to any  
10 City zoning or local discretionary review process; now, therefore, be it

11 RESOLVED, That the Board of Supervisors of the City and County of San Francisco  
12 urges the City Attorney and the Mayor, on behalf of the City, to request that HCD extend the  
13 deadlines for Required Actions in HCD's Policy and Practice Review to ensure that all of San  
14 Francisco's extensive, collaborative work to further housing development does not lead to de-  
15 certification of San Francisco's adopted Housing Element; and, be it

16 FURTHER RESOLVED, That the Board of Supervisors of the City and County of San  
17 Francisco urges the City Attorney, on behalf of the City, to ask HCD to revise and correct the  
18 Policy and Practice Review so it is responsive to the adopted San Francisco Housing  
19 Element, including its actions on preserving existing affordable housing and fostering racial  
20 and social equity, as well as responsive to the City's legal obligations to affirmatively further  
21 fair housing, and San Francisco's status as a Charter City imbued with the power of local  
22 action over municipal affairs; and, be it

23 FURTHER RESOLVED, That as part of the City's Housing Element implementation, it  
24 is the policy of the City to address the dual goals of production of new housing as well as the  
25 preservation of existing housing; and, be it

1           FURTHER RESOLVED, That the Board of Supervisors of the City and County of San  
2 Francisco requests that HCD partner with the City to draft a review of joint local - state actions  
3 to advance policies, tools, and financial and resource investments to achieve the affordable  
4 housing goals in the 2023-2031 RHNA cycle; and, be it

5           FURTHER RESOLVED, That the Board of Supervisors of the City and County of San  
6 Francisco directs the Clerk of the Board to transmit this Resolution to the City Attorney, the  
7 Mayor, the City Lobbyist, and the State Legislative Delegation upon final passage.

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# San Francisco Housing Policy and Practice Review

California Department of Housing and Community Development

Housing Policy Development Division



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# Introduction

This San Francisco Housing Policy and Practice Review (Review) is the first of its kind conducted by the California Department of Housing and Community Development (HCD). It identifies, and seeks to remove, barriers to housing approvals and construction at all income levels. This Review includes Findings and Required Actions that San Francisco (City) must take to reform its housing approvals ecosystem and facilitate housing production and is informed by extensive quantitative and qualitative data collection and analysis. Implementing this Review's Required Actions, as mandated by San Francisco's adopted housing element and Housing Element Law, will ensure that San Francisco's housing approval policies and practices are consistent with state housing laws, follow best practices, and enable the City to facilitate housing production for residents at all income levels.

# Statutory Authority for this Review

This Review was conducted in accordance with the powers conferred under Government Code section 11180 et seq., which gives HCD the authority to investigate and prosecute actions concerning all matters relating to the business activities and subjects under the jurisdiction of HCD, violations of any law or rule or order of HCD, and such other matters as may be provided by law. This authority includes, but is not limited to, the powers to inspect papers, books, accounts, documents, writings and records, hear complaints, administer oaths, issue subpoenas, propound interrogatories, take sworn testimony in connection with the authorized investigation, designate persons to serve subpoenas, and do all other things authorized under Government Code section 11180 et seq.



# Why Review San Francisco?

California's Statewide Housing Plan calls for the state to act with urgency to address homelessness and housing need.<sup>1</sup> California needs an additional 2.5 million homes, including one million homes affordable to lower-income households, over this eight-year regional housing needs allocation (RHNA) cycle.<sup>2</sup> Every city and county must do its fair share to ensure that residents at all income levels have a home they can afford. Yet San Francisco stands out for several reasons.

## *San Francisco has the longest timelines in the state for advancing a housing project from submittal to construction.*

According to self-reported Annual Progress Report (APR) data and prior research from the University of California, Berkeley (UCB), San Francisco has the longest timelines in the state for advancing a housing project from submittal to construction. According to 2022 APR data, it takes an average of 523 days for a housing project to be entitled, compared to 385 days for the next slowest jurisdiction in the state.<sup>3</sup> It takes an average of 605 days for San Francisco to issue a building permit to an already entitled housing project, compared to 418 days in the next slowest jurisdiction.<sup>4</sup> Independent research by UCB found that the median entitlement timeframe for development that conforms to San Francisco's local zoning and planning requirements is over two years, and that most development

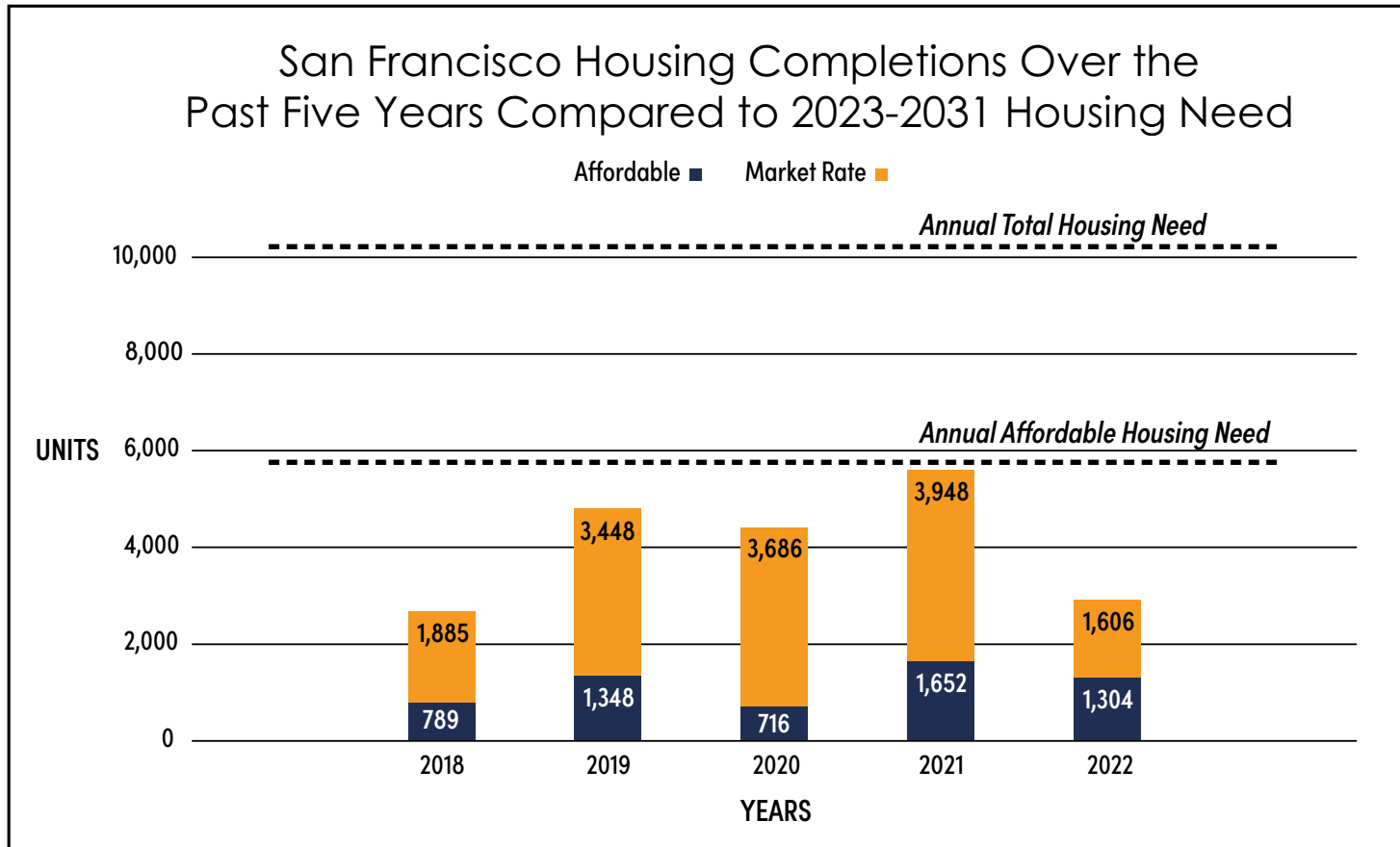
was entitled in the eastern portion of the City because that is where density and use controls allowed dense housing.<sup>5</sup> Comparing similar code compliant developments in San Francisco and neighboring Oakland in terms of number of units, affordability, and neighborhood, San Francisco's entitlement processes took three years longer.<sup>6</sup>

## *If San Francisco's current rate of housing approvals and construction continues, the City will not meet its 6<sup>th</sup> Cycle RHNA goal.*

If San Francisco's current rate of housing approvals and construction continues, the City will not meet its 6<sup>th</sup> Cycle RHNA goal – which, at 82,069 housing units, is the highest in the Bay Area region and one of the highest in the state.<sup>7</sup>

In order to meet its housing need, San Francisco must add 10,259 units of housing, including 5,825 affordable homes, each year through 2031.<sup>8</sup> As depicted in Figure 1 on the next page, this is far above San Francisco's annual average housing numbers reported in APR data over the past five years: 4,076 homes constructed, including 1,162 affordable homes. Furthermore, according to data published by the U.S. Department of Housing and Urban Development, San Francisco permitted just 179 new housing units through the first six months, or 181 days, of 2023 – a rate of less than one unit per day.<sup>9</sup>

FIGURE 1: COMPARISON OF CITY'S PRIOR HOUSING CONSTRUCTION TO CURRENT RHNA



Moreover, San Francisco is experiencing median rents that exceed \$3,500 a month<sup>10</sup> and has the highest construction costs in the state.<sup>11</sup> In a 2020 study, the UCB Turner Center for Housing Innovation (Turner Center) found that while housing construction costs increased 25 percent over a 10-year period statewide, the Bay Area's construction costs increased 119 percent, reaching \$380 per square foot

in 2018.<sup>12</sup> In a separate 2018 study by the Turner Center, development stakeholders unanimously agreed that "the most significant and pointless factor driving up construction costs [in San Francisco] was the length of time it takes for a project to get through the city permitting and development processes."<sup>13</sup>

Lastly, HCD's Housing Accountability Unit (HAU) has received more complaints about potential violations of state housing laws by San Francisco than any other jurisdiction. The HAU opened 20 cases in response to such complaints, followed next by Los Angeles and Berkeley with eleven cases each.

San Francisco is an outlier on housing approvals, in part because of how it applies a blanket discretionary review process to all building permits.<sup>14</sup> San Francisco's housing approval processes are also notoriously complex and cumbersome, creating unpredictability and uncertainty. This results in an environment where only the most seasoned development professionals benefit from knowing how to navigate the local processes, and barriers to entry are imposed for new developers.<sup>15</sup>

These findings invite more questions about San Francisco's local laws and planning practices, and about San Francisco's implementation of new state housing laws intended to spur housing production at all income levels and promote equity.

## Relationship of this Review to Other State and Local Efforts

HCD announced this Review in August 2022. Along the way, this Review directly informed, and was informed by, HCD's other work, including the enforcement of state housing laws and the review of San Francisco's housing element.





## State Housing Law Accountability and Enforcement

HCD has statutory authority to enforce more than a dozen state housing laws to meaningfully and positively impact the provision of housing in California. In 2021, Governor Gavin Newsom created the Housing Accountability Unit (HAU) at HCD to provide technical assistance to local jurisdictions and hold them accountable for implementing state housing laws. When HCD receives a request for technical assistance or a complaint about a potential violation of state law, the HAU investigates the issue, provides technical assistance as appropriate, and escalates to enforcement, including referral to the California Office of the Attorney General, as necessary. During the course of this Review, the HAU sent seven letters to San Francisco pertaining to active cases, ranging from a Letter of Inquiry to a Notice of Violation of state housing law.

## Housing Element Review and Implementation

HCD is also responsible for reviewing the housing elements of all 539 cities and counties in California for compliance with Housing Element Law, and for ensuring that local governments adopt – and then implement – plans and regulatory systems that provide opportunities for, and do not unduly constrain, housing development.<sup>16</sup> After providing significant technical assistance to San Francisco, including supporting the development of robust programs to remove constraints and facilitate housing production at all income levels, on February 1, 2023, HCD found the City’s adopted housing element in substantial compliance with Housing Element Law.

San Francisco’s adopted housing element includes three programs, or “Actions,” directly related to this Policy and Practice Review, with an implementation timeline of zero to two years:

- **Action 8.8.1:** “Participate and perform data and process analysis as directed by mandatory Policy and Practice Review HCD scope and timeline.”<sup>17</sup>
- **Action 8.8.2:** “Revise local process, procedures, and other relevant requirements to implement priority recommendations of HCD’s finalized Policy and Practice Review.”<sup>18</sup>
- **Action 8.8.3:** “Amend Housing Element, as needed, to include final actions required by outcomes of mandatory Policy and Practice Review HCD effort.”<sup>19</sup>

Through the above Actions, San Francisco committed to addressing the findings of this Review and implementing HCD’s “Priority Recommendations,” which this Review refers to as “Required Actions.” HCD continues to monitor San Francisco’s implementation of its housing element to ensure that the programs and rezoning efforts identified are completed on time.

A housing element is not a paper exercise – it is an enforceable commitment to the state that a city or county will take specific actions on specific timeframes over an eight-year period. Once HCD finds an adopted housing element compliant with Housing Element Law, the jurisdiction must work towards implementing the housing element.

**If HCD finds that a jurisdiction failed to implement a program included in the housing element, HCD may, after informing the local jurisdiction and providing a reasonable time to respond, revoke its finding of compliance with Housing Element Law until it determines that the jurisdiction has come into compliance.**<sup>20</sup>

The City's failure to implement the Required Actions will result in HCD initiating the process to revoke housing element compliance. Various consequences may apply if the City does not have a housing element in compliance with Housing Element Law, including ineligibility or delay in receiving certain state funds, referral to the California Office of the Attorney General,<sup>21</sup> court-imposed financial penalties,<sup>22</sup> the loss of local land use authority to a court-appointed agent,<sup>23</sup> and the application of the "builder's remedy."<sup>24</sup>

## Local Efforts

As HCD began this Policy and Practice Review, pursued housing accountability and enforcement actions, and provided technical assistance to bring the City's housing element into compliance with Housing Element Law, San Francisco began to rethink and revise its approach to housing approvals over the past year.<sup>25</sup>

San Francisco began to implement some of the Actions identified in the City's housing element, partially through Mayor London Breed's Housing for All Executive Directive, which directs City "departments to remove barriers to housing construction, reform outdated zoning restrictions, and find long-term solutions for creating more affordable housing."<sup>26</sup>

In addition, on July 25, 2023, the San Francisco Board of Supervisors approved the Housing Stimulus and Fee Reform Plan, lowering inclusionary housing requirements and reforming impact fees to increase financial feasibility for housing projects. Mayor Breed also introduced a "Constraints Reduction Ordinance" to implement a variety of Actions identified in San Francisco's housing element. HCD wrote a Letter of Support and Technical Assistance for this ordinance, which was sent to, and subsequently recommended for approval by, the Planning Commission. In July 2023, the San Francisco Planning Department also removed the requirement that most dense housing projects begin with a mandatory Preliminary Project Assessment (PPA) process that added, on average, a year to the application process.<sup>27</sup>

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***The City's failure to implement the Required Actions will result in HCD initiating the process to revoke housing element compliance.***

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While these and other local efforts, spurred by state intervention, are beginning to change the status quo of housing review and approval in San Francisco, this Review finds that there is still much to be done. This Review reinforces the importance of continuing to implement the housing element, identifies existing housing element programs that San Francisco must prioritize and revise, and provides additional Required Actions that San Francisco must take to ensure that local laws and planning practices are consistent with state housing laws and will facilitate housing production at all income levels.

# Review Approach

This Policy and Practice Review addresses the following research topics:

1. At the local level, are state housing laws (including the Housing Accountability Act, Housing Crisis Act, Permit Streamlining Act, State Density Bonus Law, Senate Bill 35, and Housing Element Law) intended to promote housing production and affordability being fully implemented and are they achieving their intended effect?
2. What are the causes of delay in San Francisco's entitlement process?
3. To what extent do discretionary review processes impact overall project timelines and the housing approvals pipeline?

To address these research topics, HCD contracted with a UCB research team led by Moira O'Neill, Associate Research Scientist, to conduct an in-depth, year-long analysis of San Francisco's regulatory regime and entitlement practices. The UCB research builds upon prior studies of land use regulation in California – led by O'Neill and colleagues – known as the Comprehensive Assessment of Land Use Entitlements Study (CALES). CALES uses various quantitative, qualitative, and spatial methods and data to understand and analyze how jurisdictions apply local and state law. Using this CALES methodology, the research team analyzed San Francisco's entitlement data for projects resulting in five or more housing units from 2014-2021.

This Review includes data on 284 housing developments of five or more units of housing approved by the Planning Department. Each observation captures all available building characteristics, application, hearing, and approval data, resulting in over 300 variables per development.

This Review also includes qualitative data from conversations with local stakeholders, including city staff, appointed and elected officials, community-based organizations, housing advocates, affordable developers, market-rate developers, attorneys, and others. HCD invited all members of the San Francisco Board of Supervisors (five out of 11 participated), Planning Commission (four out of seven participated), and Historic Preservation Commission (zero out of seven participated) to engage with this work. In total, HCD convened 33 stakeholder engagement sessions with approximately 146 participants, and UCB conducted additional in-depth confidential research interviews with 24 participants that HCD did not take part in.

For more details on the specific research methods used in this study, and report findings, please refer to UCB's full academic report – *Examining Local Law, Policy and Planning Practice on Development in San Francisco using CALES, in support of the San Francisco Policy and Practice Review*.

# Key Findings

Based on the quantitative and qualitative research and analysis conducted by the UCB research team, specific Review findings include the following:

## Inconsistencies with State Laws

- 1. San Francisco's local rules around discretionary permitting and post-entitlement appeals prevent full implementation of the goals and aims of state housing laws.** This includes two aspects of local law that impact procedural rules, existing planning practices, and zoning standards: (1) a provision in the City's Business and Tax Code that renders all permits discretionary,<sup>28</sup> and (2) a Charter provision that the City interprets to allow for appeals of all permits, including post-entitlement permits. These both serve as major procedural constraints on housing production, including affordable production.
- 2. Post-entitlement practices impacting SB 35 projects are noncompliant with state laws.** San Francisco's application of SB 35 does not resolve post-entitlement hurdles – of which there are many. San Francisco's local rules block full implementation of SB 35 by allowing related post-entitlement permits to face subjective administrative appeals of ministerially approved affordable housing developments.
- 3. Application intake processes do not comply with the Permit Streamlining Act (PSA) but have improved marginally over time** in terms of tracking and making notifications publicly accessible. Though San Francisco Planning did not systematically meet PSA notification deadlines for entitlements issued through 2021, it appears the Planning Department is better situated to track the data to monitor its performance in this area.
- 4. Local rules require entitlement processes to begin before formal application submittal,** even with recent changes to planning practices eliminating the Preliminary Project Assessment process, and to navigate multiple hurdles along the way to approval and eventual construction.
- 5. Subjective and vague Design Guidelines and other design standards and conditions of approval frustrate the Housing Accountability Act** requirements for objective standards.
- 6. Planners and developers reported that the City's political bodies apply local rules in a way that signals they do not understand how state law limits their discretion** in the area of State Density Bonus Law and the Housing Accountability Act.
- 7. The City's discretionary, subjective approvals process for large, code-compliant housing projects, including Eastern Neighborhoods (ENX) and Downtown Large Project Authorization (DNX), is inconsistent with the Housing Accountability Act** requirements for objective standards.
- 8. The City's application of the Affordable Housing Fee, and Inclusionary Affordable Housing Program requirements, impose a fee on affordable units in contravention of State Density Bonus Law, and impermissibly penalize developers for utilizing State Density Bonus Law.**

## Historic Inequities in Planning and Zoning Decisions

9. **San Francisco's past planning and zoning practices created major inequities across San Francisco in terms of which neighborhoods would host the majority of the City's housing density and affordability.** Stakeholders report that the City's response to its historic failure to engage communities, particularly vulnerable neighborhoods, during planning and zoning has been to increase process at the project-level.
  - a. In theory, adding process at the individual project entitlement and permitting level allows groups without power to shape zoning to advocate for their neighborhood needs before a development is built. But stakeholders share that "affluent NIMBYs" can, and do, weaponize these process requirements to block housing. This approach has largely left the inequitable zoning map and planning regulations intact while also nurturing project-level disputes that constrain housing approval and production timelines and numbers.
  - b. The consequence is that San Francisco underproduces housing citywide and concentrates nearly all production in the same neighborhoods, thus exacerbating existing conflicts over land use.
10. **It is critical to codify community needs at the neighborhood planning level while creating a local ministerial (non-discretionary) process for code-compliant development at the project level** if San Francisco is ever to meet its production requirements while also advancing housing equity.

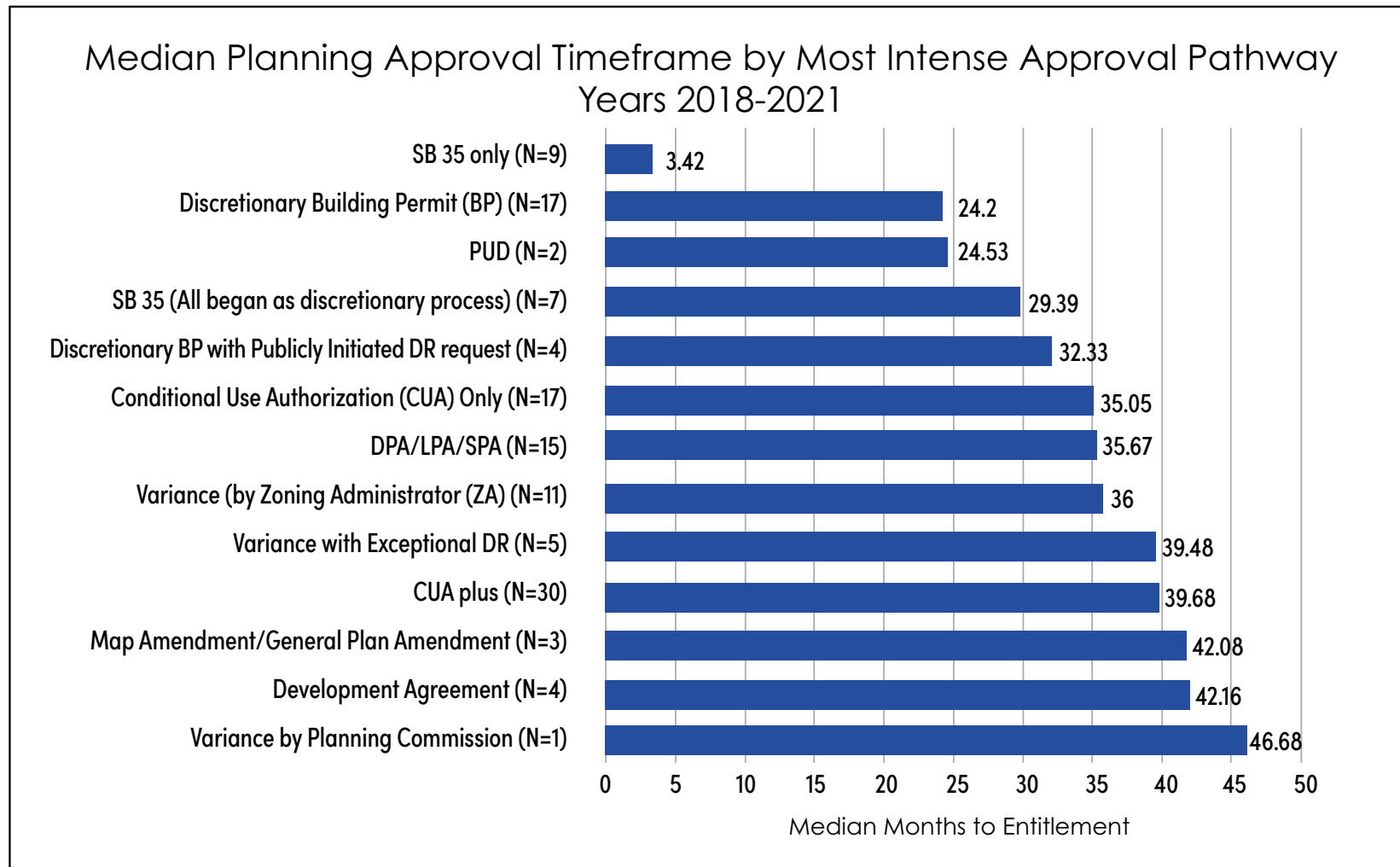


## Senate Bill 35 and Overall Affordability Trends

11. **A ministerial process like Senate Bill (SB) 35 is a fix to planning approval in San Francisco**, with the median SB 35 project moving through the Planning Department

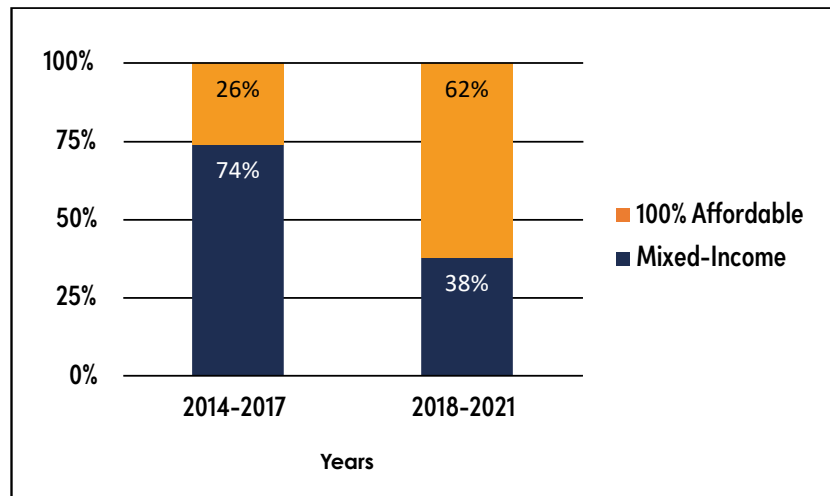
in just 3.42 months, compared to two years (or longer) for non-SB 35 projects, demonstrating that with discretionary hurdles out of the way, San Francisco can approve projects quickly.

FIGURE 2: PLANNING APPROVAL TIMEFRAME BY MOST INTENSE APPROVAL PATHWAY (2018-2021)



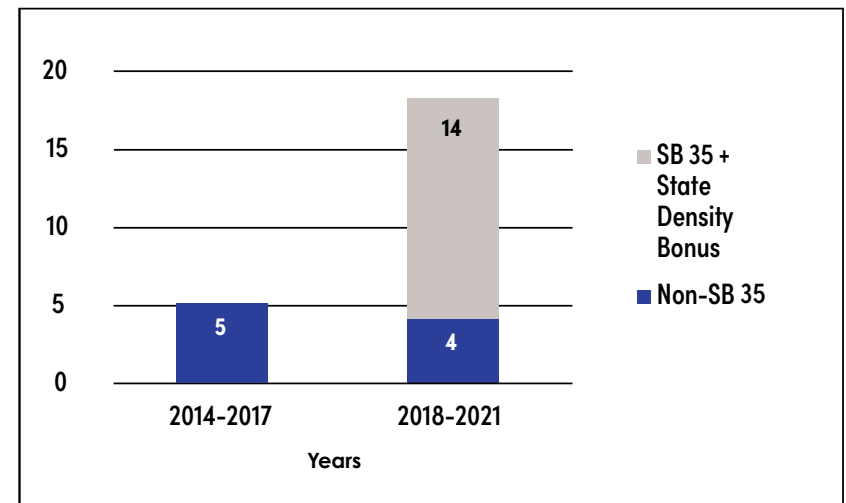
12. **Before SB 35, nearly three out of every four affordable units entitled came through the City’s inclusionary housing program, but SB 35 changed that trend in 2018-2021.** Very few units in the earlier years of study came through 100 percent affordable developments. Affordable developers reported that SB 35 and State Density Bonus Law were critical to creating opportunity for more 100 percent affordable developments, which in turn shifted the distribution of what types of development (mixed-income or 100 percent affordable development) occurred in the years following SB 35’s enactment, though implementation – particularly for State Density Bonus Law – was bumpy.

**FIGURE 3: PERCENT OF AFFORDABLE UNITS APPROVED BY PLANNING BY DEVELOPMENT TYPE**



13. **Affordable developers said that SB 35 and State Density Bonus Law were essential to increase financial feasibility and certainty of getting through onerous planning review processes,** and the data bears this out. Nearly all developments that benefit from SB 35 also rely on State Density Bonus Law to increase the number of affordable units offered.

**FIGURE 4: NUMBER OF 100% AFFORDABLE DEVELOPMENTS APPROVED BY PLANNING\***



*\*There is one project not included in this graph that could be counted as an SB 35 + State Density Bonus development based on data from the Department of Building Inspection, but planning data is unclear.*

14. **Developers shared that the inclusionary program's on-site and fee requirements were difficult to meet and discouraged development, and the data bears this out.**

There were more smaller market-rate developments in the later years (2018-2021) that were below the inclusionary housing program's unit threshold. It is important to note that the inclusionary thresholds were much lower in the years leading to 2014-2017 entitlements. Because fully funding the affordable housing needed through government subsidies is prohibitively expensive, leveraging market-rate development to create affordable housing through inclusionary zoning (i.e., mixed-income housing) is one key strategy for producing housing at all income levels. Thus, San Francisco should continue to pursue strategies that both maximize affordability and ensure that projects are financially feasible.<sup>29</sup>

## Problematic Local Implementation of the California Environmental Quality Act (CEQA)

15. **Local rules – not state law or CEQA Guidelines – require additional CEQA studies,** even as Planning Department policies rely heavily on CEQA exemptions. These additional studies add more work, cost, and risk to the environmental review process, even for exempt developments, but are not required by state law.
16. **Risk of costly local appeals drives cautious environmental planning practices that limit the impact of the PSA.** Planners believe that project opponents abuse CEQA administrative appeals to block or delay other key

project approvals. This seems to encourage planners to make environmental review determinations late in the planning review process, either when all other approvals are done or in conjunction with other approvals, even when the entitlement solely requires a CEQA exemption. The problem with this approach to environmental planning review is that it limits the PSA's effect on overall entitlement timelines because the "clock" on entitlement timelines for qualifying development does not begin before the environmental review documentation is complete.<sup>30</sup>

17. **Planners report that they are more fearful of scrutiny in front of the City's appointed and elected bodies than of CEQA litigation.** Environmental planners feel confident their work would survive judicial scrutiny, but administrative appeals are easy to file and create problems for planning practice even if they are withdrawn or denied. Appeals, even if withdrawn, impact staff time and capacity – administrative appeals, on average, added 20 days of staff review time to the developments in our dataset and cost the Planning Department approximately \$100,000 a year to prepare for. This changes the workflow for the entire division, as environmental planners shift priorities and work to prepare for the appeal hearing. These appeals also add costs to the project proponents in the form of holding costs and added risk.



## Publicly Initiated Discretionary Review

18. **Publicly Initiated Discretionary Review occurs frequently, impacting at least 20 percent of code-compliant developments** of five or more housing units not otherwise subject to a hearing with the Planning Commission, adding unnecessary public hearings and potentially fostering negotiations outside of public hearings. This differs from the perception amongst planners that Publicly Initiated Discretionary Review is not a hurdle for larger housing developments, even if the tool is used most frequently to resolve disputes over small projects – like residential decks and expansions – between neighbors. On average, the discretionary building permit that faces a request for Publicly Initiated Discretionary Review takes approximately nine months longer to get approved.

## Public Hearings and Development by Negotiation

19. **Continuances of public hearings, meant to avoid later challenges through post-entitlement administrative appeals, are common.** Developers state that the City uses continuances to host informal negotiations about the project design and scope between the project applicant and project opponents. Approvals data confirms that continuances occur at a high rate.
20. **The City fails to maintain good data on problematic practices,** including continuances, appeals (basis, frequency, denials, withdrawals), and voting patterns, making internal and external continued analysis and tracking difficult.

## Procedural Complexities

21. **The complexity associated with housing entitlement and permitting in San Francisco is not only a barrier to entry to new development professionals pursuing projects in the City but is also causing developers with experience in San Francisco to leave** and pursue work in neighboring jurisdictions instead.
22. **Planners report feeling fearful and overwhelmed while processing applications for housing developments,** due to both the complexities of San Francisco’s local Planning Code and the threat of public scrutiny, which is amplified during public hearings.
23. **Stakeholders report persistent post-entitlement challenges,** including inadequate inter-agency coordination (particularly around utilities connections and ADA assessments), subjectivity in post-entitlement permitting that can send entitlements back to the Planning Department for more review, and inadequate supervision of and a failure to implement performance benchmarking for Department of Building Inspection staff that leads to serious variability in permitting processes that should be standardized. This lack of uniformity and transparency in the post-entitlement process sets the stage for corruption<sup>31 32</sup> and distrust.
24. **Affordable housing developers report additional procedural complexities,** including the aforementioned lack of inter-agency coordination, trouble satisfying public art requirements for 100 percent affordable

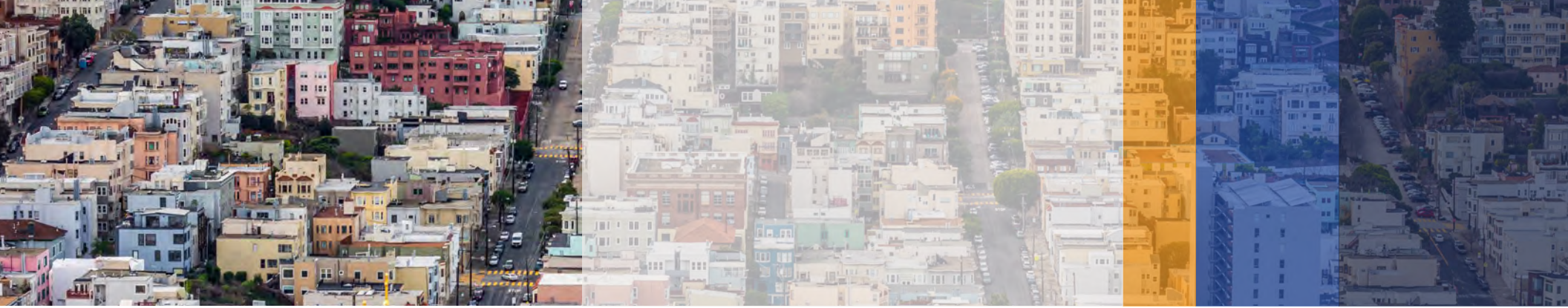
housing developments, and difficulty meeting the City's local hire requirements – which some developers attribute to labor shortages.

## Politics and Stakeholder Disagreements

25. **Political bodies are split ideologically, limiting their progress on crafting solutions and influencing the outcomes for housing projects that come before them.** Appointed and elected officials want what they believe is best for their communities, but they are not in sync on the role of regulation, or what legal reforms would best achieve production targets, including affordable housing targets, while protecting vulnerable neighborhoods. This divide appears to limit their progress on crafting solutions.
26. **Planners and developers believe that San Francisco needs major local procedural reforms** to facilitate housing production, but not all commissioners and supervisors agree.
27. **Some stakeholders, including planners, do not have confidence that San Francisco will implement the City's housing element without substantial state intervention.**

The following section includes Required Actions that the City must take to address these Findings.





## Required Actions

The Required Actions below are critical to addressing constraints to production identified in the Key Findings and, in some cases, to complying with state housing laws. Some of the Required Actions refine or accelerate San Francisco's existing housing element Actions. Implementation of the Required Actions, therefore, will have an especially significant impact on reducing housing approval timelines and increasing housing production at all income levels.

As specified in San Francisco's housing element Actions 8.8.2 and 8.8.3, the City must implement the “priority recommendations” and, as needed, amend the housing element to include “final actions” required in the Policy and Practice Review. The Required Actions constitute those priority recommendations and final actions. **Therefore, failure to implement the Required Actions will initiate HCD's process to revoke housing element compliance and may result in additional enforcement action.** HCD's enforcement process will start with a Corrective Action Letter immediately after the City misses the specified deadline for each Required Action, after which the City will have 30 days to implement the Required Action before its housing element compliance is revoked via a Decertification Letter from HCD.

Implementing these Required Actions will require intervention at various levels of City government, including, but not limited to, amendments to staff-level practices, Municipal Code amendments, and potentially changes to the City Charter. There also may be potential for state-level legislative amendments to achieve some of the below Required Actions. **To avoid enforcement action, the City is expected to work with HCD on strategies to implement these Required Actions, including receiving HCD's approval of any language used in implementing ordinances, and to report to HCD on or before the Action due date to confirm that the City has completed the Action.**

The tables below outline both high-level and specific Required Actions, as well as the timeframes that the Required Actions must be completed in, and whether the Action implicates a local Policy or Practice.

## 1. Eliminate Discretion and Subjectivity in Planning Review

SPECIFIC ACTIONS	TIMING	POLICY OR PRACTICE?
<p><b>1.1</b> Revise entitlement processes to require that housing developments that conform to existing planning and zoning standards move efficiently through a local non-discretionary, ministerial entitlement process. This includes areas outside of Priority Equity Geographies and in Priority Equity Geographies and Cultural Districts where community-led strategies have defined and codified community benefits at the neighborhood or citywide level.</p> <p>A non-discretionary ministerial entitlement process must not, by definition, subject code-compliant housing developments to any discretionary decision making, including Publicly Initiated Requests for Discretionary Review.</p>	<p>Complete by January 31, 2024, for projects on reused 4<sup>th</sup> and 5<sup>th</sup> cycle lower-income housing element sites that are 20 percent affordable, as required by Housing Element Law.<sup>33</sup></p> <p>Immediately initiate development of community-led strategy to determine appropriate community benefits within Priority Equity Geographies and Cultural Districts that do not yet have codified community benefits.</p> <p>By Fall 2026, establish a local non-discretionary entitlement pathway, with progress updates to HCD every 6 months.</p>	<p><b>Policy</b> (Municipal Business and Tax Regulations Code)<sup>i</sup></p>
<p><b>1.2</b> Eliminate Planning Commission hearings for all code-compliant housing development in all locations outside of Priority Equity Geographies. <b>This program is past due in the housing element, with an implementation date of July 31, 2023.</b></p>	<p>30 days.</p>	<p><b>Policy and Practice</b> (Multiple Approaches Available)</p>

<sup>i</sup> HCD understands that some controversy exists about whether a change to the City’s Charter is also necessary and urges the City to explore this issue and potential pathways to establish a non-discretionary ministerial process for housing developments.

SPECIFIC ACTIONS	TIMING	POLICY OR PRACTICE?
<p><b>1.3</b> Prioritize existing housing element actions surrounding Objective Design Standards &amp; Findings, including amending and replacing the Residential Design Guidelines and Urban Design Guidelines to remove all subjective standards and requirements, and to codify current Planning Department policy rules that are not currently in the Planning Code or design guidelines.</p>	<p>1 year.</p>	<p><b>Policy</b> (Design Guidelines and Planning Code)</p>
<p><b>1.4</b> Eliminate the use of “neighborhood character” and “neighborhood compatibility” terminology in case report findings and in relevant design guidelines, and remove “light” and “air” terminology in case report findings to support discretionary requests.</p>	<p>30 days for case report findings. 1 year for design guidelines.</p>	<p><b>Practice and Policy</b> (Design Guidelines and Planning Code)</p>
<p><b>1.5</b> Consistent with the recent action to eliminate the Preliminary Project Assessment, ensure that no mandatory pre-application processes are required in order for a housing development project applicant to submit a preliminary application under the Permit Streamling Act.</p>	<p>30 days.</p>	<p><b>Practice</b></p>

SPECIFIC ACTIONS	TIMING	POLICY OR PRACTICE?
<p><b>1.6</b> Standardize recording practices amongst planning staff and increase internal tracking and public display of key planning steps, including project intake (application date, completeness determination date, notification dates, start of planning review), required public hearings (including notices and required continuances), and approvals – to allow for internal and external monitoring of entitlement processes and ensure that entitlement practices comply with relevant state laws, including the timelines set forth in the Permit Streamlining Act.</p>	<p>90 days. Evaluate and adjust annually.</p>	<p><b>Practice</b></p>
<p><b>1.7</b> Require requests for waivers and concessions under State Density Bonus Law to be processed by the Planning Department, not the Planning Commission, when no other entitlements are required.</p>	<p>Pass implementing ordinance within 30 days.</p>	<p><b>Policy</b> (Planning Code)</p>

SPECIFIC ACTIONS	TIMING	POLICY OR PRACTICE?
<p><b>1.8</b> Revise the application of the Affordable Housing Fees and Inclusionary Affordable Housing Program requirements, so as not to impose fees on affordable units for projects under State Density Bonus Law.</p> <p>Affordable units cannot be counted toward the total unit count for a State Density Bonus Law project in determining whether the higher Affordable Housing Fees and Inclusionary Affordable Housing Program requirements apply.</p>	<p>As soon as possible, but no later than 1 year.</p>	<p><b>Policy</b> (Planning Code and Planning Director Bulletin No. 6)</p>
<p><b>1.9</b> Revise the Large Project Authorization in Eastern Neighborhoods (ENX) and the Downtown Large Project Authorization (DNX) processes to ensure approval criteria for housing projects are written and objective.</p>	<p>1 year.</p>	<p><b>Policy</b> (Planning Code)</p>
<p><b>1.10</b> Approve other reforms in the proposed “Constraints Reduction” Ordinance and the Mayor’s Housing for All Executive Directive that will implement the various housing element programs identified in HCD’s June 16, 2023 Letter of Support and Technical Assistance.</p>	<p>Pass Implementing ordinance within 30 days.</p>	<p><b>Practice and Policy</b> (Planning Code)</p>

## 2. Reform Local California Environmental Quality Act (CEQA) Practices

SPECIFIC ACTIONS	TIMING	POLICY OR PRACTICE?
<p><b>2.1</b> Review and revise environmental planning review practices to require CEQA exemption determinations within 30 days of receiving and accepting the project application as complete, rather than making this determination at the end of the entitlement process.</p>	<p>6 months.</p>	<p><b>Practice</b></p>
<p><b>2.2</b> Eliminate additional requirements for supplemental studies not required by CEQA statute or Guidelines, such as shadow and wind studies, in environmental review.</p>	<p>1 year to evaluate which local environmental review requirements are not required by CEQA statute or Guidelines.</p> <p>1-3 years to eliminate additional requirements.</p>	<p><b>Policy</b> (Planning Code)</p>

## 3. Reform the Local Administrative Appeals Process

SPECIFIC ACTIONS	TIMING	POLICY OR PRACTICE?
<p><b>3.1</b> Revise local practices so that projects that require ministerial approval pursuant to SB 35, State ADU Law, Housing Element Law, AB 1114, and other state housing laws cannot face any post-entitlement administrative appeals if the project complies with applicable permit standards.</p>	<p>End subjective post-entitlement appeals immediately, and all post-entitlement appeals no later than January 1, 2024.</p>	<p><b>Practice</b></p>



SPECIFIC ACTIONS	TIMING	POLICY OR PRACTICE?
<p><b>3.2</b> Revise local rules so that all development that benefits from a local ministerial approval process, once established, does not face any post-entitlement administrative appeals.</p>	<p>Comply with state law (AB 1114) by January 1, 2024.</p>	<p><b>Policy</b> (City Charter)</p>
<p><b>3.3</b> Revise rules around administrative appeals for all post-entitlement permits, and narrow which permits are subject to additional administrative review.</p>	<p>Comply with state law (AB 1114) by January 1, 2024.</p>	<p><b>Policy</b> (Business and Tax Regulations Code, City Charter)</p>

#### 4. Expedite and Standardize the Post-Entitlement Permitting Process

SPECIFIC ACTIONS	TIMING	POLICY OR PRACTICE?
<p><b>4.1</b> Standardize post-entitlement review requirements and develop and measure against performance benchmarks for the permitting processes to reduce subjectivity in construction permitting. This includes publishing all post-entitlement requirements, including intake requirements, from all relevant departments included in post-entitlement reviews in checklist form. Any interpretations of relevant municipal codes applied to post-entitlement reviews must be published on the relevant department's website and consistently applied.</p>	<p>9 months.</p>	<p><b>Practice</b></p>

SPECIFIC ACTIONS	TIMING	POLICY OR PRACTICE?
<p><b>4.2</b> Analyze and reduce constraints imposed on projects receiving City funds for affordable housing development, including removing Public Art requirements for 100 percent affordable housing projects and standardizing and streamlining reviews by the Mayor's Office of Disability.</p>	<p>1 year.</p>	<p><b>Policy</b> (Planning Code)</p>

## 5. Increase Accountability and Transparency

SPECIFIC ACTIONS	TIMING	POLICY OR PRACTICE?
<p><b>5.1</b> On developments that are ministerially approved, ensure that planning practice does not allow for city personnel to pressure project proponents into negotiations between neighborhood groups, and that all involvement by city personnel in meetings outside of public hearings comply with state law.</p>	<p>Notify city personnel of requirement immediately.</p> <p>Develop protocols to ensure continued compliance within 6 months.</p>	<p><b>Practice</b></p>

# Recommended Actions

To fully address the Findings in this Review and demonstrate that San Francisco is truly “Prohousing,” San Francisco should implement the following Recommended Actions as well. Like the Required Actions above, some of these also relate to and refine existing housing element Actions and require intervention at various levels of City government. In the instances where these Recommended Actions relate to existing housing element programs, San Francisco is still required to, at a minimum, fully implement their existing housing element programs as written in the element.

SPECIFIC ACTIONS	TIMING	POLICY OR PRACTICE?
<p><b>6.1</b> Conduct local land use planning and zoning, including upzoning, in an equitable manner such that the task of ensuring equitable development is not left to Development Agreements and project-level negotiations and adjudication.</p>	<p>Initiate by completing Planning Department recommendations for upzoning, consistent with the Mayor’s Housing for All Executive Directive, by January 31, 2024.</p> <p>Complete by January 2026.</p>	<p><b>Policy</b> (Planning Code and Zoning Map)</p>
<p><b>6.2</b> When proposing Planning Code amendments, ensure that revisions simplify or reduce the rules applied to housing projects in order to decrease the institutional or technical knowledge needed by all stakeholders involved in the housing approvals process.</p>	<p>Ongoing.</p>	<p><b>Policy</b> (Planning Code)</p>
<p><b>6.3</b> Maintain practice of maximizing CEQA exemptions.</p>	<p>Ongoing.</p>	<p><b>Practice</b></p>
<p><b>6.4</b> Continue to build out Permit Center to expand oversight to, and coordinate, all permits for multifamily housing development.</p>	<p>Ongoing.</p>	<p><b>Practice</b></p>

SPECIFIC ACTIONS	TIMING	POLICY OR PRACTICE?
<p><b>6.5</b> Improve data management and public sharing of data on building permitting processes. For example, to support programmatic strategies that will expedite plan checks, revisions, and final inspections, develop accountability and tracking measures to determine average review timeframes, and identify methods to cut the timeframes. This may include updating internal permit tracking software and systems that allow all relevant City departments involved in the permitting process to access and input data about key project steps.</p>	<p>Ongoing.</p>	<p><b>Practice</b></p>
<p><b>6.6</b> Ensure project applicants are allowed to “opt in” to local programs, such as HOME SF, rather than being required to utilize the local program over programs developed by state law, such as State Density Bonus Law.</p> <p>When there is a pathway under state law, state law should be the default and easy to navigate.</p>	<p>30 days.</p>	<p><b>Practice</b></p>

SPECIFIC ACTIONS	TIMING	POLICY OR PRACTICE?
<p><b>6.7</b> Develop data tracking and related self-study to allow for external and internal monitoring of performance along each of the Administrative and Legislative milestones laid out in Mayor Breed’s Housing for All Executive Directive, including establishing benchmarks for progress in meeting each milestone.</p>	<p>Increase public transparency within 6 months.</p> <p>Complete within 1 year.</p>	<p><b>Practice</b></p>
<p><b>6.8</b> Develop a system where project applicants can escalate post-entitlement permitting issues to staff dedicated to resolving these issues and expediting approvals.</p>	<p>6 months.</p>	<p><b>Practice</b></p>
<p><b>6.9</b> Revise rules around administrative appeals for CEQA determinations by requiring appeal hearings to be expedited (e.g., heard within 30 days from filing), and review filing fees and cost requirements for parties filing appeals.</p>	<p>9 months.</p>	<p><b>Policy</b> (Administrative Code)</p>
<p><b>6.10</b> Expedite the timeline to conduct a pro-forma-based study on cumulative governmental constraints on housing development in San Francisco so that the study is complete by January 31, 2025. This study should include analysis of the interventions identified in the Required Actions.</p>	<p>Complete by January 31, 2025.</p>	<p><b>Practice</b></p>

## Conclusion and Next Steps

This Policy and Practice Review identifies barriers to housing approvals in San Francisco and provides a pathway for the City to remove them. San Francisco has perfected the art of avoiding obligations under state housing laws by maneuvering around them through local rules that exploit loopholes and frustrate the intent of state housing laws. In other instances, San Francisco's policies and practices are inconsistent with these laws. It is also clear that the City's local rules create constraints on production at all income levels and that San Francisco will not meet its housing element obligations without removing those constraints. The City's current housing element and local efforts speak to some of this but without the specificity and timeframes needed to fully address the constraints.

While some of the barriers imposed on housing developments in San Francisco are unique, many of the findings and Required Actions in this Review can serve as lessons learned and best practices for other jurisdictions, thus facilitating faster housing approvals and increased production of homes at all income levels statewide. The most important lesson for the state comes from a holistic understanding of what San Francisco's local law has done well and where it has posed obstacles to housing affordability and production. UC Berkeley's research found that San Francisco concentrated density in inequitable ways and blocked production through the complex housing approvals process. San Francisco provides an important reminder that zoning and planning is one important

pathway to housing production at all income levels, but a ministerial approval process is paramount. This suggests that review of zoning and planning requirements should consider three aspects of local law: density and use constraints, the location of available zoning, and procedural rules.

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***San Francisco provides an important reminder that zoning and planning is one important pathway to housing production at all income levels, but a ministerial approval process is paramount.***

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HCD will continue to provide technical assistance to the City as it works towards fully implementing its housing element, including incorporating and completing the revisions mandated by this Policy and Practice Review. Implementing the Required Actions from this Review, in addition to actively working to implement the existing housing element, is required for San Francisco to maintain compliance with Housing Element Law.

San Francisco has an opportunity to reverse course and truly be a leader in producing housing efficiently and equitably. While state law and best practices serve as a starting point, the City should take advantage of the Findings and Actions in this Review – and the ongoing technical assistance HCD is committed to providing – to go beyond what is merely required. The stakes are too high to do anything less.

# Endnotes

- 1 Department of Housing and Community Development. "A Home for Every Californian: 2022 Statewide Housing Plan Update." Statewide Housing Plan, Mar. 2022, available at <https://statewide-housing-plan-cahcd.hub.arcgis.com/>.
- 2 Ibid.
- 3 Department of Housing and Community Development. "2022 Annual Progress Report Data." Available at <https://www.hcd.ca.gov/planning-and-community-development/housing-open-data-tools/housing-element-implementation-and-apr-dashboard>
- 4 Ibid.
- 5 Report to the California Air Resources Board, titled "Examining Entitlement in California to Inform Policy and Process: Advancing Social Equity in Housing Development Patterns" in fulfillment of Contract #3900-19STC005.
- 6 UC Berkeley discusses this in detail in the full research report.
- 7 FINAL REGIONAL HOUSING NEEDS ALLOCATION (RHNA) PLAN: San Francisco Bay Area, 2023-2031, available at [https://abag.ca.gov/sites/default/files/documents/2021-12/Final\\_RHNA\\_Allocation\\_Report\\_2023-2031-approved\\_0.pdf](https://abag.ca.gov/sites/default/files/documents/2021-12/Final_RHNA_Allocation_Report_2023-2031-approved_0.pdf)
- 8 Ibid.
- 9 "State of the Cities Data Systems U.S. Census Bureau's Building Permits Survey." SOCDS Building Permits Database, Aug. 2023, available at [socds.huduser.gov/permits/](https://socds.huduser.gov/permits/).
- 10 "San Francisco, CA Rental Market." Average Rental Price in San Francisco, CA Market Trends | Zillow Rental Manager, available at [www.zillow.com/rental-manager/market-trends/san-francisco-ca/](https://www.zillow.com/rental-manager/market-trends/san-francisco-ca/). Accessed 3 Aug. 2023.
- 11 Turner & Townsend, "International Construction Market Survey 2023" 2023, available at <https://publications.turnerandtowntsend.com/international-construction-market-survey-2023/>
- 12 Raetz, Hayley, et al. "The Hard Costs of Construction: Recent Trends in Labor and Materials Costs for Apartment Buildings in California." Turner Center, Turner Center for Housing Innovation, Dec. 2020, available at [www.turnercenter.org/](https://www.turnercenter.org/)

- 13 Reid, Carolina, and Raetz, Hayley. "Practitioners Weigh in on Drivers of Rising Housing Construction Costs in San Francisco." *Turner Center Briefs*, Turner Center for Housing Innovation, Jan. 2018 available at [https://turnercenter.berkeley.edu/wp-content/uploads/pdfs/San\\_Francisco\\_Construction\\_Cost\\_Brief\\_-\\_Turner\\_Center\\_January\\_2018.pdf](https://turnercenter.berkeley.edu/wp-content/uploads/pdfs/San_Francisco_Construction_Cost_Brief_-_Turner_Center_January_2018.pdf)
- 14 O'Neill, Moira, Giulia Gualco-Nelson, and Eric Biber. "Developing Policy From the Ground Up: Examining Entitlement in the Bay Area to Inform California's Housing Policy Debates." (2019) [https://repository.uclawsf.edu/cgi/viewcontent.cgi?article=1560&context=hastings\\_environmental\\_law\\_journal](https://repository.uclawsf.edu/cgi/viewcontent.cgi?article=1560&context=hastings_environmental_law_journal).
- 15 Ibid.
- 16 Gov. Code, § 65585, subd. (b)
- 17 2022 Update: San Francisco Housing Element, Page 147, Program 8.8: Policy and Practice Review, available at [https://sfplanning.s3.amazonaws.com/archives/sfhousingelement.org/files/Housing\\_Element\\_2022\\_Update.pdf](https://sfplanning.s3.amazonaws.com/archives/sfhousingelement.org/files/Housing_Element_2022_Update.pdf)
- 18 Ibid.
- 19 Ibid.
- 20 Gov. Code, § 65585, subd. (i)(1)(A)-(B)
- 21 Gov. Code, § 65585, subd. (j)
- 22 Gov. Code, § 65585, subd. (l)(1)
- 23 Gov. Code, § 65585, subd. (i)
- 24 See Gov. Code, § 65589.5, subd. (d)(5)
- 25 For example, the Mayor's Executive Directive dated February 7, 2023 delineates how the City can address at least a few issues that came up during the Policy and Practice Review process, such as the elimination of the Preliminary Project Assessment requirements and revising the Inclusionary Housing requirements.
- 26 "Executive Directive 21-01 Housing for All, City and County of San Francisco." Feb, 2023, available at: [https://sf.gov/sites/default/files/2023-02/Executive%20Directive%2023-01\\_Housing%20for%20All.pdf](https://sf.gov/sites/default/files/2023-02/Executive%20Directive%2023-01_Housing%20for%20All.pdf)
- 27 Moira O'Neill et al, (2023) *Examining Local Law, Policy, and Planning Practice on Development in San Francisco Using CALES*, p. 35.



- 28 HCD understands that some controversy exists about whether a change to the City’s Charter is also necessary and urges the City to explore this issue and potential pathways to establish a non-discretionary ministerial process for housing developments.
- 29 As mentioned on page 6, HCD is aware that the City recently reduced the Inclusionary Housing requirement as part of Mayor Breed’s Housing for All Executive Directive. These requirements should be regularly reviewed and monitored to ensure they are maximizing affordability without constraining overall housing development.
- 30 Eller Media Co. v. City of Los Angeles (2001) 87 Cal. App. 4th 1217, 1220.
- 31 Barned-Smith, St. John. “Disgraced Former S.F. Building Inspector Sentenced to Prison in FBI Corruption Probe.” San Francisco Chronicle, 15 July 2023, [www.sfchronicle.com/crime/article/sf-curran-corruption-investigation-fbi-sentence-18196961.php](https://www.sfchronicle.com/crime/article/sf-curran-corruption-investigation-fbi-sentence-18196961.php).
- 32 Barned-Smith, St. John. “S.F. Corruption Scandal: City Audits Thousands of Properties Connected to Indicted Former Officials.” San Francisco Chronicle, 14 July 2023, [www.sfchronicle.com/bayarea/article/sf-corruption-building-inspection-audit-17885560.php](https://www.sfchronicle.com/bayarea/article/sf-corruption-building-inspection-audit-17885560.php).
- 33 Gov. Code, § 65583.2, subd. (c)

An aerial photograph of a densely populated urban area in San Francisco, showing a grid of streets and numerous multi-story residential buildings. A prominent church spire is visible in the lower-left quadrant. The image is overlaid with a semi-transparent blue filter.

# Appendix A:

## Required Actions and Recommended Actions in Chronological Order

## Appendix A: Required Actions and Recommended Actions in Chronological Order

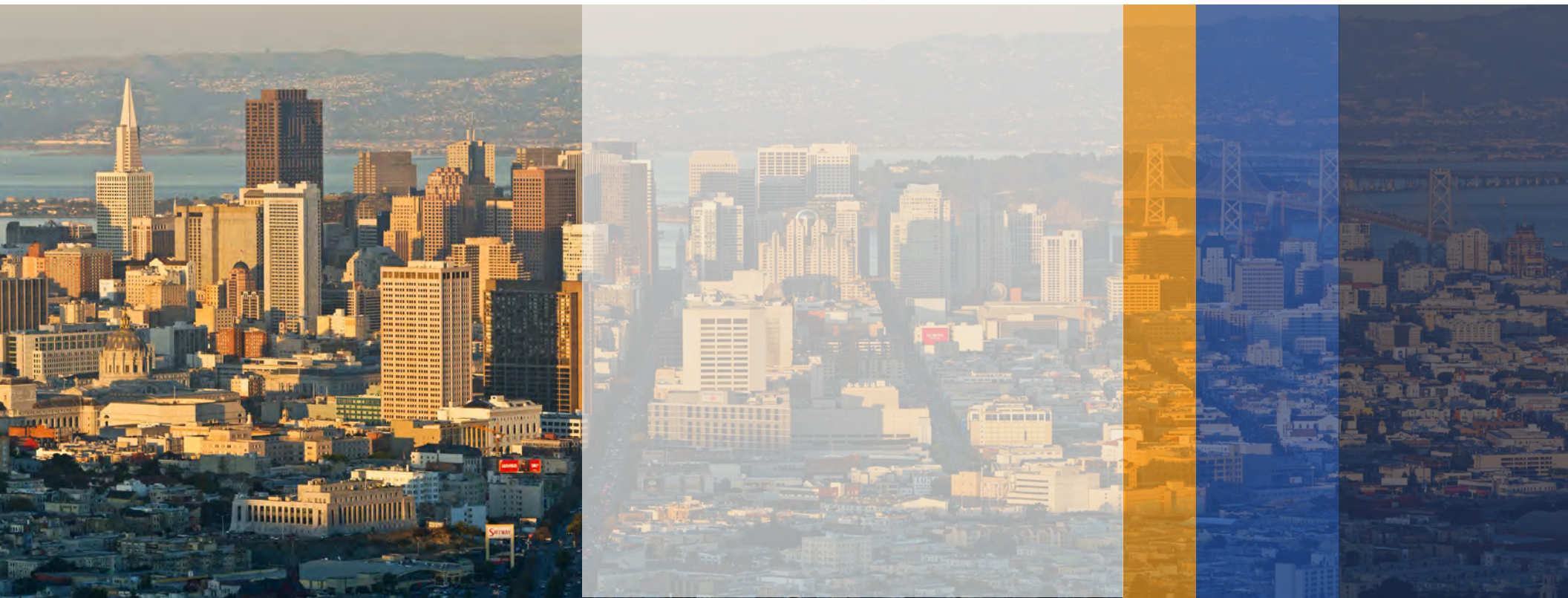
### Required Actions (18 total)

ACTION	TIMING	POLICY OR PRACTICE
<p><b>3.1</b> Revise local practices so that projects that require ministerial approval pursuant to SB 35, State ADU Law, Housing Element Law, AB 1114, and other state housing laws cannot face any post-entitlement administrative appeals if the project complies with applicable permit standards.</p>	<p>End subjective post-entitlement appeals immediately, and all post-entitlement appeals no later than January 1, 2024.</p>	<p><b>Practice</b></p>
<p><b>5.1</b> On developments that are ministerially approved, ensure that planning practice does not allow for city personnel to pressure project proponents into negotiations between neighborhood groups, and that all involvement by city personnel in meetings outside of public hearings comply with state law.</p>	<p>Notify planning staff of requirement immediately.</p> <p>Develop protocols to ensure continued compliance within 6 months.</p>	<p><b>Practice</b></p>
<p><b>1.2</b> Eliminate Planning Commission hearings for all code-compliant housing development in all locations outside of Priority Equity Geographies. <b>This program is past due in the housing element, with an implementation date of July 31, 2023.</b></p>	<p>30 days.</p>	<p><b>Policy and Practice</b> (Multiple Approaches Available)</p>

ACTION	TIMING	POLICY OR PRACTICE
<p><b>1.5</b> Consistent with the recent action to eliminate the Preliminary Project Assessment, ensure that no mandatory pre-application processes are required in order for a housing development project applicant to submit a preliminary application under the Permit Streamlining Act.</p>	<p>30 days.</p>	<p><b>Practice</b></p>
<p><b>1.7</b> Require requests for waivers and concessions under State Density Bonus Law to be processed by the Planning Department, not the Planning Commission, when no other entitlements are required.</p>	<p>Pass implementing ordinance within 30 days.</p>	<p><b>Policy</b> (Planning Code)</p>
<p><b>1.10</b> Approve other reforms in the proposed “Constraints Reduction” Ordinance and the Mayor’s Housing for All Executive Directive that will implement the various housing element programs identified in HCD’s June 16, 2023 Letter of Support and Technical Assistance.</p>	<p>Pass implementing ordinance within 30 days.</p>	<p><b>Practice and Policy</b> (Planning Code)</p>
<p><b>1.4</b> Eliminate the use of “neighborhood character” and “neighborhood compatibility” terminology in case report findings and in relevant design guidelines, and remove “light” and “air” terminology in case report findings to support discretionary requests.</p>	<p>30 days for case report findings. 1 year for design guidelines.</p>	<p><b>Practice and Policy</b> (Design Guidelines and Planning Code)</p>

ACTION	TIMING	POLICY OR PRACTICE
<p><b>3.2</b> Revise local rules so that all development that benefits from a local ministerial approval process, once established, does not face any post-entitlement administrative appeals.</p>	<p>Comply with state law (AB 1114) January 1, 2024.</p>	<p><b>Policy</b> (City Charter)</p>
<p><b>3.3</b> Revise rules around administrative appeals for all post-entitlement permits, and narrow which permits are subject to additional administrative review.</p>	<p>Comply with state law (AB 1114) January 1, 2024.</p>	<p><b>Policy</b> (Business and Tax Regulations Code, City Charter)</p>

Continued on next page



ACTION	TIMING	POLICY OR PRACTICE
<p><b>1.1</b> Revise entitlement processes to require that housing developments that conform to existing planning and zoning standards move efficiently through a local non-discretionary, ministerial entitlement process. This includes areas outside of Priority Equity Geographies and in Priority Equity Geographies and Cultural Districts where community-led strategies have defined and codified community benefits at the neighborhood or citywide level.</p> <p>A non-discretionary ministerial entitlement process must not, by definition, subject code-compliant housing developments to any discretionary decision making, including Publicly Initiated Requests for Discretionary Review.</p>	<p>Complete by January 31, 2024, for projects on reused 4<sup>th</sup> and 5<sup>th</sup> cycle lower-income housing element sites that are 20 percent affordable, as required by Housing Element Law.<sup>i</sup></p> <p>Immediately initiate development of community-led strategy to determine appropriate community benefits within Priority Equity Geographies and Cultural Districts that do not yet have codified community benefits.</p> <p>By Fall 2026, establish a local non-discretionary entitlement pathway, with progress updates to HCD every 6 months.</p>	<p><b>Policy</b> (Municipal Business and Tax Regulations Code)<sup>ii</sup></p>

i Gov. Code, § 65583.2, subd. (c)

ii HCD understands that some controversy exists about whether a change to the City’s Charter is also necessary and urges the City to explore this issue and potential pathways to establish a non-discretionary ministerial process for housing developments.

ACTION	TIMING	POLICY OR PRACTICE
<p><b>1.6</b> Standardize recording practices amongst planning staff and increase internal tracking and public display of key planning steps, including project intake (application date, completeness determination date, notification dates, start of planning review), required public hearings (including notices and required continuances), and approvals – to allow for internal and external monitoring of entitlement processes and ensure that entitlement practices comply with relevant state laws, including the timelines set forth in the Permit Streamlining Act.</p>	<p>90 days. Evaluate and adjust annually.</p>	<p><b>Practice</b></p>
<p><b>2.1</b> Review and revise environmental planning review practices to require CEQA exemption determinations within 30 days of receiving and accepting the project application as complete, rather than making this determination at the end of the entitlement process.</p>	<p>6 months.</p>	<p><b>Practice</b></p>

ACTION	TIMING	POLICY OR PRACTICE
<p><b>4.1</b> Standardize post-entitlement review requirements and develop and measure against performance benchmarks for the permitting processes to reduce subjectivity in construction permitting. This includes publishing all post-entitlement requirements, including intake requirements, from all relevant departments included in post-entitlement reviews in checklist form. Any interpretations of relevant municipal codes applied to post-entitlement reviews must be published on the relevant department’s website and consistently applied.</p>	<p>9 months.</p>	<p><b>Practice</b></p>
<p><b>1.8</b> Revise the application of the Affordable Housing Fees and Inclusionary Affordable Housing Program requirements, so as not to impose fees on affordable units for projects under State Density Bonus Law.</p> <p>Affordable units cannot be counted toward the total unit count for a State Density Bonus Law project in determining whether the higher Affordable Housing Fees and Inclusionary Affordable Housing Program requirements apply.</p>	<p>As soon as possible but no later than 1 year.</p>	<p><b>Policy</b> (Planning Code and Planning Director Bulletin No. 6)</p>



ACTION	TIMING	POLICY OR PRACTICE
<p><b>4.2</b> Analyze and reduce constraints imposed on projects receiving City funds for affordable housing development, including removing Public Art requirements for 100 percent affordable housing projects and standardizing and streamlining reviews by the Mayor’s Office of Disability.</p>	<p>1 year.</p>	<p><b>Policy</b> (Planning Code)</p>
<p><b>1.9</b> Revise the Large Project Authorization in Eastern Neighborhoods (ENX) and the Downtown Large Project Authorization (DNX) processes to ensure approval criteria for housing projects are written and objective.</p>	<p>1 year.</p>	<p><b>Policy</b> (Planning Code)</p>
<p><b>1.3</b> Prioritize existing housing element actions surrounding Objective Design Standards &amp; Findings, including amending and replacing the Residential Design Guidelines and Urban Design Guidelines to remove all subjective standards and requirements, and to codify current Planning Department policy rules that are not currently in the Planning Code or design guidelines.</p>	<p>1 year.</p>	<p><b>Policy</b> (Design Guidelines and Planning Code)</p>
<p><b>2.2</b> Eliminate additional requirements for supplemental studies not required by CEQA statute or Guidelines, such as shadow and wind studies, in environmental review.</p>	<p>1 year to evaluate which local environmental review requirements are not required by CEQA statute or Guidelines.</p> <p>1-3 years to eliminate additional requirements.</p>	<p><b>Policy</b> (Planning Code)</p>

## Recommended Actions (10 total)

RECOMMENDED ACTION	SUGGESTED TIMING	POLICY OR PRACTICE
<p><b>6.2</b> When proposing Planning Code amendments, ensure that revisions simplify or reduce the rules applied to housing projects in order to decrease the institutional or technical knowledge needed by all stakeholders involved in the housing approvals process.</p>	<p>Ongoing.</p>	<p><b>Policy</b> (Planning Code)</p>
<p><b>6.3</b> Maintain practice of maximizing CEQA exemptions.</p>	<p>Ongoing.</p>	<p><b>Practice</b></p>
<p><b>6.4</b> Continue to build out Permit Center to expand oversight to, and coordinate, all permits for multifamily housing development.</p>	<p>Ongoing.</p>	<p><b>Practice</b></p>

RECOMMENDED ACTION	SUGGESTED TIMING	POLICY OR PRACTICE
<p><b>6.5</b> Improve data management and public sharing of data on building permitting processes. For example, to support programmatic strategies that will expedite plan checks, revisions, and final inspections, develop accountability and tracking measures to determine average review timeframes, and identify methods to cut the timeframes. This may include updating internal permit tracking software and systems that allow all relevant City departments involved in the permitting process to access and input data about key project steps.</p>	<p>Ongoing.</p>	<p><b>Practice</b></p>
<p><b>6.6</b> Ensure project applicants are allowed to “opt in” to local programs, such as HOME SF, rather than being required to utilize the local program over programs developed by state law, such as State Density Bonus Law.</p> <p>When there is a pathway under state law, state law should be the default and easy to navigate.</p>	<p>30 days.</p>	<p><b>Practice</b></p>

RECOMMENDED ACTION	SUGGESTED TIMING	POLICY OR PRACTICE
<p><b>6.1</b> Conduct local land use planning and zoning, including upzoning, in an equitable manner such that the task of ensuring equitable development is not left to Development Agreements and project-level negotiations and adjudication.</p>	<p>Initiate by completing Planning Department recommendations for upzoning, consistent with the Mayor’s Housing for All Executive Directive, by January 31, 2024.</p> <p>Complete by January 31, 2026.</p>	<p><b>Policy</b> (Planning Code and Zoning Map)</p>
<p><b>6.7</b> Develop data tracking and related self-study to allow for external and internal monitoring of performance along each of the Administrative and Legislative milestones laid out in Mayor Breed’s Housing for All Executive Directive, including establishing benchmarks for progress in meeting each milestone.</p>	<p>Increase public transparency within 6 months.</p> <p>Complete within 1 year.</p>	<p><b>Practice</b></p>
<p><b>6.8</b> Develop a system where project applicants can escalate post-entitlement permitting issues to staff dedicated to resolving these issues and expediting approvals.</p>	<p>6 months.</p>	<p><b>Practice</b></p>

RECOMMENDED ACTION	SUGGESTED TIMING	POLICY OR PRACTICE
<p><b>6.9</b> Revise rules around administrative appeals for CEQA determinations by requiring appeal hearings to be expedited (e.g., heard within 30 days from filing), and review filing fees and cost requirements for parties filing appeals.</p>	<p>9 months.</p>	<p><b>Policy</b> (Administrative Code)</p>
<p><b>6.10</b> Expedite the timeline to conduct a pro-forma-based study on cumulative governmental constraints on housing development in San Francisco so that the study is complete by January 31, 2025. This study should include analysis of the interventions identified in the Required Actions.</p>	<p>Complete by January 31, 2025.</p>	<p><b>Practice</b></p>



**California Department of Housing  
and Community Development**

[www.hcd.ca.gov](http://www.hcd.ca.gov)

For inquiries, email:  
[ppr@hcd.ca.gov](mailto:ppr@hcd.ca.gov)



**MYRNA MELGAR**

---

DATE: November 29, 2023

TO: Angela Calvillo  
Clerk of the Board of Supervisors

FROM: Supervisor Myrna Melgar, Chair, Land Use and Transportation Committee

RE: Land Use and Transportation Committee  
COMMITTEE REPORTS

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A handwritten signature in blue ink, appearing to read "mm", located to the right of the "TO:" field.

Pursuant to Board Rule 4.20, as Chair of the Land Use and Transportation Committee, I have deemed the following matters are of an urgent nature and request them be considered by the full Board on Tuesday, December 5, 2023, as Committee Reports:

- File No. 230701**     **Planning Code - Citywide Expansion of Allowable Commercial, Restaurant, and Retail Uses**  
Sponsors: Mayor; Engardio, Dorsey, Melgar, Stefani and Mandelman
- File No. 230768**     **Public Works Code - Authorizing and Permitting Neighborhood Amenities**  
Sponsors: Melgar; Stefani, Mandelman, Ronen, Engardio and Chan
- File No. 231091**     **Initiating Landmark Designation - Gregangelo & Velocity Art & Entertainment - 225 San Leandro Way**  
Sponsor: Melgar
- File No. 230948**     **Commemorative Street Name Designation - "Panos Place" - 100-200 Block of Corbett Avenue**  
Sponsor: Mandelman
- File No. 231142**     **Planning and Subdivision Codes, Zoning Map - Housing Production**  
Sponsors: Mayor; Engardio
- File No. 231175**     **Urging the City Attorney and the Mayor to Respond to HCD's "Policy and Practice Review" by Seeking Extensions of Deadlines for Required Actions, and Certain Revisions and Corrections; and Setting City Policy for Implementation of the Housing Element**  
Sponsors: Peskin; Chan and Mandelman
- File No. 231165**     **Fire Code - Lithium-Ion Batteries in Powered Mobility Devices]**  
Sponsor: Peskin

These matters will be heard in the Land Use and Transportation Committee at a Regular Meeting on Monday, December 4, 2023, at 1:30 p.m.

**From:** [UCNA](#)  
**To:** [Melgar, Myrna \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [Preston, Dean \(BOS\)](#); [Chan, Connie \(BOS\)](#); [Mandelman, Rafael \(BOS\)](#)  
**Cc:** [Carroll, John \(BOS\)](#); [Low, Jen \(BOS\)](#); [Angulo, Sunny \(BOS\)](#); [Smeallie, Kyle \(BOS\)](#); [Burke, Robyn \(BOS\)](#); [Thornhill, Jackie \(DEM\)](#)  
**Subject:** UCNA's Support for resolution file #231175  
**Date:** Sunday, December 3, 2023 6:24:00 PM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Chair Melgar, President Peskin, and Supervisor Preston,

The Upper Chinatown Neighborhood Association (“UCNA”) supports resolution file # 231175. UCNA is deeply concerned about the November 28, 2023 letter by the California Department of Housing and Community Development for the following three reasons:

1. Rental control housing will be impaired in our neighborhood. Many of our families rely on the affordability of rent control housing to maintain and sustain their humble quality of life. Our immigrant and intergenerational family members of all ages also rely on being nearby Chinatown so they can access most all of the resources they need in order to adapt and grow in America.
2. Conditional-use authorization is a valuable tool to protect our neighborhood. We don't want to see this tool disappear. Without this tool, luxury housing developers will take full advantage of their development projects for financial profits. We have known of many cases when unscrupulous luxury housing developers submit inaccurate plans, do not reveal the truth about the actual occupancy of tenants at a site, causing displacement and the loss of affordable housing. Having this tool is imperative to protect our community from such abuses.
3. We are opposed to object design standards. “One size does not fit all.” Communities residing in the districts throughout San Francisco innately developed their living quarters and social spaces to maintain continuity to their history and tradition *and* to introduce improvements and innovations in their lives. Each community has its own unique characteristics, which fosters a sustainable way of living in a neighborhood. “We design our buildings, thereafter they shape us” (Sir Winston Churchill made this statement in his speech to the House of Lords, October 28, 1943, requesting the House of Commons bombed out in May 1941 be rebuilt exactly as before.)

For all of the reasons above and outlined in this resolution, I urge this committee to adopt the Peskin/Chan Resolution and forward it to the full Board with recommendation for an unanimous vote.

Hanmin Liu and Jennifer Mei



**From:** [Board of Supervisors \(BOS\)](#)  
**To:** [Carroll, John \(BOS\)](#)  
**Subject:** FW: Strongly SUPPORTING Land Use and Transportation Committee Agenda Item #6 [Directing the City Attorney and City Lobbyist to Request HCD Extend the Housing Element Implementation Action Plan Deadline and Revise and Correct the "Policy and Practice R...  
**Date:** Wednesday, November 29, 2023 11:50:46 AM

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This was distributed already.

Can you add it to the file?

Thanks!

Eileen

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**From:** aeboken <aeboken@gmail.com>  
**Sent:** Saturday, November 25, 2023 10:45 AM  
**To:** BOS-Supervisors <bos-supervisors@sfgov.org>; BOS-Legislative Aides <bos-legislative\_aides@sfgov.org>  
**Subject:** FW: Strongly SUPPORTING Land Use and Transportation Committee Agenda Item #6 [Directing the City Attorney and City Lobbyist to Request HCD Extend the Housing Element Implementation Action Plan Deadline and Revise and Correct the "Policy and Practice R...

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

**TO:** Land Use and Transportation Committee members and full BOS members

**FROM:** Eileen Boken,  
President  
Sunset-Parkside Education and Action Committee (SPEAK)

**RE:** Directing the City Attorney and City Lobbyist to Request HCD Extend the Housing Element Implementation Action Plan Deadline and Revise and Correct the "Policy and Practice Review" Letter File #231175

Position: Strongly SUPPORTING

Please refer to email thread below for original submission to the full Board of Supervisors.

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: aeboken <[aeboken@gmail.com](mailto:aeboken@gmail.com)>

Date: 11/24/23 9:25 AM (GMT-08:00)

To: BOS-Supervisors <[bos-supervisors@sfgov.org](mailto:bos-supervisors@sfgov.org)>, BOS-Legislative Aides <[bos-legislative\\_aides@sfgov.org](mailto:bos-legislative_aides@sfgov.org)>, Eric Brooks <[brookse32@sonic.net](mailto:brookse32@sonic.net)>

Subject: Strongly SUPPORTING BOS Agenda Item #35 [Directing the City Attorney and City Lobbyist to Request HCD Extend the Housing Element Implementation Action Plan Deadline and Revise and Correct the "Policy and Practice Review" Letter] File #231175

**TO: Board of Supervisors members**

**FROM: Eileen Boken, President  
Sunset-Parkside Education and Action Committee (SPEAK)**

**RE: Directing the City Attorney and City Lobbyist to Request HCD Extend the Housing Element Implementation Action Plan Deadline and Revise and Correct the "Policy and Practice Review" Letter] File #231175**

Position: Strongly SUPPORTING

Sunset-Parkside Education and Action Committee (SPEAK) is strongly SUPPORTING this legislation especially the provision related to "... **San Francisco's chartered legislative process and San Francisco's status as a Charter City imbued the power of local action over municipal affairs**".

Under the current Governor, the State Department of Housing and Community Development has become highly politicized and punitive.

Under the current Governor, the State Attorney/State Department of Justice has become highly politicized and weaponized.

San Francisco's housing policies and practices should not be dictated based on the current Governor's political ambitions.

**###**

Sent from my Verizon, Samsung Galaxy smartphone

**From:** [Board of Supervisors \(BOS\)](#)  
**To:** [BOS-Supervisors](#); [BOS-Legislative Aides](#)  
**Cc:** [Calvillo, Angela \(BOS\)](#); [Somera, Alisa \(BOS\)](#); [Ng, Wilson \(BOS\)](#); [De Asis, Edward \(BOS\)](#); [Entezari, Mehran \(BOS\)](#); [Carroll, John \(BOS\)](#)  
**Subject:** FW: Item 6 File #231175 In Support of Resolution  
**Date:** Wednesday, November 29, 2023 11:50:09 AM

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**From:** T Flandrich <tflandrich@yahoo.com>  
**Sent:** Saturday, November 25, 2023 10:55 AM  
**To:** Melgar, Myrna (BOS) <myrna.melgar@sfgov.org>; Preston, Dean (BOS) <dean.preston@sfgov.org>; Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>  
**Cc:** Carroll, John (BOS) <john.carroll@sfgov.org>; Calvillo, Angela (BOS) <angela.calvillo@sfgov.org>; Chan, Connie (BOS) <connie.chan@sfgov.org>; Stefani, Catherine (BOS) <catherine.stefani@sfgov.org>; Engardio, Joel (BOS) <joel.engardio@sfgov.org>; Dorsey, Matt (BOS) <matt.dorsey@sfgov.org>; Mandelman, Rafael (BOS) <rafael.mandelman@sfgov.org>; Ronen, Hillary <hillary.ronen@sfgov.org>; Walton, Shamann (BOS) <shamann.walton@sfgov.org>; Safai, Ahsha (BOS) <ahsha.safai@sfgov.org>  
**Subject:** Item 6 File #231175 In Support of Resolution

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

24. November 2023

Dear Land Use Committee Members Supervisors Melgar, Preston, and Peskin,  
I am writing to state my support for Resolution File Number 231175 for ALL of the reasons enumerated in this document.

I urge all members of the Land Use Committee to pass this resolution, send on to the Full Board meeting on November 28th, and ask that all District Supervisors vote in favor of passing this resolution. This is not only the right thing to do for San Francisco, it is the one thing this Board must do.

Sincerely,

Theresa Flandrich  
North Beach Tenants Committee

**From:** [Board of Supervisors \(BOS\)](#)  
**To:** [BOS-Supervisors](#); [BOS-Legislative Aides](#)  
**Cc:** [Calvillo, Angela \(BOS\)](#); [Somera, Alisa \(BOS\)](#); [Carroll, John \(BOS\)](#)  
**Subject:** FW: Support for Resolution File #231175  
**Date:** Tuesday, November 28, 2023 3:16:56 PM

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**From:** Erica <d4ward.info@gmail.com>  
**Sent:** Monday, November 27, 2023 2:12 AM  
**To:** MandelmanStaff, [BOS] <mandelmanstaff@sfgov.org>; MelgarStaff (BOS) <melgarstaff@sfgov.org>; Preston, Dean (BOS) <dean.preston@sfgov.org>; Safai, Ahsha (BOS) <ahsha.safai@sfgov.org>; Walton, Shamann (BOS) <shamann.walton@sfgov.org>; DorseyStaff (BOS) <DorseyStaff@sfgov.org>; Joel Engardio <info@engardio.com>; Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>; Ronen, Hillary <hillary.ronen@sfgov.org>; Stefani, Catherine (BOS) <catherine.stefani@sfgov.org>; ChanStaff (BOS) <chanstaff@sfgov.org>; Carroll, John (BOS) <john.carroll@sfgov.org>; Calvillo, Angela (BOS) <angela.calvillo@sfgov.org>  
**Subject:** Support for Resolution File #231175

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear BOS Land Use and Transportation Committee members, Board of Supervisors, Joel Engardio District 4 Supervisor,

D4ward, is a residents group which focuses, among other local issues, on advocating for AFFORDABLE HOUSING in District 4 and the west side of San Francisco.

We are in strong support of Board President Aaron Peskin's Resolution, file #231175 being heard on Monday 11/27/23 at the BOS Land Use Committee and perhaps for a vote on Tuesday 11/28/23 at the full board.

In addition to the many inaccuracies in the State HCD letter and the demands put forth to SF City and County, the HCD letter does not provide the needed time for review by the Planning Department, the Planning Commission, the Board of Supervisors and other parties to bring San Francisco's plan into compliance in the timeframe HCD expects.

It is a no-brainer that ALL parties, including the City Attorney, jump on it and do the job of advocating for San Francisco. The time limits set by HCD need be

quickly amended!

Existing affordable housing is in jeopardy and must be amended by HCD. Please support the Board President's resolution.

Thankyou for your consideration.

D4ward

Affiliate of REP (Race and Equity in all Planning coalition)

**From:** [Board of Supervisors \(BOS\)](#)  
**To:** [BOS-Supervisors](#); [BOS-Legislative Aides](#)  
**Cc:** [Calvillo, Angela \(BOS\)](#); [Somera, Alisa \(BOS\)](#); [Ng, Wilson \(BOS\)](#); [De Asis, Edward \(BOS\)](#); [Mchugh, Eileen \(BOS\)](#); [BOS Legislation, \(BOS\)](#); [Carroll, John \(BOS\)](#); [BOS-Operations](#)  
**Subject:** FW: CHA Letter Supporting Resolution #231175  
**Date:** Tuesday, November 28, 2023 11:50:21 AM  
**Attachments:** [CHA Letter to BOS Land Use Committee resolution 231175.pdf](#)

---

Hello,

Please see below and attached for communication from the Cow Hollow Association regarding File No. 231175, which is Item No. 35 on today's Board of Supervisors meeting agenda.

File No. 231175 - Directing the City Attorney and City Lobbyist to Request HCD Extend the Housing Element Implementation Action Plan Deadline and Revise and Correct the "Policy and Practice Review" Letter (Peskin, Chan, Mandelman)

Sincerely,

Joe Adkins  
Office of the Clerk of the Board  
San Francisco Board of Supervisors  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102  
Phone: (415) 554-5184 | Fax: (415) 554-5163  
[board.of.supervisors@sfgov.org](mailto:board.of.supervisors@sfgov.org) | [www.sfbos.org](http://www.sfbos.org)

-----Original Message-----

From: Lori Brooke <[lorimbroke@gmail.com](mailto:lorimbroke@gmail.com)>  
Sent: Tuesday, November 28, 2023 10:08 AM  
To: Board of Supervisors (BOS) <[board.of.supervisors@sfgov.org](mailto:board.of.supervisors@sfgov.org)>; ChanStaff (BOS) <[chanstaff@sfgov.org](mailto:chanstaff@sfgov.org)>; Stefani, Catherine (BOS) <[catherine.stefani@sfgov.org](mailto:catherine.stefani@sfgov.org)>; Peskin, Aaron (BOS) <[aaron.peskin@sfgov.org](mailto:aaron.peskin@sfgov.org)>; Engardio, Joel (BOS) <[joel.engardio@sfgov.org](mailto:joel.engardio@sfgov.org)>; Preston, Dean (BOS) <[dean.preston@sfgov.org](mailto:dean.preston@sfgov.org)>; DorseyStaff (BOS) <[DorseyStaff@sfgov.org](mailto:DorseyStaff@sfgov.org)>; Melgar, Myrna (BOS) <[myrna.melgar@sfgov.org](mailto:myrna.melgar@sfgov.org)>; MandelmanStaff, [BOS] <[mandelmanstaff@sfgov.org](mailto:mandelmanstaff@sfgov.org)>; Ronen, Hillary <[hillary.ronen@sfgov.org](mailto:hillary.ronen@sfgov.org)>; Safai, Ahsha (BOS) <[ahsha.safai@sfgov.org](mailto:ahsha.safai@sfgov.org)>; Waltonstaff (BOS) <[waltonstaff@sfgov.org](mailto:waltonstaff@sfgov.org)>; Hillis, Rich (CPC) <[rich.hillis@sfgov.org](mailto:rich.hillis@sfgov.org)>; Bell, Tita (BOS) <[Tita.Bell@sfgov.org](mailto:Tita.Bell@sfgov.org)>  
Subject: CHA Letter Supporting Resolution #231175

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

Please see the attached letter from the Cow Hollow Association supporting resolution #231175.

Respectfully submitted,

Lori Brooke  
President, Cow Hollow Association

cc: CHA Board  
Rich Hillis, Planning Department, Director



November 27, 2023

President, Board of Supervisors, Supervisor Aaron Peskin  
Chair of the Land Use & Transportation Committee, Supervisor Melgar  
San Francisco Board of Supervisors

**Re: Support for Resolution #231175 — “Policy and Practice Review” from the State of California's Department of Housing and Community Development**

The Cow Hollow Association (CHA) represents approximately 1,100 households in District 2. We support effective housing measures - local and statewide - that address San Francisco's affordable housing needs in ways that also protect and preserve the residential character and quality of life in our neighborhoods.

We are concerned that HCD, through its Policy and Practice Review (PPR) seeks to usurp the City's own legislative authority while imposing time frames for moving legislation that are out of sync with the process for that legislation.

It is in the best interest of the City for the Board of Supervisors to pass Resolution #231175 to urge that HCD revise and correct the PPR and commensurately provide San Francisco with more time to respond to deadlines detailed in the PPR.

Sincerely,

A handwritten signature in black ink, appearing to be 'Lori Brooke', written over a white rectangular background.

Lori Brooke  
President, Cow Hollow Association

cc: Rich Hillis, Director of SF Planning Department  
CHA Board

**From:** [Savannah Landau](#)  
**To:** [Melgar, Myrna \(BOS\)](#)  
**Cc:** [Carroll, John \(BOS\)](#); [Calvillo, Angela \(BOS\)](#)  
**Subject:** Support for Resolution File #231175  
**Date:** Monday, November 27, 2023 1:15:20 PM

---

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Supervisor Melgar,

**As a constituent of your district, I write to express my strong support for [Resolution File #231175](#), “Directing the City Attorney and City Lobbyist to Request HCD Extend the Housing Element Implementation Action Plan Deadline and Revise and Correct the “Policy and Practice Review” Letter.**

I urge you, and every member of the Board of Supervisors, **to vote in favor of this resolution** to protect tenants, to protect our most vulnerable communities, and to take a stand along with the Race & Equity in all Planning Coalition, the Council of Community Housing Organizations, and the SF Anti Displacement Coalition for affordable housing and racial and social equity.

Sincerely,  
Savannah Landau  
District 7, Inner Sunset



**From:** [Carroll, John \(BOS\)](#)  
**To:** [lgpetty](#)  
**Cc:** [Melgar, Myrna \(BOS\)](#); [Low, Jen \(BOS\)](#); [Preston, Dean \(BOS\)](#); [Smeallie, Kyle \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [Angulo, Sunny \(BOS\)](#)  
**Subject:** RE: For File 231175 Item #6 LUC Agenda 11/27/23 & File 230446 Item #5 plus distribution to all Members  
**Date:** Monday, November 27, 2023 10:39:00 AM  
**Attachments:** [image001.png](#)

---

Thank you for your comment letter. I have added the letter to the files for the ordinance and resolution matters both.

I invite you to review the entire matter on our [Legislative Research Center](#) by following the links below:

- [Board of Supervisors File No. 230446](#)
- [Board of Supervisors File No. 231175](#)

**John Carroll**  
**Assistant Clerk**

Board of Supervisors  
San Francisco City Hall, Room 244  
San Francisco, CA 94102  
(415)554-4445



Click [here](#) to complete a Board of Supervisors Customer Service Satisfaction form.

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---

**From:** lgpetty <lgpetty@juno.com>  
**Sent:** Saturday, November 25, 2023 2:03 PM  
**To:** Carroll, John (BOS) <john.carroll@sfgov.org>  
**Subject:** For File 231175 Item #6 LUC Agenda 11/27/23 & File 230446 Item #5 plus distribution to all Members

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November 24, 2023

re: File 231175 LUC Item #6 Nov. 27 2023 requesting City Attorney and City Lobbyist to seek HCD extention re the deadline for San Francisco's Housing Element Implementation Action Plan, and to revise and correct HCD's Oct. 25 Review/Letter.

And re: File 230446 Item #5 Constraints Reduction legislation.

**Dear Land Use Committee Members: Chair Melgar and Supervisors Peskin and Preston,**

I urge you to adopt the Peskin/Chan resolution seeking additional time, and development of a city rebuttal to the HCD review/letter's incorrect statements and strong-arm tactics.

I also urge you NOT to adopt or pass through the Mayor's Contraints Reduction legislation.

Regarding the Peskin/Chan resolution: there is a complete disconnect between the real estate industry-serving HCD review and the facts on the ground. The HCD review ignores the current market rate housing sales and rental downturn in SF, the city's considerable achievements in producing housing, and the impossibility of building enough affordable housing without adequate state or federal funds.

Regarding Mayor Breed's legislation, proponents have been falsely claiming it's purpose is to produce affordable housing. This bill, to the contrary, is about building unaffordable high-rise and mid-rise luxury condos deep into neighborhoods, while removing protective regulation and public scrutiny--totally without equity or fairness--thus encouraging a speculation frenzy of land-grabbing and demolition of rent contolled housing. No matter how many amendments are added, they are just pretty ribbons covering a giant box of ugliness.

The state HCD review/letter **orders** our city to pass Mayor Breed's legislation. If we don't, It threatens to withhold transit and affordable housing funds, and remove local planning control until we do. This is a self-defeating Catch 22 at best...and the harshest bullying blackmail at worst.

Please halt the Constraints Reduction package.

Approve the Peskin/Chan resolution.

Respectfully,

Lorraine Petty  
District 2 senior voter  
Affordable housing advocate for seniors and people with disabilities



**From:** [Carroll, John \(BOS\)](#)  
**To:** [T Flandrich](#)  
**Cc:** [Calvillo, Angela \(BOS\)](#); [Chan, Connie \(BOS\)](#); [Stefani, Catherine \(BOS\)](#); [Engardio, Joel \(BOS\)](#); [Dorsey, Matt \(BOS\)](#); [Mandelman, Rafael \(BOS\)](#); [Ronen, Hillary](#); [Walton, Shamann \(BOS\)](#); [Safai, Ahsha \(BOS\)](#); [Melgar, Myrna \(BOS\)](#); [Preston, Dean \(BOS\)](#); [Peskin, Aaron \(BOS\)](#)  
**Subject:** RE: Item 6 File #231175 In Support of Resolution  
**Date:** Monday, November 27, 2023 10:39:00 AM  
**Attachments:** [image001.png](#)

---

Thank you for your comment letter. I have added the letter to the file for this resolution.

I invite you to review the entire matter on our [Legislative Research Center](#) by following the link below:

-

[Board of Supervisors File No. 231175](#)

**John Carroll**  
**Assistant Clerk**

Board of Supervisors  
San Francisco City Hall, Room 244  
San Francisco, CA 94102  
(415)554-4445



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---

**From:** T Flandrich <tflandrich@yahoo.com>  
**Sent:** Saturday, November 25, 2023 10:55 AM  
**To:** Melgar, Myrna (BOS) <myrna.melgar@sfgov.org>; Preston, Dean (BOS) <dean.preston@sfgov.org>; Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>  
**Cc:** Carroll, John (BOS) <john.carroll@sfgov.org>; Calvillo, Angela (BOS) <angela.calvillo@sfgov.org>; Chan, Connie (BOS) <connie.chan@sfgov.org>; Stefani, Catherine (BOS) <catherine.stefani@sfgov.org>; Engardio, Joel (BOS) <joel.engardio@sfgov.org>; Dorsey, Matt (BOS) <matt.dorsey@sfgov.org>; Mandelman, Rafael (BOS) <rafael.mandelman@sfgov.org>; Ronen, Hillary <hillary.ronen@sfgov.org>; Walton, Shamann (BOS) <shamann.walton@sfgov.org>; Safai, Ahsha (BOS) <ahsha.safai@sfgov.org>  
**Subject:** Item 6 File #231175 In Support of Resolution

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

24. November 2023

Dear Land Use Committee Members Supervisors Melgar, Preston, and Peskin,

I am writing to state my support for Resolution File Number 231175 for ALL of the reasons enumerated in this document.

I urge all members of the Land Use Committee to pass this resolution, send on to the Full Board meeting on November 28th, and ask that all District Supervisors vote in favor of passing this resolution. This is not only the right thing to do for San Francisco, it is the one thing this Board must do.

Sincerely,

Theresa Flandrich

North Beach Tenants Committee

**From:** [Carroll, John \(BOS\)](#)  
**To:** [Steve Leeds](#)  
**Cc:** [Calvillo, Angela \(BOS\)](#); [Melgar, Myrna \(BOS\)](#); [Low, Jen \(BOS\)](#); [Preston, Dean \(BOS\)](#); [Smeallie, Kyle \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [Angulo, Sunny \(BOS\)](#)  
**Subject:** RE: Supervisor Melgar: Support for Resolution File #231175  
**Date:** Monday, November 27, 2023 10:39:00 AM  
**Attachments:** [image001.png](#)

---

Thank you for your comment letter. I have added the letter to the file for this resolution.

I invite you to review the entire matter on our [Legislative Research Center](#) by following the link below:

-

[Board of Supervisors File No. 231175](#)

**John Carroll**

**Assistant Clerk**

Board of Supervisors  
San Francisco City Hall, Room 244  
San Francisco, CA 94102  
(415)554-4445



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---

**From:** Steve Leeds <cordello45@yahoo.com>  
**Sent:** Sunday, November 26, 2023 6:56 PM  
**To:** Melgar, Myrna (BOS) <myrna.melgar@sfgov.org>  
**Cc:** Carroll, John (BOS) <john.carroll@sfgov.org>; Calvillo, Angela (BOS) <angela.calvillo@sfgov.org>  
**Subject:** Supervisor Melgar: Support for Resolution File #23117

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Supervisor Melgar,

As a constituent of your district, I'm writing to express my strong support for [Resolution File](#)

[#231175](#), “Directing the City Attorney and City Lobbyist to Request the state’s HCD agency extend the Housing Element Implementation Action Plan Deadline and Revise and Correct the “Policy and Practice Review” Letter.

I urge you, and every member of the Board of Supervisors, to vote in favor of this resolution to protect tenants, to protect our most vulnerable communities, and to take a stand along with the Race & Equity in all Planning Coalition, the Council of Community Housing Organizations, and the SF Anti Displacement Coalition for affordable housing and racial and social equity. Thank you.

Sincerely,

Steve Leeds  
Inner Sunset  
D7

**From:** [Carroll, John \(BOS\)](#)  
**To:** [Erica](#)  
**Cc:** [MandelmanStaff, \[BOS\]](#); [MelgarStaff \(BOS\)](#); [Preston, Dean \(BOS\)](#); [Safai, Ahsha \(BOS\)](#); [Walton, Shamann \(BOS\)](#); [DorseyStaff \(BOS\)](#); [Joel Engardio](#); [Peskin, Aaron \(BOS\)](#); [Ronen, Hillary](#); [Stefani, Catherine \(BOS\)](#); [ChanStaff \(BOS\)](#); [Calvillo, Angela \(BOS\)](#)  
**Subject:** RE: Support for Resolution File #231175  
**Date:** Monday, November 27, 2023 10:32:00 AM  
**Attachments:** [image001.png](#)

---

Thank you for your comment letter. I have added the letter to the file for this resolution.

I invite you to review the entire matter on our [Legislative Research Center](#) by following the link below:

-

[Board of Supervisors File No. 231175](#)

**John Carroll**  
**Assistant Clerk**

Board of Supervisors  
San Francisco City Hall, Room 244  
San Francisco, CA 94102  
(415)554-4445



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---

**From:** Erica <d4ward.info@gmail.com>  
**Sent:** Monday, November 27, 2023 2:12 AM  
**To:** MandelmanStaff, [BOS] <mandelmanstaff@sfgov.org>; MelgarStaff (BOS) <melgarstaff@sfgov.org>; Preston, Dean (BOS) <dean.preston@sfgov.org>; Safai, Ahsha (BOS) <ahsha.safai@sfgov.org>; Walton, Shamann (BOS) <shamann.walton@sfgov.org>; DorseyStaff (BOS) <DorseyStaff@sfgov.org>; Joel Engardio <info@engardio.com>; Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>; Ronen, Hillary <hillary.ronen@sfgov.org>; Stefani, Catherine (BOS) <catherine.stefani@sfgov.org>; ChanStaff (BOS) <chanstaff@sfgov.org>; Carroll, John (BOS) <john.carroll@sfgov.org>; Calvillo, Angela (BOS) <angela.calvillo@sfgov.org>  
**Subject:** Support for Resolution File #231175

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Dear BOS Land Use and Transportation Committee members, Board of Supervisors, Joel Engardio District 4 Supervisor,

D4ward, is a residents group which focuses, among other local issues, on advocating for AFFORDABLE HOUSING in District 4 and the west side of San Francisco.

We are in strong support of Board President Aaron Peskin's Resolution, file #231175 being heard on Monday 11/27/23 at the BOS Land Use Committee and perhaps for a vote on Tuesday 11/28/23 at the full board.

In addition to the many inaccuracies in the State HCD letter and the demands put forth to SF City and County, the HCD letter does not provide the needed time for review by the Planning Department, the Planning Commission, the Board of Supervisors and other parties to bring San Francisco's plan into compliance in the timeframe HCD expects.

It is a no-brainer that ALL parties, including the City Attorney, jump on it and do the job of advocating for San Francisco. The time limits set by HCD need be quickly amended!

Existing affordable housing is in jeopardy and must be amended by HCD. Please support the Board President's resolution.

Thankyou for your consideration.

D4ward

Affiliate of REP (Race and Equity in all Planning coalition)

**From:** [Carroll, John \(BOS\)](#)  
**To:** [Gilbert Williams](#)  
**Cc:** [Safai, Ahsha \(BOS\)](#); [Melgar, Myrna \(BOS\)](#); [Low, Jen \(BOS\)](#); [Preston, Dean \(BOS\)](#); [Smeallie, Kyle \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [Angulo, Sunny \(BOS\)](#)  
**Subject:** RE: Support for Resolution File#231175  
**Date:** Monday, November 27, 2023 10:37:00 AM  
**Attachments:** [image001.png](#)

---

Thank you for your comment letter. I have added the letter to the file for this resolution.

I invite you to review the entire matter on our [Legislative Research Center](#) by following the link below:

-

[Board of Supervisors File No. 231175](#)

**John Carroll**

**Assistant Clerk**

Board of Supervisors  
San Francisco City Hall, Room 244  
San Francisco, CA 94102  
(415)554-4445



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---

**From:** Gilbert Williams <ycbgilbert@gmail.com>  
**Sent:** Wednesday, November 22, 2023 3:12 PM  
**To:** Safai, Ahsha (BOS) <ahsha.safai@sfgov.org>  
**Cc:** Carroll, John (BOS) <john.carroll@sfgov.org>  
**Subject:** Support for Resolution File#231175

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**Template:**

Subject line: Support for Resolution File #231175

Dear Supervisor Safai,

As a constituent of your district, I write to express my strong support for [Resolution File #231175](#), "Directing the City Attorney and City Lobbyist to Request HCD Extend the Housing Element Implementation Action Plan Deadline and Revise and Correct the "Policy and Practice Review" Letter.

I urge you, and every member of the Board of Supervisors, to vote in favor of this resolution to protect tenants, to protect our most vulnerable communities, and to take a stand along with the Race & Equity in all Planning Coalition, the Council of Community Housing Organizations, and the SF Anti Displacement Coalition for affordable housing and racial and social equity.

Sincerely,  
Gilbert Williams

Sent from my iPhone

**From:** [Thomas Schuttish](#)  
**To:** [Carroll, John \(BOS\)](#)  
**Cc:** [Angulo, Sunny \(BOS\)](#); [Groth, Kelly \(BOS\)](#); [Hsieh, Frances \(BOS\)](#); [Souza, Sarah \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [Chan, Connie \(BOS\)](#); [Melgar, Myrna \(BOS\)](#); [Preston, Dean \(BOS\)](#)  
**Subject:** Item #6 LUT Meeting November 27, 2023 Board File No. 231175  
**Date:** Tuesday, November 21, 2023 5:24:27 PM  
**Attachments:** [File No. 231175 Letter to LUT.pdf](#)

---

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Mr. Carroll:

Please add the attached pdf to the “Comment Letters” for this File.  
Thank you and have a very nice Thanksgiving weekend.

Sincerely,  
Georgia Schuttish

November 21, 2023

Land Use and Transportation Committee  
San Francisco Board of Supervisors  
Room 250 City Hall  
San Francisco, California

Dear President Peskin, Chair Melgar, Supervisor Preston, Supervisor Chan and Fellow Members of the Board of Supervisors:

**RE: BOARD FILE NO. 231175.**

**[Directing the City Attorney and City Lobbyist to Request HCD Extend the Housing Element Implementation Action Plan Deadline and Revise and Correct the "Policy and Practice Review" Letter]**

Thank you to President Peskin and Supervisor Chan for sponsoring this legislation. If the Mayor truly believes that her legislation (Board File No. 230446) is good for the City, she will join in and co-sponsor this Resolution, to stop HCD holding a Sword of Damocles over San Francisco's planning process.

**Attached are two items.**

The **first attachment** is a Socketsite article from November 9, 2023 which illustrates the precariousness of the San Francisco real estate market in our post-COVID world. A fully entitled 20-unit building is for sale at a loss to the developers.

Importantly the article also states: **"At the same time, there are over 20,000 units of housing in projects across the city that have been approved by the City but have yet to break ground and over 70,000 units in the overall pipeline with returns and demand on the decline"**.

The **second attachment** is Planning Commission Resolution No. 20024 that was approved on October 12, 2017. The Findings from six years ago state that even then the City was **"...currently at 207% production and entitlement of market rate housing units...as defined in the 2015-2022 RHNA goals"**.

The full Board should unanimously approve Board File No. 231175. Thank you.

  
Georgia Schuttish

AS PROPOSED INDUSTRY STUFF NEIGHBORHOODS NEW DEVELOPMENTS

REAL ESTATE ECONOMICS REAL RECENT REDUCTIONS TRENDS

## Fully-Approved Development Listed at Loss Reduced, Again

NOV 8, 2023 #280 7th Street, #280 Seventh Street, #280-282 7th Street, #79 Langton, #Dragonfly Investments Group, #Pending Home Sales, #Rawhide Club, #San Francisco Rents, #Urban Infill, #Western SoMa



As we revealed last year:

“Acquired for \$4.125 million in June of 2016, plans to level the shuttered nightclub space at 280 7th Street – a through block building which was once home to “Rawhide II,” the only Country Western club in San Francisco – and build 20 condos upon the Western SoMa site were soon drawn, revised and approved by Planning back in 2018.

### Recent Reader Activity

Fact on [Rental Inventory/Availability in San Francisco Climbs](#)

SF mayor breed jinxed it by celebrating too soon. I'm not seeing comments on the chron news stories recently, has...

Brahma (incensed renter) on [Rental Inventory/Availability in San Francisco Climbs](#)

Just in case you haven't been following the news since Friday, the 20-something coder kiddies Panhandle Pro is referring to...

Brahma (incensed renter) on [Fully-Approved Development Listed at Loss Reduced, Again](#)

I couldn't disagree more. If the process of obtaining a building permit was made close to frictionless, there would be...

Handwritten signature or scribble at the bottom of the page.

“Demolition and building permits for the six-story development were subsequently requested and approved in August of 2019, but the ground for the development has yet to be broken. And the fully-entitled development/site, which was [designed to yield a mix of 12 one-bedrooms, 6 twos, 2 threes and a ground floor retail space](#), is now back on market with a \$3.25 million price tag.

Having failed to trade last year, despite being fully approved, permitted and listed at a loss, the 280-282 7th Street property and plans were [making the rounds a few months ago with an even lower asking price of \\$2.998 million](#), touting “potential seller carryback” financing “to further enhance [its] appeal.” Yesterday, the list price for the fully approved and permitted project was further reduced to \$2.798 million.

At the same time, there are [over 20,000 units of housing in projects across the city that have been approved by the City but have yet to break ground](#) and over 70,000 units in the overall pipeline, with [returns](#) and [demand on the decline](#).



[« Asking Rents in Oakland Just Dropped to a Two-Year Low](#)

[Rental Inventory/Availability in San Francisco Climbs »](#)

## RELATED POST

LISTINGS (FOR SALE)  
REAL ESTATE ECONOMICS  
TRENDS  
**Pending Home Sales**  
NOV 21, 2023

REAL ESTATE ECONOMICS  
REAL RECENT REDUCTIONS  
TRENDS  
**Number of Homes on**  
NOV 20, 2023

REAL ESTATE ECONOMICS  
SAN JOSE (AND SOUTH)  
TRENDS  
**Bay Area Employers**  
NOV 17, 2023

## 12 thoughts on “Fully-Approved Development Listed at Loss Reduced, Again”

citizenkarma says:  
[November 8, 2023 at 8:53 am](#)

Shoulda left the Rawhide alone.

REPLY

Mark on [Apples-to-Apples-to-Index for a Desirable North Slope Home](#)

I don't think that will be the case given I got in when prices were much lower. And I don't...

Dinah Sore on [Eureka \(Valley\): Measuring The Market Apples-To-Apples Style](#)

For those following this house, it did sell in March of 2021 for \$8.6M. And yes: you get both lots...

SFRealist on [Apples-to-Apples-to-Index for a Desirable North Slope Home](#)

I understand. Gotta keep cranking out content.

Cave\_Dweller on [Bay Area Employment Slips, Drops Year-Over-Year, Again](#)

No need to attribute to me what is a global phenomenon. Bureau of International Settlements: Revisiting the international role of...

Brahma (incensed renter) on [Bay Area Employment Slips, Drops Year-Over-Year, Again](#)

And again, there's no time horizon for this all to play out mentioned. It's worth noting, just for context, that...

Cave\_Dweller on [Bay](#)



# SAN FRANCISCO PLANNING DEPARTMENT

## Planning Commission Resolution No. 20024

HEARING DATE: OCTOBER 12, 2017

1650 Mission St.  
Suite 400  
San Francisco,  
CA 94103-2479

Reception:  
415.558.6378

Fax:  
415.558.6409

Planning  
Information:  
415.558.6377

*Project Name:* Planning Commission Policy: Removal of Residential Flats  
*Record Number:* 2016-003658GEN  
*Staff Contact:* Brittany Bendix, Current Planning  
(415) 575-9114; [brittany.bendix@sfgov.org](mailto:brittany.bendix@sfgov.org)  
*Reviewed By:* Elizabeth Watty, Assistant Director of Current Planning  
(415) 558-5620; [elizabeth.watty@sfgov.org](mailto:elizabeth.watty@sfgov.org)

**ADOPTING A POLICY THAT REQUIRES MANDATORY DISCRETIONARY REVIEW OF ANY PROJECT IN ALL ZONING DISTRICTS THAT RESULTS IN THE REMOVAL OF A RESIDENTIAL FLAT.**

WHEREAS, Objective 2 of the City's 2014 Housing Element states that "conserving and improving the existing (housing) stock is critical to San Francisco's long term housing strategy;" and

→ WHEREAS, the City is currently at 207% production and entitlement of market rate housing units, 16% production and entitlement of units affordable to moderate income households, and 31% production of below-market rate housing, as defined in the 2015-2022 RHNA goals; ←

WHEREAS, currently market-rate housing is frequently not accessible to moderate-income families, making between 80-120% of area median income;

WHEREAS, for the purpose of this Resolution a 'Residential Flat' is to be defined as a common San Francisco housing typology consisting of a single dwelling unit, generally occupying an entire story within a building, and having exposure onto open areas at the front and rear of the property;

WHEREAS, this unit typology satisfies a number of housing needs, particularly for middle-income families,

WHEREAS; a dwelling unit can currently be relocated, or altered, such that it no longer functions as a Residential Flat without public notification or review by the Planning Commission, so long as the proposal complies with all other requirements of the Planning Code;

WHEREAS, the Planning Commission is pursuing legislative amendments to Planning Code Section 317 that would require changes to the review process for projects that remove Residential Flats.

5828P



NOW THEREFORE BE IT RESOLVED that the Commission hereby adopts a new policy that requires a Mandatory Discretionary Review application to be filed for any building or site permit that proposes the modification of a Residential Flat such that it is no longer a Residential Flat; and, be it

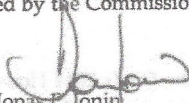
FURTHER RESOLVED, that projects increasing the number of dwelling units within a building will not be subject to this policy; and, be it

FURTHER RESOLVED, that this policy will allow time for the orderly completion of a planning study and for the adoption of appropriate legislation; and, be it

FURTHER RESOLVED, that this policy will sunset after the adoption of the Residential Expansion Threshold legislative initiative currently underway; and be it

FURTHER RESOLVED, that this policy shall apply to all building or site permit applications to remove a Residential Flat where the application has not been filed as of the effective date of this Resolution.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on October 12, 2017.

  
Jonas F. Ionin  
Commission Secretary

AYES: Richards, Hillis, Fong, Koppel and Melgar

NOES: Johnson

ABSENT: Moore

ADOPTED: October 12, 2017

**From:** [anastasia Yovanopoulos](#)  
**To:** [Mandelman, Rafael \(BOS\)](#)  
**Cc:** [Peskin, Aaron \(BOS\)](#); [Melgar, Myrna \(BOS\)](#); [Board of Supervisors \(BOS\)](#); [Carroll, John \(BOS\)](#); [BOS-Legislative Aides](#)  
**Subject:** Support Resolution File #231175  
**Date:** Saturday, November 18, 2023 1:27:56 PM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Supervisor Rafael Mandelman,

As your District #8 constituent, I write to express my strong support for [Resolution File #231175](#), “Directing the City Attorney and City Lobbyist to Request HCD Extend the Housing Element Implementation Action Plan Deadline and Revise and Correct the “Policy and Practice Review” Letter.

**I urge every member of the SF BOS to vote in favor of Board President Aaron Peskin's [Resolution File #231175](#), to demonstrate a united stance re: HCD's “Policy and Practice Review” Letter.**

Sincerely,  
Anastasia Yovanopoulos, Coordinator  
SF Tenants Union Land Use and Planning Watch Committee

**From:** [Jeantelle Laberinto](#)  
**To:** [Peskin, Aaron \(BOS\)](#); [Melgar, Myrna \(BOS\)](#); [Board of Supervisors \(BOS\)](#); [BOS-Legislative Aides](#)  
**Cc:** [Carroll, John \(BOS\)](#); [Calvillo, Angela \(BOS\)](#); [Gluckstein, Lisa \(MYR\)](#); [Charlie Sciammas](#); [Molly Goldberg](#)  
**Subject:** Letter from REP-SF, SFADC & CCHO re: Resolution File #231175  
**Date:** Friday, November 17, 2023 3:52:52 PM  
**Attachments:** [Letter to Supervisors re Resolution #231175 17Nov23.pdf](#)

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear President Peskin, Land Use & Transportation Committee Chair Melgar, and the Board of Supervisors,

Please see the attached joint letter from the San Francisco Anti Displacement Coalition, the Council of Community Housing Organizations, and the Race & Equity in all Planning Coalition to express our strong support for the [Resolution File #231175](#), "Directing the City Attorney and City Lobbyist to Request HCD Extend the Housing Element Implementation Action Plan Deadline and Revise and Correct the "Policy and Practice Review" Letter," which we expect will be on the Land Use & Transportation Committee agenda on Monday, November 27th.

Respectfully,

Jeantelle Laberinto on behalf of the Race & Equity in all Planning Coalition  
Charlie Sciammas on behalf of the Council of Community Housing Organizations  
Molly Goldberg on behalf of the San Francisco Anti Displacement Coalition



**17 November 2023**

President, Board of Supervisors, Supervisor Aaron Peskin  
Chair of the Land Use & Transportation Committee, Supervisor Melgar  
San Francisco Board of Supervisors

**Re: [Resolution, File #231175](#)**

**"Policy and Practice Review" from the State of California's Department of Housing and Community Development**

The San Francisco Anti Displacement Coalition (SFADC), the Race & Equity in all Planning Coalition - San Francisco (REP-SF), and the Council of Community Housing Organizations (CCHO) submit this letter to express our strong support for the [Resolution File #231175](#) "Directing the City Attorney and City Lobbyist to Request HCD Extend the Housing Element Implementation Action Plan Deadline and Revise and Correct the 'Policy and Practice Review' Letter" (PPR).

Together, our coalitions represent nearly 90 community-based organizations that have played critical roles for decades in innovating affordable housing, tenants rights, and anti-displacement policies in San Francisco. As coalitions deeply committed to moving forward solutions and investments to address fair housing, racial and social equity, affordability, and displacement, we are deeply concerned that HCD's PPR will further jeopardize our city's ability to meet its affordability goals and move our City out of compliance with its obligations to Affirmatively Further Fair Housing.

HCD, through its Policy and Practice Review (PPR) seeks to usurp the City's own legislative authority while imposing time frames for moving legislation that are out of sync with the process for that legislation. For instance, as San Francisco Planning Department staff stated at the October 30 Land Use Committee, the Mayor's staff is still drafting a new set of amendments to the Mayor's [streamlining legislation](#). Those amendments will be introduced at the November 27 Land Use Committee hearing, yet HCD's PPR sets a deadline for the Mayor's legislation to be finally passed by November 24. Another example is the "charter amendment" that HCD's PPR demands that the City pass by January, 2024, yet charter amendments must go to the voters as ballot measures, and there is no election cycle in January.

HCD's PPR also fails to accurately assess San Francisco's commitment towards the wide range of actions to implement our Housing Element and fails to address the legal mandates for Housing Elements to Affirmatively Further Fair Housing<sup>1</sup>. The Board of Supervisors has

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<sup>1</sup> [Affirmatively Furthering Fair Housing.pdf \(ca.gov\)](#)

expressed that it wants to center this Housing Element implementation on racial and social equity, but HCD's PPR, in its current form, by triggering de-certification of San Francisco's Housing Element and initiation of the "builder's remedy" among other punitive actions, would create serious barriers to implementing the Housing Element with these priorities, even though these are priorities that are supported by State law<sup>2</sup>.

It, therefore, would appear to be in the best interest of the City for the Board of Supervisors to pass Resolution #231175 to urge that HCD revise and correct the PPR and commensurately provide San Francisco with more time to respond to deadlines detailed in the PPR. The Council of Community Housing Organizations, SF Anti Displacement Coalition and REP-SF strongly urge the Board of Supervisors to support Resolution #231175 to protect tenants, to protect our most vulnerable communities, and to take a stand for affordable housing and racial and social equity.

Respectfully submitted,

San Francisco Council of Community Housing Organizations (CCHO)  
San Francisco Anti Displacement Coalition (SFADC)  
The Race & Equity in all Planning Coalition, San Francisco (REP-SF)

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<sup>2</sup> [Affirmatively\\_Furthering\\_Fair\\_Housing.pdf \(ca.gov\)](#)

## Introduction Form

*(by a Member of the Board of Supervisors or the Mayor)*



I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee (Ordinance, Resolution, Motion or Charter Amendment)
- 2. Request for next printed agenda (For Adoption Without Committee Reference)  
*(Routine, non-controversial and/or commendatory matters only)*
- 3. Request for Hearing on a subject matter at Committee
- 4. Request for Letter beginning with "Supervisor  inquires..."
- 5. City Attorney Request
- 6. Call File No.  from Committee.
- 7. Budget and Legislative Analyst Request (attached written Motion)
- 8. Substitute Legislation File No.
- 9. Reactivate File No.
- 10. Topic submitted for Mayoral Appearance before the Board on

The proposed legislation should be forwarded to the following (please check all appropriate boxes):

- Small Business Commission       Youth Commission       Ethics Commission
- Planning Commission       Building Inspection Commission       Human Resources Department

General Plan Referral sent to the Planning Department (proposed legislation subject to Charter 4.105 & Admin 2A.53):

- Yes                       No

*(Note: For Imperative Agenda items (a Resolution not on the printed agenda), use the Imperative Agenda Form.)*

Sponsor(s):

Subject:

Long Title or text listed:

Signature of Sponsoring Supervisor: