



SAN FRANCISCO PLANNING DEPARTMENT

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MEMO

2014 JUN -9 AM 11:45

DATE: June 9, 2014
TO: Board of Supervisors
FROM: Sarah B. Jones, Environmental Review Officer, Planning Department
RE: **Appeal Response, Appeal of Final Environmental Impact Report, 2004 and 2009 Housing Element, Revised Alternatives Analysis, Planning Department Case No. 2007.1275E, Board File No. 140578**

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HEARING DATE: June 17, 2014

Attached is a hard copy of the Planning Department's Appeal Response to the Board of Supervisors regarding the appeal of the Final Environmental Impact Report (EIR) for the **2004 and 2009 Housing Element Revised Alternatives Analysis**. We have also e-mailed you an electronic/pdf version of this Appeal Response.

Please note that the original EIR certified for the Housing Element in 2011 can be found in Board File No. 110397.

If you have any questions regarding this matter, please contact Steven H. Smith at 558-6373 or steve.smith@sfgov.org.

Thank you.



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PLANNING DEPARTMENT**

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APPEAL OF FINAL ENVIRONMENTAL IMPACT REPORT
**San Francisco 2004 and 2009 Housing Element,
Revised Alternatives Analysis**

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DATE: June 9, 2014
TO: Angela Calvillo, Clerk of the Board of Supervisors
FROM: Sarah B. Jones, Environmental Review Officer – (415) 575-9034
Steven H. Smith, Case Planner – (415) 558-6373
RE: File No. 140578, Planning Case No. 2007.1275E
Appeal of Final Environmental Impact Report for 2004 and 2009 Housing
Element, Revised Alternatives Analysis
HEARING DATE: June 17, 2014

PROJECT SPONSOR: San Francisco Planning Department, Citywide Division

APPELLANT: Kathryn R. Devincenzi, on behalf of San Franciscans For Livable Neighborhoods

INTRODUCTION:

This memorandum is a response (“Appeal Response”) to the letter of appeal (“Appeal Letter”) to the Board of Supervisors (the “Board”) regarding the Planning Department’s (the “Department”) certification of a Final Environmental Impact Report (“FEIR”) under the California Environmental Quality Act (“CEQA Determination”) for the San Francisco 2004 and 2009 Housing Element, Revised Alternatives Analysis.

The decision before the Board is whether to uphold the Department’s decision to certify the FEIR and deny the appeal, or to overturn the Department’s decision to certify the FEIR and return the project – the adoption of the 2009 Housing Element as the Housing Element of the City’s General Plan - to the Department staff for further environmental review.

PROJECT DESCRIPTION AND BACKGROUND:

The Housing Element is a public policy document that addresses issues relating to housing needs for San Francisco residents. The Housing Element is prepared in response to Government Code section 65580 *et seq.*, California housing element law, which requires local jurisdictions to plan for and address the housing needs of its population to meet state housing goals. The Housing Element is part of the General

Plan and consists of goals and policies to guide the City and private and non-profit developers, to meet existing and projected housing demand. The City is required to have a housing element as part of its General Plan pursuant to State Housing Element Law, which is administered by the California Department of Housing and Community Development (HCD).

The 2004 and 2009 Housing Elements were prepared consistent with state law. This includes the requirement that the Housing Element address the City's ability to meet the Regional Housing Needs Allocation (RHNA), which establishes the City's fair share of regional housing production at various income levels, and which is determined by the Association of Bay Area Governments (ABAG) in coordination with HCD.

The following bullets points present a chronology of document publications, hearings, and other events related to the 2004 and 2009 Housing Element and the associated EIR.

- On March 24th 2011, the San Francisco Planning Commission certified the Final Environmental Impact Report (FEIR) for the 2004 and 2009 Housing Element.
- On June 21, 2011 the San Francisco Board of Supervisors adopted the 2009 Housing Element as the Housing Element of the San Francisco General Plan.
- On December 18, 2013, pursuant to the San Francisco Superior Court's direction in *San Franciscans for Livable Neighborhoods v City and County of San Francisco*, San Francisco Superior Court Case No. 513-077¹, the Planning Department recirculated for public review a revised Chapter VII Alternatives of the FEIR (Revised EIR). A copy of this document is available in the Board file, and can also be viewed at on the Planning Department's website, at <http://www.sf-planning.org/index.aspx?page=1828>. Additional paper copies can be provided upon request.
- On January 23, 2014, the public hearing on the Revised EIR occurred before the San Francisco Planning Commission.
- The public comment period ran from December 18, 2013 through February 18, 2014.
- On April 10, 2014, the Department issued a Responses to Comments document on the Revised EIR. A copy of this document is available in the Board file, and can also be viewed at on the Planning Department's website, at <http://www.sf-planning.org/index.aspx?page=1828>. Additional paper copies can be provided upon request. These documents together comprise the 2004 and 2009 Housing Element Final Environmental Impact Report (Final EIR).
- On April 24, 2014 the Planning Commission held a duly noticed hearing and certified the 2004 and 2009 Housing Element FEIR.
- On May 22, 2014, an appeal of the Revised EIR for the 2004 and 2009 Housing Element was filed by Kathryn R. Devincenzi, on behalf of Pacific Heights Residents Association, Cow Hollow Association, Francisco Heights Civic Association, Greater West Portal Neighborhood Association, Jordan Park Improvement Association, Lakeshore Acres Improvement Club, Laurel Heights Improvement Association of San Francisco, Inc., Marina-Cow Hollow Neighbors & Merchants, Miraloma Park Improvement Club, Presidio Heights Association of Neighbors, St. Francis Homes Association, Sunset-Parkside Education and Action Committee, Inc., and Westwood Highlands Association, associated in the unincorporated organization known as San Franciscans For Livable Neighborhoods.

¹ *San Franciscans for Livable Neighborhoods v City and County of San Francisco*, December 19, 2013. This document is part of the case file 2007.1275E and is available for review at the Planning Department, 1650 Mission Street, Suite 400.

APPELLANT ISSUES AND PLANNING DEPARTMENT RESPONSES:

The Appellant's main issue is that Planning Department should have analyzed additional alternatives to the 2004 and 2009 Housing Element in the Revised EIR. Among the alternatives recommended for analysis are the No Unlimited Area Plan or Unlimited Area Planning Processes Alternative, the June 2010 Draft of the 2009 Housing Element Alternative, the Excess Market-Rate Transit Subsidy Alternative, and various others.

As discussed in further detail under each of the Planning Department's responses below, **the San Francisco Superior Court specifically found that the previous EIR analyzed a reasonable range of alternatives.** Moreover, several alternatives recommended by the Appellant have already been considered in the Revised EIR but were rejected for being infeasible or for other reasons, as specified in that document. In general, the alternatives recommended by the Appellant would either: (1) not meet the basic objectives of the proposed project; (2) be infeasible; or (3) would not add any meaningful information to the environmental analysis. Thus, as confirmed by the Superior Court, the EIR appropriately and sufficiently analyzes project alternatives in compliance with all applicable CEQA requirements and further analysis of the June 2010 Draft of the 2009 Housing Element Alternative is not warranted.

It should be noted that, in most instances, the Appellant duplicates identical comments that were previously provided on the Revised EIR. References to appropriate Planning Department responses in the Responses to Comments document are provided below.

HOUSING UNITS PROJECTIONS

Issue 1: The Appellant asserts that feasible alternatives are available since the 2009 Housing Element would produce far more new housing units than needed to accommodate the RHNA for the 2007-2014 planning period.

Response 1: Appellant presents inaccurate and misleading information regarding housing unit projections. The EIR adequately and accurately defined and analyzed the project description as related to RHNA.

The issue raised by the Appellant on this topic duplicates identical comments provided on the Revised EIR in a statement from David Golick included with a comment letter from Kathryn R. Devincenzi dated February 18, 2014 (Letter R17 from the Responses to Comments document). The Responses to Comments document provides a detailed response to this issue under the Response to R17-2a through R17-2d.

To summarize the response to this identical comment that was provided in the Response to Comments document, the Appellant generally conflates the supply of potential new housing sites, the pipeline of potential housing development, and the actual number of housing units projected to be constructed in the 2007-2014 planning period. The Housing Element addresses the City's capacity for new housing relative to the RHNA 2014 goal; the EIR reflects the residential development that could be accommodated under existing zoning, and assesses impacts from residential development through the horizon year of 2035. However, contrary to the Appellant's contention and as stated throughout the EIR, this residential development is projection-based, and not attributable to the Housing Element. Regardless, the Housing Element policies do not produce housing. Rather, as noted throughout the EIR, the Housing Element policies are designed to ensure that sufficient development capacity exists, and that controls do not unduly constrain the development of housing, such that the City has the ability to meet the RHNA goals at various income levels, and does so by influencing the location and type of future housing development. Planning processes, including the process for the development of Housing Element policies, provide an opportunity for the community to participate in the vision for new growth in the

City, including weighing in on development controls that may result in the types of housing more in line with future needs, including location, size and affordability.

The Housing Element is a statutory requirement that local governments plan for existing and projected demand for housing, as provided for in the RHNA. While the proposed Housing Element project and alternatives analyzed in the EIR were each formulated with a primary objective of meeting the RHNA, the methodology behind calculation of the RHNA are not related to the adequacy, accuracy, or completeness of the EIR. As such, the EIR is adequate and complete for purposes of CEQA.

NO UNLIMITED AREA PLAN OR UNLIMITED AREA PLANNING PROCESSES ALTERNATIVE

Issue 2: The Appellant claims that the No Unlimited Area Plan or Unlimited Area Planning Processes Alternative is feasible and should be analyzed.

Response 2: The EIR presents and analyzes a reasonable range of alternatives, and need not analyze the No Unlimited Area Plan or Unlimited Area Planning Processes Alternative.

The issues raised by the Appellant on this topic duplicate identical comments provided on the Revised EIR in a statement from David Golick included with a comment letter from Kathryn R. Devincenzi dated February 18, 2014 (Letter R17 from the Responses to Comments document). The Responses to Comments document provides a detailed response to these issues under the Response to R17-4a through R17-4d.

To summarize the prior responses, the Appellant proposes an alternative which contains policies or objectives that would limit new area plans or community planning processes only to those areas listed in 2009 Housing Element Policy 1.2 (for example, Glen Park, Western Soma, Executive Park, which the commenter claims would eliminate the Projects' significant impact on transit. Although the Appellant correctly notes the EIR concludes for both the 2004 and 2009 Housing Elements, as well as for Alternative B and C, that a significant unavoidable impact on transit would result, the comment provides no specific evidence or analysis to directly support the claim that the proposed alternative (the No Unlimited Area Plan or Unlimited Area Planning Processes Alternative) would in any way avoid or lessen this impact on transit.

The Appellant's description of this alternative misrepresents the content of the 2009 Housing Element. The Housing Element recognizes that existing development capacity would provide adequate housing opportunities to accommodate existing demand. The Housing Element does not propose that any additional Area Plans be initiated beyond those already identified or underway. Instead, the various Housing Element policies states that the City has adequate capacity to accommodate projected growth, but if any future substantial changes in an area's zoning controls are contemplated they should be considered in the context of a community based planning process. Therefore, a Housing Element Alternative that specifies that no additional area plans should be prepared in the future would not change any direct or indirect physical effects of the Housing Element, and would not avoid the considerable contribution to significant transit impacts. Thus, including such an alternative in the EIR analysis would not provide any additional information beyond what has already been provided in the Revised EIR. The EIR appropriately and sufficiently analyzes project alternatives in compliance with all applicable CEQA requirements and analysis of the No Unlimited Area Plan or Unlimited Area Planning Processes Alternative is not warranted.

In any event, the San Francisco Superior Court specifically found that the previous EIR analyzed a reasonable range of alternatives. No additional alternatives are required.

JUNE 2010 DRAFT OF THE 2009 HOUSING ELEMENT ALTERNATIVE

Issue 3: The Appellant claims that the June 2010 Draft of the 2009 Housing Element Alternative is feasible and should be analyzed.

Response 3: The EIR presents and analyzes an appropriate range and types of alternatives and need not analyze the June 2010 Draft of the 2009 Housing Element Alternative.

[The issue raised by the Appellant on this topic duplicates identical comments provided on the Revised EIR in a statement from David Golick included with a comment letter from Kathryn R. Devincenzi dated February 18, 2014 (Letter R17 from the Responses to Comments document). The Responses to Comments document provides a detailed response to this issue under the Response to R17-5a through R17-5g. The following is a summary of the prior response].

The draft EIR and the final EIR found that the June 2010 draft of the 2009 Housing Element (assessed in the draft EIR) and the final draft of the 2009 Housing Element (assessed in the final EIR) had similar or identical impacts. Therefore, the June 2010 draft would not reduce the significant impact on transit. Further, the Superior Court confirmed that the EIR analyzed a reasonable range of alternatives, and that the draft EIR did not need to be recirculated based on subsequent changes to the June 2010 draft. The EIR appropriately and sufficiently analyzes project alternatives in compliance with all applicable CEQA requirements and further analysis of the June 2010 Draft of the 2009 Housing Element Alternative is not warranted.

EXCESS MARKET-RATE TRANSIT SUBSIDY ALTERNATIVE

Issue 4: The Appellant asserts that the Excess Market-Rate Transit Subsidy Alternative is feasible.

Response 4: The EIR presents and analyzes an reasonable range of alternatives and did not need to include additional alternatives, or an "Excess Market-Rate Transit Subsidy Alternative." Moreover, an Excess Market Rate Transit Subsidy Alternative would not fully mitigate the Housing Element's contribution to the identified transit impact.

[The issue raised by the Appellant on this topic duplicates identical comments provided on the Revised EIR in a statement from David Golick included with a comment letter from Kathryn R. Devincenzi dated February 18, 2014 (Letter R17 from the Responses to Comments document). The Responses to Comments document provides a detailed response to this issue under the Responses to R17-6a through R17-6c. The following is a summary of the prior response]

The Appellant suggests that the Housing Element EIR analyze an additional alternative that contains policies requiring the imposition of a transit mitigation fee to reduce the anticipated impact to transit resulting from future housing development. Although the Appellant represents this proposal as an "alternative", it is a mitigation measure in the form of a fee that would be levied on residential development under the Housing Element. The San Francisco Superior Court did not require any

reconsideration of mitigation measures, and this proposal is outside the scope of the required EIR revisions.

On the topic of transit impact fees for housing, the City is in the process of revising its procedures and requirements for transportation impact assessment and fees. This effort includes a nexus study, which will assess the level of impact and help identify feasible impact fee levels. There are a variety of policy considerations and there is no assurance that the resulting impact fee will fully mitigate the impact of new residential development on the transit system. This is a separate effort from the Housing Element, and it would not be possible in the context of this EIR to state with certainty that a transit impact fee would be approved that would reduce the Housing Element's contribution to significant cumulative impacts on transit to a less-than significant level. As stated above, the EIR appropriately and sufficiently analyzes project alternatives in compliance with all applicable CEQA requirements and analysis of the Excess Market-Rate Transit Subsidy Alternative is not warranted.

In any event, the San Francisco Superior Court specifically found that the previous EIR analyzed a reasonable range of alternatives. No additional alternatives are required.

NORMAL POPULATION INCREASE, NO CONCENTRATION ALTERNATIVE

Issue 5: The Appellant asserts that the Normal Population Increase, No Concentration Alternative is feasible.

Response 5: The EIR presents and analyzes a reasonable range of alternatives and need not analyze a Normal Population Increase, No Concentration Alternative.

[The issues raised by the Appellant on this topic duplicate identical comments provided on the Revised EIR in a statement from David Golick included with a comment letter from Kathryn R. Devincenzi dated February 18, 2014 (Letter R17 from the Responses to Comments document). The Responses to Comments document provides a detailed response to these issues under the Response to R17-7a through R17-7c. The following is a summary of the prior response]

This issue relates to the RHNA process and poses a hypothetical question regarding a scenario where growth in the City results only from natural births and deaths. However, when planning for growth, the normal factors go beyond births and deaths. The CEQA projects and project alternatives in the 2004 and 2009 Housing Element EIR are based on such real-world scenarios, and the official growth projections provided by the authorized state and regional planning agencies, which culminate in the RHNA.

The comment generally conflates development sites available for potential housing development with actual projected housing development. The growth scenario considered in the EIR is not attributable to the Housing Element, so an alternative to the Housing Element could not feasibly result in a "normal" population increase. In addition to being infeasible, this alternative would not meet the objectives of the project because it would not reflect the RHNA or the longer-term projected population growth in San Francisco. As noted throughout the EIR, the Housing Element policies are designed to ensure that sufficient development capacity exists to meet the RHNA goals at various income levels, and does so by influencing the location and type of future housing development.

As stated above, the EIR appropriately and sufficiently analyzes project alternatives in compliance with all applicable CEQA requirements and analysis of the Normal Population Increase, No Concentration Alternative is not warranted.

In any event, the San Francisco Superior Court specifically found that the previous EIR analyzed a reasonable range of alternatives. No additional alternatives are required.

DEFINITION OF ALTERNATIVE A

Issue 6: The Appellant claims that the EIR's definition of Alternative A as subject to the area plans contradicts the claim that growth under Alternative A would be dispersed throughout the City.

Response 6: EIR's definition of Alternative A was accurate and evidence provided to the contrary is misleading and inaccurate.

[The issues raised by the Appellant on this topic duplicate identical comments provided on the Revised EIR in a comment letter dated February 18, 2014 (Letter R16 from the Responses to Comments document). The Responses to Comments document provides a detailed response to these issues under the Response to R16-6a through R16-6k. The following is a summary of the prior response]

As noted on p. III-30 of the Responses to Comments on the Revised EIR, "the existing Area and Redevelopment Plans... are applicable to all the Alternatives analyzed, including Alternatives A through C and both the 2004 and 2009 Housing Elements. Thus, the applicable Area and Redevelopment Plans constitute the existing environment described in the EIR. Given that residential development within these areas would be substantially similar under all project alternatives, the analysis of impacts from policies in Alternative A focus on development outside these areas, and correctly notes that overall housing development patterns under Alternative A would be 'relatively dispersed throughout the City' (i.e., compared to the other project Alternatives, including the 2004 and 2009 Housing Elements)." Alternative A, which is the 1990 Residence Element, does not contain policies that would direct growth to the area plans. As stated above, the EIR appropriately and sufficiently analyzes project alternatives in compliance with all applicable CEQA requirements and further analysis related to alternatives not warranted.

TOTAL DEVELOPMENT POTENTIAL

Issue 7: The Appellant claims that EIR's conclusion that total development potential under the 2004 Housing Element would not be substantially greater than under the 1990 Residence Element Policies because the 2004 Housing Element does not include any changes to allowable land uses is misleading and contradicted by evidence.

Response 7: The EIR accurately defines the amount of development that could occur under the proposed project and each of the alternatives.

[The issues raised by the Appellant on this topic duplicate identical comments provided on the Revised EIR in a comment letter dated February 18, 2014 (Letter R16 from the Responses to Comments document). The Responses to Comments document provides a detailed response to these issues under the Response to R16-7a through R16-7f. The following is a summary of the prior response]

As provided on p. III-36 of the Responses to Comments on the Revised EIR, "most new housing development anticipated for the 2007-2014 time period will occur within Area Plans. Further, given the number of potential housing development sites identified in the EIR (i.e., 60,995 units identified in Table IV-5 of the EIR), the total amount of housing developed will occur primarily as a function of economic factors. Thus the total amount of new housing constructed in the 2007 to 2014 period would not

substantially differ among the Housing Element alternatives; however, each alternative Housing Element includes policies that could result in differences in terms of the type and location of new housing development.”

Further, the objectives of the Housing Element project include ensuring capacity for the development of new housing to meet the RHNA at all income levels. The development potential identified in the EIR is a function of existing zoning, not the Housing Element policies. It is thus accurate to conclude that development potential would be unchanged between the 1990 Residence Element and the 2004 Housing Element. The updated 2004 and 2009 Housing Elements would influence the location and type of new housing development necessary to accommodate population growth and the City’s RHNA. As such, with respect to defining the project description and the description of each of the alternatives, the EIR is adequate, accurate, and complete for purposes of CEQA review.

RESIDENTIAL DENSITIES UNDER PROPOSED PROJECT AND ALTERNATIVE A

Issue 8: The Appellant asserts that the EIR’s conclusion that the 2009 Housing Element does not promote increased residential densities more so than the 1990 Residence Element is contradicted by evidence and is misleading.

Response 8: The EIR is adequate, accurate, and complete in its analysis of the project’s and the alternatives’ population and development projections, including under the 2009 Housing Element and the 1990 Residential Element.

[The issues raised by the Appellant on this topic duplicate identical comments provided on the Revised EIR in a comment letter dated February 18, 2014 (Letter R16 from the Responses to Comments document). The Responses to Comments document provides a detailed response to these issues under the Response to R16-8a through R16-8c. The following is a summary of the prior response]

Both the 2009 Housing Element and the 1990 Residence Element contain policies that could potentially allow for increases in density, but also contain policies that ensure that neighborhood character is maintained and/or that larger units that can accommodate families need to be provided, thereby incrementally reducing the density of new housing units. Thus, the revised Alternatives analysis reasonably assumes that overall, there would not be a substantial difference in overall residential densities from implementation of either the 2009 Housing Element or the 1990 Residential Element policies (No Project Alternative A).

In regard to adopted and pending Area Plans and the associated increase in potential residential development in those areas, the Responses to Comments note that, “Areas Plans adopted at the time of NOP issuance are appropriately considered part of the baseline conditions described in the EIR, whereas Area Plans underway but not yet adopted by the City are considered reasonably foreseeable and addressed as cumulative projects. The EIR’s appropriate inclusion of Area Plans in the existing conditions, or as cumulative projects, applies to the environmental analysis of the 2004 and 2009 Housing Elements, as well as Alternative A through C.” In other words, the analysis of environmental impacts from both the 1990 Residence Element and the 2009 Housing Element appropriately include the adopted Area Plans as baseline conditions.

Regardless, the information appropriately contained in the EIR about increased housing potential in Area Plans underway at the time of EIR preparation does not indicate that these Area Plans are connected to, or result from, the 2009 Housing Element. Therefore, the EIR appropriately and sufficiently analyzes

project's population and development projections and further analysis of the 2009 Housing Element or the 1990 Residential Element policies is not warranted.

MEETING PROJECT OBJECTIVES UNDER ALTERNATIVE A

Issue 9: The Appellant claims that the Revised EIR's assertions that Alternative A would be less effective in meeting certain project objectives are not supported by evidence.

Response 9: Alternative A, as the CEQA-mandated "No Project" alternative, was developed and analyzed in a manner that was adequate, accurate, and complete, and meets all CEQA requirements.

[The issues raised by the Appellant on this topic duplicate identical comments provided on the Revised EIR in a comment letter dated February 18, 2014 (Letter R16 from the Responses to Comments document). The Responses to Comments document provides a detailed response to these issues under the Response to R16-9a through R16-9c. The following is a summary of the prior response]

As noted in the Responses to Comments on p. III-39, "The 2004 and 2009 Housing Elements were formulated based on the objectives provided in the EIR Chapter IV, Project Description. Consistent with the requirements of the Public Resources Code and the CEQA Guidelines, the Revised EIR also includes an analysis of the No Project Alternative, which represents the continuation of the 1990 Residence Element. Thus, the No Project Alternative A was not formulated based on the project objectives; and as noted in Revised EIR, the Alternative A would be less effective at attaining four of the seven project objectives."

As specifically noted in the Revised EIR, because Alternative A would be less effective at directing development to areas supported by existing or planned infrastructure, Alternative A would be less effective overall at meeting this objective compared to the 2004 or 2009 Housing Element. Alternative A would also be less effective overall at meeting affordable housing objectives compared to the 2004 or 2009 Housing Element because Alternative A does not promote affordability strategies (e.g., reduced parking, increased density) to the same degree as the 2004 or 2009 Housing Element, and also does not contain alternative strategies that would be equally effective at achieving affordability. In addition, by not promoting increased density in transit corridors or reduced parking requirements, Alternative A does not encourage a development pattern that maximizes the objective of sustainability on a local or regional level. Finally, because Alternative A policies are not based on the current RHNA, it is uncertain if Alternative A would meet the objective of being certified by HCD as compliant with State housing element law.

Further, Alternative A (1990 Residence Element) included potential historical resources in the definition of "housing opportunity sites", specifically older vacant buildings, unsafe buildings, and building and uses which underutilize the site. In addition, the policies in Alternative A reflect the historic preservation context of two decades ago, prior to substantial changes in both the City's approach to historic preservation and the requirements for review of historical resource impacts under CEQA. Thus, Alternative A lacks the more proactive approach to protecting historical resources provided under the 2004 and 2009 Housing Elements (e.g., through comprehensive surveys). The Revised EIR therefore concludes that there is a potential significant impact to historical resources under Alternative A.

It is common and expected that a "no project" alternative would not fully attain the project objectives. The Planning Department concluded that the 1990 Residence Element did not adequately achieve the City's mission, goals, and requirements with regard to housing supply and affordability. This conclusion

compelled the Department to reconsider its Housing Element policies, and it is appropriate and reasonable that the proposed 2004 Housing Element and 2009 Housing Element would better accomplish the project objectives than the Residence Element prepared 15-20 years earlier.

The EIR appropriately and sufficiently analyzes project alternatives in compliance with all applicable CEQA requirements and further analysis of Alternative A is not warranted.

ALTERNATIVE B CONCLUSIONS

Issue 10: The Appellant asserts that the evidence does not support Revised EIR conclusions with respect to effects associated with Alternative B, including impacts related to aesthetics, population and housing, and land use.

Response 10: The EIR is accurate and complete in its presentation of project alternatives and their potential environmental impacts and the Appellant presents no evidence to the contrary.

[The issues raised by the Appellant on this topic duplicate identical comments provided on the Revised EIR in a comment letter dated February 18, 2014 (Letter R16 from the Responses to Comments document). The Responses to Comments document provides a detailed response to these issues under the Response to R16-10a through R16-10j. The following is a summary of the prior response]

The FEIR reasonably concludes that the elimination of density-promoting policies under Alternative B (2004 Housing Element Adjudicated) would result in housing development that is less dense than under the 2004 or 2009 Housing Element. As a result, Alternative B would not be as effective as the 2004 and 2009 Housing Elements at encouraging housing that is concentrated in a dense fashion along transit corridors rather than dispersed according to capacity. Further, as noted on p. VII-18 of the Revised EIR, due to the absence of policies promoting increased density under Alternative B “the reduction in density is expected to affect the density of individual buildings rather than the number of buildings constructed.” Regardless, as noted in the Response to Comments on the Revised EIR on p. III-42, “individual infill development that is consistent with established zoning rarely has the potential to substantially affect scenic vistas regardless of small differences in size; thus the alternatives analysis concludes ‘incrementally fewer potential impacts to scenic vistas’ would result under Alternative B than under the 2004 Housing Element, due to the smaller building associated with Alternative B.”

As further noted in the Responses to Comments on p. III-43, “the Revised EIR properly accounts for existing conditions related to the ratio of workers, households and jobs, and then discloses the impact resulting from the expected change to this existing condition as a result of implementing Alternative B. The Alternative analysis properly concludes that no substantial change to the worker-to-household ratio would result, and that impacts related to changes in population would generally be similar across each of the Alternatives (i.e., a less than significant impact).”

Lastly, regarding the approach to assessing changes in neighborhood character, the EIR reasonably concluded that there is no significant difference in the terms “respect” versus the term “maintain” which would have an environmental impact. As noted on p. III-44 of the Responses to Comments, “this is because there is no physical change that can be attributed to the use of either term in a policy context. No evidence of direct or indirect physical impacts from the use of ‘respect’ rather than ‘maintain’ has been provided by the commenter in this or any other comment submitted on the 2004 or 2009 Housing Element EIR.” The EIR appropriately and sufficiently analyzes project alternatives in compliance with all

applicable CEQA requirements and further analysis of the Alternative B, the 2004 Housing Element Adjudicated Alternative, is not warranted.

ALTERNATIVE A – HISTORIC RESOURCES CONCLUSION

Issue 11: The Appellant claims that evidence does not support the conclusion that Alternative A would result in a potentially significant impact to historic resources.

Response 11: The EIR’s conclusion that Alternative A could result in a potential significant impact related to historic resources is accurate and supported by evidence.

The issues raised by the Appellant on this topic duplicate identical comments provided on the Revised EIR in a comment letter dated February 18, 2014 (Letter R16 from the Responses to Comments document). The Responses to Comments document provides a detailed response to this issue under the Response to R16-11. To summarize the prior response, the Alternative A (1990 Residence Element) included potential historical resources in the definition of “housing opportunity sites”, specifically older vacant buildings, unsafe buildings, and buildings and uses which underutilize the site. Therefore, the 1990 Residence Element’s conclusion that the City had adequate capacity to accommodate the RHNA depended on an assumption that buildings now considered historical resources would be demolished in attainment of the housing production goals. This manner of development would result in significant impacts on historical resources. In addition, the policies in Alternative A reflect the historic preservation context of two decades ago, prior to substantial changes in both the City’s approach to historic preservation and the requirements for review of historical resource impacts under CEQA. Further, Alternative A lacks the more proactive approach to protecting historical resources provided under the 2004 and 2009 Housing Elements (e.g., through comprehensive surveys). Thus, the Revised EIR’s conclusion that Alternative A could result in potential significant impact related to historical resources is adequate and complete, and is supported by evidence in the record.

EFFECTS OF ALTERNATIVES ON TRANSPORTATION AND WATER DEMAND

Issue 12: The Appellant claims that evidence does not support the Revised EIR’s conclusions related to effects of alternatives on transportation and water demand.

Response 12: The EIR provides fully and accurately analyzed impacts of each alternative on transportation and water demand.

The issues raised by the Appellant on this topic duplicate identical comments provided on the Revised EIR in a comment letter dated February 18, 2014 (Letter R16 from the Responses to Comments document). The Responses to Comments document provides a detailed response to these issues under the Response to R16-12a through R16-12i. To summarize the prior responses, the relatively dispersed patterns of new residential development under Alternative A would result in a relative increase in vehicle trips compared to the 2004 and 2009 Housing Elements, which specifically encourage new residential development near transit. Further, the EIR properly concludes that growth concentrated near transit would add transit trips, whereas growth that is distributed regardless of transit infrastructure is more likely to add automobile trips. Based on the overall conclusions regarding Alternative B compared to each version of the Housing Element, the EIR reaches consistent conclusions regarding the impact of Alternative B on transit and on the street network.

Additionally, as documented in the Revised EIR and Responses to Comments, the impacts associated with water demand would be less than significant under each Housing Element alternative, regardless of any relative difference in housing density among alternatives. The EIR appropriately and sufficiently analyzes project alternatives in compliance with all applicable CEQA requirements and further analysis of the alternative is not warranted.

BAYVIEW WATERFRONT ALTERNATIVE

Issue 13: The Appellant claims that the Revised EIR's elimination of the Bayview Waterfront Alternative from further analysis is conclusory and not supported by facts.

Response 13: As confirmed by the San Francisco Superior Court, EIR presents and analyzes an appropriate range and types of alternatives and no legal justification exists to analyze the Bayview Waterfront Alternative. Moreover, the study of this alternative would not provide any meaningful information.

The issues raised by the Appellant on this topic duplicate identical comments provided on the Revised EIR in a comment letter dated February 18, 2014 (Letter R16 from the Responses to Comments document). The Responses to Comments document provides a detailed response to this issue under Response to R16-13.

To summarize the prior response, the Bayview Waterfront Alternative included the policies and objectives of the 1990 Residence Element, supplemented by the Candlestick Point/Hunters Point Shipyard Project (previously referred to as the Bayview Waterfront project). However, the Candlestick Point/Hunters Point Shipyard Project was reviewed in its own environmental impact report, and later adopted in 2010, and the 2004 and 2009 Housing Element EIR analyses included the Candlestick Point/Hunters Point Shipyard Project as a reasonably foreseeable future project. Therefore, this alternative is within the range of alternatives analyzed in the EIR, and providing a detailed environmental analysis of this alternative would have provided limited information to the public and decision-makers. The environmental impacts from the Candlestick Point/Hunters Point Shipyard Project were already accounted for as part of the cumulative analysis of the project. This alternative was thus eliminated from further consideration. Thus, the EIR appropriately and sufficiently analyzes project alternatives in compliance with all applicable CEQA requirements and analysis of the Bayview Waterfront Alternative is not warranted.

In any event, the San Francisco Superior Court specifically found that the previous EIR analyzed a reasonable range of alternatives. No additional alternatives are required.

THE FOCUSED DEVELOPMENT ALTERNATIVE

Issue 14: The Appellant claims that the Revised EIR's elimination of the Focused Development Alternative from further analysis is conclusory and not supported by facts.

Response 14: As confirmed by the San Francisco Superior Court, EIR presents and analyzes an appropriate range and types of alternatives and no legal justification exists to analyze the Focused Development Alternative. Moreover, its implementation would not be feasible.

The issues raised by the Appellant on this topic duplicate identical comments provided on the Revised EIR in a comment letter dated February 18, 2014 (Letter R16 from the Responses to Comments document). The Responses to Comments document provides a detailed response to this issue under Response to R16-14. To summarize the prior response, the Focused Development Alternative would actively direct residential growth to plan areas, but unlike the Housing Elements or analyzed alternatives, this alternative would require precluding development at locations outside of plan areas. In order to avoid development outside of plan areas, the Housing Element would need to include policies which allowed little or no growth to occur outside of these areas. As further noted in the Revised EIR Response to Comments, the Housing Element should not constrain the City's ability to engage in sound and responsible planning efforts, or preclude residential development already allowable under existing zoning outside plan areas. Rather, housing element policies must enhance the City's ability to meet the RNHA goals at various income levels, and do so consistent with other policies of the City's General Plan. Therefore, the alternative was not carried forward for further analysis because, overall, the implementation is not considered feasible. As stated above, the EIR appropriately and sufficiently analyzes project alternatives in compliance with all applicable CEQA requirements and analysis of the Focused Development Alternative is not warranted.

In any event, the San Francisco Superior Court specifically found that the previous EIR analyzed a reasonable range of alternatives. No additional alternatives are required.

ELIMINATION OF THE REDUCED LAND USE ALLOCATION ALTERNATIVE

Issue 15: The Appellant alleges that the Revised EIR's elimination of the Reduced Land Use Allocation Alternative from further analysis is conclusory and not supported by fact.

Response 15: As confirmed by the San Francisco Superior Court, EIR presents and analyzes an appropriate range and types of alternatives and no legal justification exists to analyze the Reduced Land Use Allocation Alternative. Moreover, it would not meet the basic objectives of the proposed project.

The issues raised by the Appellant on this topic duplicate identical comments provided on the Revised EIR in a comment letter dated February 18, 2014 (Letter R16 from the Responses to Comments document). The Responses to Comments document provides a detailed response to this issue under Response to R16-15. To summarize the prior response, the Reduced Land Use Allocation Alternative would contradict state Housing Element law by proactively precluding and/or disregarding projected housing growth, as reflected in the Regional Housing Needs Assessment (RHNA). The RHNA is assigned to the City by Association of Bay Area Governments (ABAG), and is developed in coordination with the California Department of Housing and Community Development. Thus, the subject alternative would not meet the primary objective of the Housing Element project, and would be contrary to state law. For these reasons, the alternative was properly dismissed from further consideration. Thus, the EIR appropriately and sufficiently analyzes project alternatives in compliance with all applicable CEQA requirements and analysis of the Reduced Land Use Allocation Alternative is not warranted.

In any event, the San Francisco Superior Court specifically found that the previous EIR analyzed a reasonable range of alternatives. No additional alternatives are required.

REDUCED LAND USE ALLOCATION ALTERNATIVE DISCUSSION

Issue 16: The Appellant claims that the discussion of the Reduced Land Use Allocation Alternative was conclusory and did not provide specifics regarding the reduced number and location of new housing units. The Appellant alleges that the Revised EIR and Responses to Comments should have identified the geographic areas to which the land use allocation would occur under this alternative, and should have further stated the total number of units associated with this alternative. The Appellant claims that the EIR's discussion of alternatives was conclusory and not supported by fact.

Response 16: The Department maintains that the rejection of the Reduced Land Use Allocation Alternative was adequately substantiated as this alternative would contradict both the state housing element law and basic project objectives.

Implementation of the Reduced Land Use Allocation Alternative assumed that the 2004 Housing Elements Goals, Policies, Objectives, and Implementation Measures would be adopted, but that a reduced number of new housing units would be developed during the 2005-2025 period. This alternative was suggested by some members of the public during the EIR scoping process in 2009 as a means of limiting the amount of new residential development. However, as noted in the EIR, the growth projections upon which the Housing Element EIR is based are provided independently by the HCD and ABAG, and are not a function of the Housing Element. An alternative to the Housing Element would not result in a reduced Land Use Allocation. Reducing the number of new housing units would require precluding or disregarding the regional housing growth projections, as specifically reflected in RHNA. The primary objective of the housing element policies is to comply with state Housing Element law, namely ensuring adequate development capacity to accommodate the growth projections provided in the RHNA. Thus, the EIR analysis determined that by precluding residential development, the Reduced Land Use Allocation Alternative would not comply with housing law (i.e., facilitate housing development in accordance with the RHNA projections), which is the primary objective of the Housing Element.

Because the basic concept of the Reduced Land Use Allocation Alternative is contrary to both State Housing Element Law and the basic objectives of the City's Housing Element, the details regarding the precise amount of the reduction in new housing units associated with this alternative were not necessary to find that the Alternative was infeasible and eliminated from further consideration in the EIR. Similarly, the Land Use Allocation is an analytic exercise that identifies the most likely distribution of total projected growth, based on existing zoning and pipeline development. Because the Reduced Land Use Allocation Alternative would not comply with State law or meet the basic project objectives, specifying the location of new housing growth was unnecessary. Therefore, the EIR's analysis and discussion of this alternative is adequate accurate and complete and further analysis of the Reduced Land Use Alternative is not warranted.

FOCUSED DEVELOPMENT ALTERNATIVE

Issue 17: The Appellant asserts that the discussion and subsequent dismissal of the Focused Development Alternative does not adequately explain the infeasibility of the alternative. The Appellant claims the discussion related to necessary regulatory changes to implement this alternative is ambiguous, and thus the analysis is conclusory. The Appellant further claims the EIR did not sufficiently explain why the alternative is not considered feasible.

Response 17: The discussion and analysis of the Focused Development Alternative was adequately described, including the reasons why the alternative is not feasible. The Focused Development

Alternative is based on a concept that would actively direct residential growth toward community plan areas while limiting growth outside these areas, and reflects public input received during the EIR scoping process. Under this alternative, new housing development would be subject to zoning in place at the time of issuance of the NOP for the EIR plus all area planning efforts underway at that time.

As explained in the EIR Section VII Alternatives, this alternative was eliminated from further consideration for several reasons. First, because existing zoning located in areas outside of community plan areas currently permits residential development, implementing this alternative would require limiting, prohibiting or imposing other regulatory limits on residential development in order to limit currently allowed development. Second, locations outside of area plans contribute substantially to the City's land available for residential development; as noted in the EIR Responses to Comments (Response to R16-14 on p. III-48), locations outside area plans have the potential for 35,427 new housing units. As stated in the EIR on p. VII-109, "Limiting the supply of housing sites would also compromise the City's ability to achieve the RHNA goals for housing supply and affordability by severely restricting the amount of land within the City available for housing, especially affordable housing which requires the maximum number of potential opportunities in order to overcome the inherent constraints of developing affordable housing in an area with high land costs." Finally, as further noted in the EIR beginning on p. VII-109, "Curtailing development in substantial portions of the City could also create conflicts with other General Plan policies encouraging sustainable and equitable development Citywide, such as Transportation Element Objective 2 (Use the transportation system as a means for guiding development and improving the environment), Objective 11 (Establish public transit as the primary mode of transportation in San Francisco and as a means through which to guide future development and improve regional mobility and air quality) and Policy 11.3 (Encourage development that efficiently coordinates land use with transit service, requiring that development address transit concerns as well as mitigate traffic problems) and Commerce and Industry Element Policy 6.3 (preserve and promote the mixed commercial and residential character in neighborhood commercial districts. Strike a balance between the preservation of existing affordable housing and needed expansion of commercial activity)." For these reasons, the alternative was determined to be infeasible, and thus was not carried-forward for full analysis.

The Appellant raises issues related to hypothetical specific policies associated with the Focused Development Alternative. The specific policies were not described by the public when they suggested this alternative. Regardless of policy specifics, housing element policies that support a goal of limiting housing growth outside of community plan areas is considered infeasible for the reasons provided above. Thus, contrary to the Appellant's assertion, the specifics associated with the underlying policies of this alternative are not germane, and the EIR's analysis and substantiation for rejection of this alternative are adequate, accurate, and complete and no further analysis is warranted.

BAYVIEW WATERFRONT ALTERNATIVE DISCUSSION

Issue 18: The Appellant asserts that the discussion of the Bayview Waterfront Alternative is conclusory and unsupported by facts. The Appellant makes four arguments with respect to the analysis of this alternative:

- (1) The Appellant states that the responses to comments and the Revised EIR did not sufficiently explain the relation of this alternative with Alternative A. The Appellant expresses the additional concern that the EIR did not explain the housing capacity anticipated under this alternative;

- (2) The Appellant questions whether EIR discussion and analysis of Alternative A, which consists of the continuation of the 1990 Residence Element, incorporated the Candlestick Point/Hunters Point Shipyard Project;
- (3) The Appellant also asserts the EIR does not explain why adoption of the Candlestick Point/Hunters Point Shipyard Project was not dependent on the 2004 and 2009 Housing Elements; and
- (4) The Appellant questions why this alternative would not have sufficient capacity to meet the project objectives [which the Planning Department interprets as meeting the RHNA].

Response 18: The EIR's discussion and analysis of the Bayview Waterfront Alternative is well substantiated and adequately documented. With respect to the Appellant's first point, as discussed above in Response 13, the Bayview Waterfront Alternative includes the 1990 Residence Element Goals, Policies and Objectives, assumes the zoning in place at the time of the 2009 Notice of Preparation for the EIR, and includes the adoption of the Candlestick Point/Hunters Point Shipyard Project (previously referred to as the Bayview Waterfront project). The intent of this alternative was to concentrate new residential development in an area of the City undergoing substantial redevelopment. However, as noted in the Revised EIR and Responses to Comments on the Revised EIR, the Candlestick Point/Hunters Point Shipyard Project was an independent project whose environmental review overlapped the environmental review for the 2004 and 2009 Housing Element. Thus, the 2004 and 2009 Housing Element EIR ultimately considered the Candlestick Point/Hunters Point Shipyard as a reasonably foreseeable project.

In response to the Appellant's second point, as explained in the Revised EIR Responses to Comments, Policy 2.2 of the 1990 Residence Element ("Encourage higher residential density in areas adjacent to downtown, in underutilized commercial and industrial areas proposed for conversion to housing...") is consistent with the planning and implementation of the Candlestick Point/Hunters Point Shipyard Project. Moreover, as provided in the EIR Table IV-6 (Estimated New Housing Construction Potential Under Area Plans in Process), the Candlestick Point and Hunters Point Shipyard projects are documented as providing for a total of 10,000 additional potential units, and thus, are clearly accounted for in the EIR approach to analysis that is described beginning on p. IV-13 of the EIR.

In response to the Appellant's third point, as noted in the Responses to Comments on the Revised EIR (p. III-27), "Area Plans are developed in response to issues specific to the planning area location. The fact that Area Plans accommodate new housing and include strategies consistent with strategies in the Housing Element does not mean the Area Plans are a result of the Housing Element." Further, "Although Area Plans cannot be inconsistent with the General Plan, or conflict with any mandatory policy therein, including the Housing Element, the development framework (e.g., zoning changes) resulting from an Area Plan process (e.g., the community planning process), is and was independent of the adoption of Housing Element policies." Moreover, as noted by the Superior Court in its December 19, 2013 Order:

"[T]he project description in the EIR was not required to include the rezoning efforts that were ongoing at the same time as the Housing Element, or that had been approved after adoption of the 2004 Housing Element. The Court finds that these ongoing efforts – such as Treasure Island, Hunters Point, Parkmerced, and prior efforts, such as the Eastern Neighborhoods Area Plan and the Market and Octavia Area Plan – were not a part of the Housing Element project, nor were they a consequence of adopting the Housing Element. Instead, these were separate projects, independent of the Housing Element efforts."

In response to the Appellant's final point, the EIR does not discuss the ability of this alternative to meet the RHNA goals. Rather, the alternative was dismissed because the Candlestick Point/Hunters Point Shipyard Project was proceeding independently of the Housing Element and thus did not provide any useful information as a discrete project alternative.

Based on the above, the EIR's discussion of the Candlestick Point/Hunters Point Shipyard Project, including information provided in the Revised EIR Responses to Comments, adequately analyzes this alternative and sufficiently substantiates the rationale for eliminating this alternative from further consideration.

ALTERNATIVE A DISCUSSION

Issue 19: The Appellant asserts that the discussion of growth under Alternative A was incorrect, ambiguous, and not supported. The Appellant specifically questions the statements in the EIR that residential development patterns under Alternative A would be "relatively dispersed", and claims the EIR does not accurately present the anticipated development expected in locations outside of area plans.

Response 19: The EIR accurately describes the development assumptions and anticipated new residential development patterns under Alternative A, which are generally described in the Revised EIR as "relatively dispersed" compared to the 2004 and 2009 Housing Elements. The same issue was raised by the Appellant previously, and was addressed in the Revised EIR Responses to Comments (Response to R16-6a beginning on p. III-30). In sum, the policies of the 1990 Residence Element (No Project Alternative) do not promote concentrated development in targeted areas, which would result under policies included in the 2004 and 2009 Housing Elements. Further, the 1990 Residence Element policies generally seek to harmonize with existing density patterns. This, as concluded on p. III-31, "to the degree that the Housing Element influences the location of residential development, Alternative A would not support a pattern of development whereby residential development is concentrated within plan areas, but instead would result in new residential development that is dispersed throughout the City according to each area's capacity."

Contrary to the Appellant's statement, the EIR does not assert that a significant amount of growth would occur outside the plan areas and be dispersed. Rather, the EIR states that residential development would be "relatively dispersed" in comparison to the 2004 and 2009 Housing Elements, since Alternative A does not contain policies directing growth toward particular locations or plan areas. However, as noted previously, the development potential outside of area plans is estimated at 35,427 new housing units (Responses to Comments, p. III-48). Given this development potential outside area plans, the EIR assumption of relatively dispersed housing development (i.e., citywide development including locations outside area plans) under Alternative A is further supported.

Thus, the EIR's discussion of Alternative A, including the assumption of relatively dispersed residential development patterns, is adequate and accurate and further explanation or analysis is not warranted.

RESIDENTIAL DEVELOPMENT POTENTIAL

Issue 20: The Appellant asserts that the EIR's conclusion that total residential development potential would be similar under the 1990 Residence Element and 2004 and 2009 Housing Elements is not supported by fact. The Appellant states that the EIR's development assumptions related to anticipated residential patterns and total housing growth described for the 1990 Residence Element and 2004 and 2009 Housing Elements is conclusory and not supported by fact.

Response 20: The EIR clearly explains why total residential development potential would be similar under the 1990 Residence Element and 2004 and 2009 Housing Elements. As noted throughout the EIR, the policies of the Housing Element are intended to influence the type and location of new housing development. The resulting differences among the 1990 Residence Element and 2004 and 2009 Housing Elements are related primarily to density, location, and type of housing, and not the total number of units developed in a given time period (i.e., 2007 through 2014). This is because housing production is overwhelmingly a function of economic demand, and is only marginally influenced by Housing Element policies.

As noted in the discussion comparing Alternative A (1990 Residence Element) to the 2004 Housing Element on p. VII-17 of the Revised EIR, the 2004 Housing Element "policies could introduce higher density development in certain areas of the City. However, *because the adoption of the 2004 Housing Element does not include any changes to allowable land uses or building heights and bulk* – and new residential projects would continue to be constrained by these existing controls – *total development potential under the 2004 Housing Element would not be substantially greater than that under the 1990 Residence Element policies*. Rather, 2004 Housing Element policies would support and encourage development concentrated in certain areas, rather than distributed throughout the City pursuant to the 1990 Residence Element policies." (Emphasis added).

Similarly, in regards to the differences in density resulting from the 1990 Residence Element compared to the 2009 Housing Element, the Revised EIR on p. VII-17 notes that, "Citywide the 2009 Housing Element does not, overall, promote increased residential densities more so than the 1990 Residence Element policies. The 2009 Housing Element promotes increased densities mostly as a strategy to be pursued during community planning processes and near transit." As further noted on p. V.B.-57 under the discussion of Land Use impact, "the 2009 Housing Element would not change allowable land uses or increase allowable building height and bulk.... Additionally, the 2009 Housing Element assumes that most growth would occur in adopted plan areas where capacity for residential uses has been identified." Thus, because future residential development under both the 1990 Residence Element and 2009 Housing Element would be subject to similar existing land use controls, including existing community plans, the resulting differences in residential density would not be substantial.

Regardless of any difference of opinion provided by the Appellant's assertions related to density and overall housing growth as described in the EIR, no evidence has been provided that EIR's analysis and conclusions of the resulting environmental consequences require any revision. In sum, the EIR's discussion and analysis of the impacts resulting from the project alternatives, including the 2004 and 2009 Housing Elements, are well supported and substantiated, and the overall the EIR is adequate, accurate, and complete.

Issue 21: The Appellant makes various assertions related to the CEQA findings and statement of overriding considerations, and the process by which the San Francisco Planning Commission certified the Revised EIR and adopted the 2009 Housing Element. The Appellant states that the Planning Commission process whereby the EIR was certified and the Housing Element adopted did not properly account for the prior Board of Supervisors approvals, and that sufficient review time of the planning documents mentioned in the CEQA findings was not provided.

Response 21: The process by which the EIR was certified by the Planning Commission is consistent the CEQA and San Francisco Administrative Code Chapter 31. The assertions made by the Appellant do not relate to the adequacy or the accuracy of the EIR. Regardless, the process by which the EIR was certified by the Planning Commission, including the CEQA findings and statement of overriding considerations adopted along with the 2009 Housing Element, is consistent with the requirements of CEQA and the City and County of San Francisco's administrative procedures, specifically Chapter 31 of the Administrative Code.

CONCLUSION

Staff respectfully recommends that the Board of Supervisors uphold the Planning Commission's certification of the Revised EIR. For all of the reasons provided in this appeal response, the Planning Department maintains that the Final EIR complies with the requirements of CEQA and CEQA guidelines, and provides an adequate, accurate, and objective analysis of the potential impacts of the 2004 and 2009 Housing Element. The Appellant has not submitted any substantial evidence to support claims of an incomplete, inaccurate, or inadequate EIR.

REFERENCED DOCUMENTS

A copy of the following documents referenced throughout this Appeal Response are available in the Board file, and they can also be viewed on the Planning Department's website, at <http://www.sf-planning.org/index.aspx?page=1828>. Additional paper copies can be provided upon request.

- 2004 and 2009 Housing Element Draft EIR
- 2009 Housing Element (Appendix B-3 of the Draft EIR)
- Revised Chapter VII Alternatives of the EIR (Revised EIR)
- Responses to Comments document on the Revised EIR