



SAN FRANCISCO PLANNING DEPARTMENT

MEMO

DATE: May 27, 2014
TO: Angela Calvillo, Clerk of the Board of Supervisors
FROM: Sarah B. Jones, Environmental Review Officer
RE: Appeal timeliness determination – Final Environmental Impact Report for the 2004 and 2009 Housing Element (including Revised Alternatives Analysis), Citywide

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An appeal of the Certification of the Final Environmental Impact Report (FEIR) for the 2004 and 2009 Housing Element (including Revised Alternatives Analysis) was filed with the Office of the Clerk of the Board on May 22, 2014, 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.

Timeline: 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. However, 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) on December 18, 2013. The public hearing on the Revised EIR occurred before the San Francisco Planning Commission on January 23, 2014. The public comment period ran from December 18, 2013 through February 18, 2014 (the original close of the public comment period was February 3, 2014, but was extended to February 18, 2014 in response to requests from the public and the Planning Commissioners). The Responses to Comments document (on the Revised EIR) was issued on April 10, 2014. 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 to consider certification of the 2004 and 2009 Housing Element Final EIR. The Planning Commission found that the 2004 and 2009 Housing Element FEIR reflects the independent judgment and analysis of the City and County of San Francisco, is adequate, accurate and objective, and it complies with the provisions of CEQA, the CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code. The Planning Commission certified the 2004 and 2009 Housing Element FEIR on April 24, 2014.

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.

Timeliness Determination: Section 31.16(a) and (c) of the San Francisco Administrative Code states that any person or entity that has submitted comments to the Planning Commission or the Environmental Review Officer on a draft EIR, either in writing during the public review period, or orally or in writing at a public hearing on the EIR, may appeal the Planning Commission's certification of the final EIR up to 30 days after the certification of the EIR.

The appellant filed an appeal of the certification of the 2004 and 2009 Housing Element FEIR on behalf of the neighborhood groups listed above. The appellant Kathryn R. Devincenzi submitted written comments on the Draft EIR (including Revised Alternatives Analysis) and provided written or oral comments at the 2004 and 2009 Housing Element Draft EIR hearing on January 23, 2014. Therefore, Ms. Devincenzi has standing to appeal the certification of the 2004 and 2009 FEIR to the Board of Supervisors.

The appeal was filed on May 22, 2014. The appeal was timely filed during the specified window of time, after the certification of the FEIR and before 30 days beyond the date of the FEIR certification.

Section 31.16(b)(4) of the San Francisco Administrative Code states that the Clerk of the Board shall schedule the appeal hearing to occur no less than 21 days and no more than 45 days following expiration of the specified time period for filing of the appeal.