

1 [Preparation of Findings to Reverse Certification of Final Environmental Impact Report - 2004
2 and 2009 Housing Elements]

3 **Motion directing the Clerk of the Board to prepare findings reversing the certification**
4 **by the Planning Commission of the Final Environmental Impact Report for the 2004 and**
5 **2009 Housing Elements.**

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7 WHEREAS, The Housing Element of the San Francisco General Plan is a policy
8 document that consists of goals and policies to guide the City and private developers in
9 preserving, improving and providing housing to meet the projected housing needs of all
10 economic segments of the community, as required under Government Code section 65580 et
11 seq. ("State housing element law"). Under State housing element law, cities and counties are
12 required to update their housing elements, periodically, usually every five years, based on the
13 regional housing needs allocation (RHNA) provided by the California Department of Housing
14 and Community Development (HCD) through the Association of Bay Area Governments
15 (ABAG); and

16 WHEREAS, ABAG determined that San Francisco's fair share of the RHNA for the
17 housing element period January 1999 through 2006 was 20,374, or 2,717 units per year, and
18 for the housing element period January 2007 through June 2014, is 31,193 housing units, or
19 4,159 units per year.

20 WHEREAS, The 2004 Housing Element reorganized, clarified, and updated the 1990
21 Residence Element in order to guide the City in addressing its housing production allocation
22 for 1999 to 2006. In general, the 2004 Housing Element focused on housing supply,
23 retention, and conditions; housing affordability; housing choice; homelessness; housing
24 density; design and quality of life. The 2004 Housing Element was adopted in October 2004,
25 but subsequent to adoption, the California Court of Appeal determined that the environmental

1 document prepared for the 2004 Housing Element was inadequate, and directed the City to
2 prepare an EIR for the 2004 Housing Element.

3 WHEREAS, In accordance with State housing element law, the Planning Department
4 has prepared another update of the housing element, called the 2009 Housing Element. The
5 2009 Housing Element sets forth the objectives, policies, and implementing strategies
6 intended to address the City's housing needs based on the RHNA for 2007 through 2014. In
7 general, the policies contained in the 2009 Housing Element are intended to prioritize the
8 creation of permanently affordable housing; recognize and preserve neighborhood character;
9 integrate planning of housing, jobs, transportation and infrastructure; and maintain the City as
10 a sustainable model of development; and

11 WHEREAS, Consistent with the Court of Appeal determination that an EIR was
12 required for the 2004 Housing Element, the Planning Department issued a Notice of
13 Preparation of an EIR on October 8, 2008. Subsequent to the circulation of the NOP, the
14 Planning Department determined that an EIR was required for the 2009 Housing Element and
15 reissued the Notice of Preparation of an EIR to include both the 2004 and the 2009 Housing
16 Elements ("the Project") on September 2, 2009; and

17 WHEREAS, On June 30, 2010, the Department published the Draft Environmental
18 Impact Report ("DEIR") for the Project (Planning Department File No.2007.1275E); and

19 WHEREAS, The Planning Department held a duly advertised public hearing on the
20 DEIR, on August 5, 2010, at which time opportunity for public comment was provided on the
21 DEIR, and written comments were received through August 31, 2010; and

22 WHEREAS, The Department prepared responses to comments received at the public
23 hearing on the DEIR and submitted in writing to the Department, prepared revisions to the text
24 of the DEIR and published a Summary of Comments and Responses on March 9, 2011; and

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1 WHEREAS, A Final Environmental Impact Report ("FEIR") for the Project was
2 prepared by the Department, consisting of the DEIR, any consultations and comments
3 received during the review process, any additional information that became available and the
4 Summary of Comments and Responses, all as required by law; and

5 WHEREAS, On March 24, 2011, the Planning Commission reviewed and considered
6 the FEIR and, by Motion No 18307 found that the contents of said report and the procedures
7 through which the FEIR was prepared, publicized and reviewed complied with the provisions
8 of the California Environmental Quality Act (CEQA), the State CEQA Guidelines and Chapter
9 31 of the San Francisco Administrative Code; and

10 WHEREAS, By Motion No. 18307 the Commission found the FEIR to be adequate,
11 accurate and objective, reflected the independent judgment and analysis of the Department
12 and the Commission and that the Summary of Comments and Responses contained no
13 significant revisions to the DEIR, adopted findings relating to significant impacts associated
14 with the Project and certified the completion of the FEIR in compliance with CEQA and the
15 State CEQA Guidelines; and

16 WHEREAS, On March 24, 2011, by Motion No. 18308, the Commission adopted
17 CEQA Approval Findings, including a statement of overriding considerations and a Mitigation
18 Monitoring and Reporting Program, and approved the 2009 Housing Element as the Housing
19 Element of the San Francisco General Plan; and

20 WHEREAS, By letter to the Clerk of the Board of Supervisors dated April 12, 2011,
21 Kathryn Devincenzi, on behalf of Pacific Heights Residents Association, Cow Hollow
22 Association, Francisco Heights Civic Association, Greater West Portal Neighborhood
23 Association, Jordan Park Improvement Association, Lakeshore Acres Improvement Club,
24 Laurel Heights Improvement Association of San Francisco, Inc., Marina-Cow Hollow
25 Neighbors & Merchants, Miraloma Park Improvement Club, Presidio Heights Association of

1 Neighbors, St. Francis Homes Association, Sunset-Parkside Education and Action
2 Committee, Inc., and Westwood Highlands Association, filed an appeal of the FEIR to the
3 Board of Supervisors, which the Clerk of the Board of Supervisors received on or around April
4 12, 2011; and

5 WHEREAS, On May 10, 2011, this Board held a duly noticed public hearing to consider
6 the appeal of the FEIR certification filed by Appellant; and

7 WHEREAS, This Board has reviewed and considered the FEIR, the appeal letter, the
8 responses to concerns document that the Planning Department prepared, the other written
9 records before the Board of Supervisors, and heard testimony and received public comment
10 regarding the adequacy of the FEIR; and

11 WHEREAS, the FEIR files and all correspondence and other documents have been
12 made available for review by this Board and the public. These files are available for public
13 review by appointment at the Planning Department offices at 1650 Mission Street, and are
14 part of the record before this Board by reference in this motion; now, therefore, be it

15 MOVED, That this Board directs the Clerk of the Board to prepare findings specifying
16 the basis for its reversal of the certification of the FEIR by the Planning Commission.

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