

BOARD of SUPERVISORS



City Hall
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May 28, 2014

Kathryn R. Devincenzi
On behalf of San Franciscans For Livable Neighborhoods
22 Iris Avenue
San Francisco, CA 94118-2727

Subject: Appeal of the Final Environmental Impact Report for the 2004 and 2009 Housing Element.

Dear Ms. Devincenzi:

The Office of the Clerk of the Board is in receipt of a memo dated May 27, 2014, (copy attached), from the Planning Department regarding the timely filing of your appeal of the certification of the Final Environmental Impact Report for the 2004 and 2009 Housing Element.

The Planning Department has determined that the appeal was filed in a timely manner.

The appeal filing period has closed, and a hearing date has been scheduled for **Tuesday, June 17, 2014, at 3:00 p.m.**, at the Board of Supervisors meeting to be held in City Hall, Legislative Chamber, Room 250, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

Please provide to the Clerk's Office by:

20 days prior to the hearing: names and addresses of interested parties to be notified of the hearing, in mailing label format; and

11 days prior to the hearing: any documentation which you may want available to the Board members prior to the hearing.

For the above, the Clerk's office requests one electronic file (sent to bos.legislation@sfgov.org) and one hard copy of the documentation for distribution.

NOTE: If electronic versions of the documentation are not available, please submit 18 hard copies of the materials to the Clerk's Office for distribution. If you are unable to make the deadlines prescribed above, it is your responsibility to ensure that all parties receive copies of the materials.

If you have any questions, please feel free to contact Legislative Deputy Director, Rick Caldeira at (415) 554-7711 or Legislative Clerk, Joy Lamug at (415) 554-7712.

Very truly yours,


Angela Calvillo
Clerk of the Board

- c: Jon Givner, Deputy City Attorney
- Kate Stacy, Deputy City Attorney
- Marlena Byrne, Deputy City Attorney
- Audrey Pearson, Deputy City Attorney
- John Rahaim, Planning Director
- Scott Sanchez, Zoning Administrator, Planning Department
- Sarah Jones, Environmental Review Officer, Planning Department

- Aaron Starr, Planning Department
- AnMarie Rodgers, Planning Department
- Tina Tam, Planning Department
- Steven Smith, Planning Department
- Menaka Mohan, Planning Department
- Jonas Ionin, Planning Commission Secretary



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

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

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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.