

1 [Reversing Certification of Final Environmental Impact Report - 2004 and 2009 Housing  
2 Elements]

3 **Motion reversing the certification by the Planning Commission of the Final**  
4 **Environmental Impact Report for the 2004 and 2009 Housing Elements.**

5  
6 WHEREAS, The Housing Element of the San Francisco General Plan is a policy  
7 document that consists of goals and policies to guide the City and private developers in  
8 preserving, improving and providing housing to meet the projected housing needs of all  
9 economic segments of the community, as required under Government Code section 65580 et  
10 seq. ("State housing element law"). Under State housing element law, cities and counties are  
11 required to update their housing elements, periodically, usually every five years, based on the  
12 regional housing needs allocation (RHNA) provided by the California Department of Housing  
13 and Community Development (HCD) through the Association of Bay Area Governments  
14 (ABAG); and

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

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

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

25

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 of Supervisors reverses the certification of the FEIR by the  
16 Planning Commission.

17  
18  
19  
20  
21  
22  
23  
24  
25