



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Resolution No.19122

HEARING DATE APRIL 24, 2014

Date: April 17, 2014
Case No.: 2007.1275EM
Project: **2009 Housing Element Update**
Adoption Hearing
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Reviewed by: Kearstin Dischinger and Teresa Ojeda

Recommendation: **Adopt CEQA Findings related to the 2009 Housing Element Update**

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ADOPTING ENVIRONMENTAL FINDINGS AND A STATEMENT OF OVERRIDING CONSIDERATIONS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND STATE GUIDELINES IN CONNECTION WITH THE AMENDMENT OF THE SAN FRANCISCO GENERAL PLAN ADOPTING THE 2009 HOUSING ELEMENT AS THE HOUSING ELEMENT OF THE GENERAL PLAN.

Whereas, the San Francisco Planning Department, the Lead Agency responsible for the implementation of the California Environmental Quality Act ("CEQA"), California Public Resources Code section 21000 et seq, has prepared an environmental impact report for the proposed 2009 Housing Element, which is an amendment to the San Francisco General Plan ("Project"); and

Whereas, the Planning Department, in cooperation with the Mayor's Office of Housing and in consultation with other City agencies, developed the 2009 Update of the Housing Element of the General Plan ("the 2009 Housing Element") through a comprehensive community-based planning effort. The Department worked closely with community leaders, stakeholders, City agencies, and community members starting in September of 2008. A 15 member Community Advisory Body (CAB) was convened to assist staff on the development and refinement of a draft version of objectives, policies and implementation programs. The Department also hosted fourteen stakeholder sessions focusing on the needs and policy interests of special interest housing groups and organizations, and over 30 workshops, some in each supervisorial district of the City. The Planning Commission has hosted several informational hearings on the 2009 Housing Element; and

Whereas, The 2009 Housing Element consists of three parts. Part I of the 2009 Housing Element consists of the Data and Needs Analysis section, which provides a statistical baseline for determining appropriate housing objectives, policies and implementation strategies. This section includes San Francisco population and employment trends, housing data, and inventories of land available for housing development. Part I also presents an updated calculation of San Francisco's fair share of the regional housing need, for January 2007 through June 2014. The City's RHNA goal is 31,193 housing units, or

4,159 units per year. Part I identifies where development capacity exists under existing zoning for future potential housing throughout the City, and,

Whereas, Part II of the 2009 Housing Element, summarized in the Project Description of the EIR, and attached as an appendix thereto, sets forth the objectives, policies, and implementing strategies intended to address the City's housing needs based on the RHNA. Generally, the objectives and policies contained in Part II prioritize the creation of permanently affordable housing; conserve and improve the existing housing stock; recognize and preserve neighborhood character; integrate planning of housing, jobs, transportation and infrastructure; and maintain the City as a sustainable model of development; and,

Whereas, the 2009 Housing Element also includes implementation measures, which are proposed for adoption and which have been reviewed in the EIR, and a series of "Strategies for Further Review." The Strategies for Further Review are ideas which were raised over the course of development and outreach for the 2009 Housing Element. Most of the strategies require further examination, and potentially long-term study, before they can be directly implemented; and,

Whereas, the 2009 Housing Element includes input from the community, stakeholders and City officials, and responds to comments made at numerous public hearings. The 2009 Housing Element proposed for adoption was previously adopted by the Board of Supervisors in June 2011, which was Draft 3 of the 2009 Housing Element, published in February 2011, together with the amendments described in a staff memorandum to the Planning Commission dated March 17, 2011, including changes to Policy 1.6, Policy 1.10, Objective 11, and Policy 12.1; and the addition of two implementation measures (identified as mitigation measures in the EIR) related to review of noise conditions for housing and open space; and

Whereas, after the Board of Supervisors approved the 2009 Housing Element and upheld the Planning Commission's previous certification of the EIR, a group of neighborhood organizations challenged, among other things, the environmental impact report prepared for the 2009 Housing Element in *San Franciscans for Livable Neighborhoods v. City and County of San Francisco*, San Francisco Superior Court Case No. 513-077; and,

Whereas, on December 19, 2013, the trial court found that the EIR complied with CEQA in all respects, except for its analysis regarding alternatives. In addition, the court found the City's Findings under CEQA (in Planning Commission Motion 18308) related to the adoption of the 2009 Housing Element, were conclusory; and,

Whereas, on January 15, 2014, the Court ordered the City to set aside and void its certification of the 2004 and 2009 Housing Element EIR and its approval of the 2009 Housing Element, and ordered the City to revise the EIR to address the deficiencies in the alternatives analysis, and remanded the approvals of the EIR and the 2009 Housing Element update to the Planning Commission for reconsideration; and,

Whereas, as required by the Superior Court, the San Francisco Planning Commission will set aside and reconsider adoption of the 2009 Housing Element including the CEQA Findings adopted by the Planning Commission in Motion 18308; and

Whereas, the Planning Department determined that an Environmental Impact Report ("EIR") was required for the proposed 2009 Housing Element, and provided public notice of that determination by publication in a newspaper of general circulation on October 8, 2008 and September 2, 2009; and

Whereas, the Planning Department on June 30, 2010, published the Draft Environmental Impact Report ("DEIR"). The DEIR was circulated for public review in accordance with the California

Environmental Quality Act, California Public Resources Code section 21000 et seq. ("CEQA"), the State CEQA Guidelines, 14 California Code of Regulations, Section 15000 et seq., ("CEQA Guidelines"), and Chapter 31 of the San Francisco Administrative Code ("Chapter 31"). The Planning Commission held a public hearing on the DEIR on August 5, 2010; and,

Whereas, the Planning Department prepared responses to comments on the DEIR and published the Comments and Responses document on March 9, 2011; and

Whereas, as required the Court in *San Franciscans for Livable Neighborhoods v. City and County of San Francisco*, the Planning Department on December 18, 2013 published a Revised Alternatives Analysis (the Revision) to the DEIR. The Revision was circulated for public review in accordance with CEQA, the CEQA Guidelines and Chapter 31. The Planning Commission held a public hearing on the Revision on January 23, 2014; and,

Whereas the Planning Department prepared responses to comments on the Revision and published the comments and responses document on April 10, 2014; and,

Whereas, the Revision and the Comments and Responses on the Revision, together with the originally published DEIR and Comments and Responses document, and additional information that became available, constitute the Final Environmental Impact Report ("FEIR"). The FEIR files and other Project-related Department files have been available for review by the Planning Commission and the public, and those files are part of the record before this Commission; and,

Whereas, the Planning Commission, on April 24, 2014, by Resolution No. 19123, rescinded Resolution No. 18307, and reviewed and considered the FEIR and found that the contents of said report and the procedures through which the FEIR was prepared, publicized, and reviewed complied with the provisions of CEQA, the CEQA Guidelines, Chapter 31 and the Superior Court's direction; and,

Whereas, the Planning Commission by Resolution No. 19121, also certified the FEIR and found that the FEIR was adequate, accurate, and objective, reflected the independent judgment of the Planning Commission, and adopted findings of significant impacts associated with the Project and certified the completion of the FEIR for the Project in compliance with CEQA and the CEQA Guidelines and the Superior Court; and,

Whereas, the Planning Department prepared proposed Findings, as required by CEQA and as amended pursuant to the direction of the Superior Court, regarding the alternatives, mitigation measures and significant environmental impacts analyzed in the FEIR and overriding considerations for approving the 2009 Housing Element, and a proposed mitigation monitoring and reporting program, attached as Exhibit 1 to Attachment A, which material was made available to the public and this Planning Commission for the Planning Commission's review, consideration and actions; and now

THEREFORE BE IT RESOLVED, that the Planning Commission has reviewed and considered the FEIR, and in particular, has reviewed and considered the Revision and the Comments and Responses on the Revision, and the actions associated with adoption of the 2009 Housing Element as the Housing Element of the San Francisco General Plan, and hereby adopts the Project Findings attached hereto as Attachment A including a statement of overriding considerations, and including as Exhibit 1 the Mitigation Monitoring and Reporting Program, which shall supercede the findings in Planning Commission Motion 18308.

I hereby certify that the foregoing Resolution was ADOPTED by the Planning Commission at its regular meeting of April 24, 2014.

Jonas Ionin

Commission Secretary

AYES: Moore, Wu, Fong, Borden, Hillis,

NOES: Antonini

ABSENT: Sugaya

ADOPTED: 5-1