[General Plan - Repealing Ordinance No. 108-11 - Adoption of 2009 Housing Element]

Ordinance amending the General Plan by repealing Ordinance No. 108-11 and adopting the 2009 Housing Element; and making findings, including environmental findings, Planning Code, Section 340, findings, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
Additions to Codes are in *single-underline italics Times New Roman font*.
Deletions to Codes are in ~~*strikethrough italics Times New Roman font*~~.
Board amendment additions are in double-underlined Arial font.
Board amendment deletions are in ~~strikethrough Arial font~~.
Asterisks (* * * *) indicate the omission of unchanged Code subsections or parts of tables.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Introduction. On March 31, 2011, pursuant to San Francisco Charter section 4.105 and Planning Code section 340, the San Francisco Planning Commission recommended to the San Francisco Board of Supervisors the adoption of the 2009 Housing Element, an amendment to the San Francisco General Plan. On March 24, 2011, the Planning Commission had certified the San Francisco 2004 and 2009 Housing Element Environmental Impact Report (EIR) pursuant to the California Environmental Quality Act ("CEQA") (Public Resources Code section 21000 et seq.) in Planning Commission Motion 18307, adopted findings pursuant to CEQA in Motion 18308, and adopted the 2009 Housing Element as an amendment to the General Plan in Resolution 18309. A copy of said resolutions and motion are on file with the Clerk of the Board of Supervisors in File No. 140414.

In June 2011, in Ordinance 108-11, the Board of Supervisors adopted the 2009 Housing Element as the Housing Element of the San Francisco General Plan and adopted findings pursuant to CEQA. A copy of said Ordinance is on file with the Clerk of the Board of Supervisors in File No. 140414.

After the adoption of the 2009 Housing Element by the Board of Supervisors, an association of neighborhood groups challenged in San Francisco Superior Court, among other things, the adequacy of the final environmental impact report (FEIR) prepared for the 2009 Housing Element and the adequacy of the Board's findings under CEQA. On December 19, 2013, the Superior Court upheld the City's compliance with CEQA in all respects, except for the FEIR's analysis of the alternatives required by CEQA and the CEQA Guidelines, and the City's adoption of CEQA Findings. On January 15, 2014, the Superior Court ordered the City to set aside its certification of the FEIR and the approval of the 2009 Housing Element and related CEQA findings, revise the FEIR's alternatives analysis, and reconsider its previous approvals.

Pursuant to the Court's order, the Planning Department prepared a revised alternatives analysis and recirculated it for public review and comment. On April 24, 2014, the Planning Commission rescinded Motion 18307, and certified the Final EIR including the revised alternatives analysis in Motion 19121. A copy of said motion is on file with the Clerk of the Board of Supervisors in File No. 140414. On April 24, 2014, the Planning Commission also rescinded Resolution 18309 and Motion 18308, and reconsidered its approval of the 2009 Housing Element and adoption of CEQA Findings in light of the revised certified FEIR. As set forth below, the Planning Commission continues to recommend the adoption of the 2009 Housing Element as the Housing Element of the San Francisco General Plan.

Section 2. Findings. The Board of Supervisors of the City and County of San Francisco hereby finds and determines that:

(a) Pursuant to San Francisco Charter 4.105 and San Francisco Planning Code Section 340, any amendments to the General Plan shall first be considered by the Planning Commission and thereafter recommended for approval or rejection by the Board of Supervisors. On April 24, 2014, by Resolution 19123, the Planning Commission conducted a duly noticed public hearing on the General Plan amendment adopting the 2009 Housing Element as the Housing Element of the San Francisco General Plan ("2009 Housing Element"). A copy of the 2009 Housing Element is on file with the Clerk of the Board of Supervisors in File No. 140414. Pursuant to Planning Code Section 340, the Planning Commission found that the public necessity, convenience and general welfare required the General Plan amendment, adopted the General Plan amendment and recommended it for approval to the Board of Supervisors. A copy of Planning Commission Resolution No. 19123 is on file with the Clerk of the Board of Supervisors in File No. 140414.

(b) The Board finds that this ordinance adopting the 2009 Housing Element is, on balance, in conformity with the priority policies of Planning Code Section 101.1 and consistent with the General Plan as it is proposed for amendment herein, for the reasons set forth in Planning Commission Motion No. 19122, and the Board hereby incorporates these findings herein by reference.

(c) On April 24, 2014, by Motion No. 19121, the Planning Commission certified as adequate, accurate and complete the 2004 and 2009 Housing Element Final Environmental Impact Report, including the revised alternatives analysis ("Final EIR"), finding that the Final EIR reflected the independent judgment and analysis of the City and County of San Francisco, is adequate, accurate and objective, and that the content of the report and the procedures through which the Final EIR was prepared, publicized and reviewed comply with the provisions of CEQA, the CEQA Guidelines (14 Cal. Code Regs. Section 15000 et seq.) and Chapter 31 of the San Francisco Administrative Code. A copy of the Final EIR and

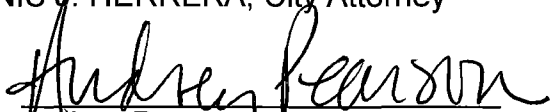
Planning Commission Motion No. 19121 are on file with the Clerk of the Board in File No. 140414.

(d) In accordance with the actions contemplated herein, the Board has reviewed the Final EIR, and adopts and incorporates by reference, as though fully set forth herein, the findings required by CEQA, including a statement of overriding considerations and the mitigation monitoring and reporting program, adopted by the Planning Commission on April 24, 2014, in Motion No. 19122. A copy of said Motion No. 19122 is on file with the Clerk of the Board of Supervisors in File No. 140414.

Section 3. The Board of Supervisors hereby rescinds Ordinance 108-11, repeals the 2004 Housing Element, and adopts the 2009 Housing Element as the Housing Element to the San Francisco General Plan.

Section 4. Effective Date. This ordinance shall become effective 30 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the Mayor's veto of the ordinance.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: 
Audrey Pearson
Deputy City Attorney

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City and County of San Francisco
Tails
Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 140414 **Date Passed:** June 24, 2014

Ordinance amending the General Plan by repealing Ordinance No. 108-11 and adopting the 2009 Housing Element; and making findings, including environmental findings, Planning Code, Section 340, findings, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

June 09, 2014 Land Use and Economic Development Committee - REFERRED WITHOUT RECOMMENDATION

June 17, 2014 Board of Supervisors - PASSED ON FIRST READING

Ayes: 10 - Avalos, Breed, Campos, Chiu, Cohen, Kim, Mar, Tang, Wiener and Yee

Noes: 1 - Farrell

June 24, 2014 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener and Yee

File No. 140414

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 6/24/2014 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor

6/26/2014
Date Approved