

1 [General Plan - Repealing Ordinance No. 97-14 - Adoption of 2014 Housing Element]

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3 **Ordinance amending the San Francisco General Plan by repealing the 2009 Housing**
 4 **Element (Ordinance No. 97-14), and adopting the 2014 Housing Element; and making**
 5 **findings, including environmental findings, and findings of consistency with the**
 6 **General Plan, and the eight priority policies of Planning Code, Section 101.1.**

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

11

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

13

Section 1.

14

(a) Section 4.105 of the Charter of the City and County of San Francisco provides
 15 that the Planning Commission shall periodically recommend to the Board of Supervisors, for
 16 approval or rejection, proposed amendments to the San Francisco General Plan.

17

(b) San Francisco Planning Code Section 340 provides that an amendment to the
 18 General Plan may be initiated by a resolution of intention by the Planning Commission, which
 19 refers to, and incorporates by reference, the proposed General Plan amendment. Section
 20 340 further provides that Planning Commission shall adopt the proposed General Plan
 21 amendment after a public hearing if it finds from the facts presented that the public necessity,
 22 convenience and general welfare require the proposed amendment or any part thereof. If
 23 adopted by the Commission in whole or in part, the proposed amendment shall be presented
 24 to the Board of Supervisors, which may approve or reject the amendment by a majority vote.

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1 (c) The current Housing Element of the San Francisco General Plan is known as
2 the 2009 Housing Element, which was adopted by the Planning Commission in April 2013,
3 and this Board in June 2013. Under state law, California Government Code section 65588(a),
4 each local government must review its housing element as frequently as appropriate to
5 evaluate the goals, objectives, and policies of the housing element in contributing to the state
6 housing goal; to review the effectiveness of the housing element in attainment of the
7 community's housing goals and objectives; and to review the progress of the jurisdiction in
8 implementing the housing element.

9 (d) The San Francisco Planning Commission proposes to update the 2009 Housing
10 Element in compliance with state law. Thus, on February 10, 2015, the Board of Supervisors
11 received from the Planning Department a proposed General Plan amendment adopting
12 updates to the 2009 Housing Element, to be known as "the 2014 Housing Element." The
13 2014 Housing Element updates the Data and Needs Analysis of the 2009 Housing Element
14 with more current data, and includes all the policies and objectives found in the 2009 Housing
15 Element with some minor changes, adds five new policies, and includes additional
16 implementation measures. The 2014 Housing Element amendments are more fully outlined in
17 the February 5, 2015, Planning Department transmittal to this Board, which is incorporated
18 herein by reference.

19 (e) Pursuant to Planning Code section 340, the Planning Commission initiated the
20 2014 Housing Element amendments on January 8, 2015, in Resolution R-19310. Pursuant to
21 Planning Code section 340 and San Francisco Charter section 4.105, the Planning
22 Commission adopted the 2014 Housing Element and recommended it for approval on
23 February 5, 2015 in Resolution R-19317, finding that the 2014 Housing Element served the
24 public necessity, convenience and general welfare, and was in conformity with the General
25 Plan and the eight Priority Policies in Planning Code section 101.1.

1 (f) On April 24, 2013, the San Francisco Planning Commission, in Resolution No.
2 19121, certified the 2004 and 2009 Housing Element Final Environmental Impact Report
3 (“Final EIR”) prepared in compliance with the California Environmental Quality Act (“CEQA”),
4 Public Resources Code section 21000 et seq. In Resolution 19122, the Planning Commission
5 adopted the findings and conclusions required by CEQA regarding alternatives, mitigation
6 measures and significant environmental impacts analyzed in the Final EIR, and adopted a
7 Mitigation Monitoring and Reporting Program and a Statement of Overriding Considerations
8 as part of its approval of the 2009 Housing Element.

9 (g) On June 24, 2014, this Board adopted the 2009 Housing Element in Ordinance
10 No. 97-14, adopted findings and conclusions required by CEQA regarding alternatives,
11 mitigation measures and significant environmental effects analyzed in the Final EIR, and
12 adopted a Mitigation Monitoring and Reporting Program and a Statement of Overriding
13 Considerations, which findings are incorporated into this Ordinance by this reference.

14 (h) On January 22, 2015, in response to the proposed 2014 Housing Element,
15 which as noted above amends the 2009 Housing Element, the San Francisco Planning
16 Department prepared an Addendum to the 2004 and 2009 Housing Element Final EIR
17 certified by the Planning Commission on April 24, 2013, under CEQA Guidelines section
18 15164 (“the Addendum”).

19 (i) Based upon this Board’s review of the Final EIR, and the Addendum to the Final
20 EIR dated January 22, 2015, the Board finds that the analysis conducted, and the conclusions
21 reached, in the Final EIR remain valid and the 2014 Housing Element proposed herein will not
22 cause new significant impacts not identified in the Final EIR, and no new mitigation measures
23 will be necessary to reduce significant impacts; further, other than described in the
24 Addendum, no project changes have occurred, and no changes have occurred with respect to
25 circumstances surrounding the project that will cause significant environmental impacts to

1 which the 2014 Housing Element will contribute considerably; and no new information has
2 become available that shows that the 2014 Housing Element will cause significant
3 environmental impacts not previously discussed in the Final EIR, that substantial impacts will
4 be substantially more severe than shown in the Final EIR, or that mitigation measures or
5 alternatives previously found infeasible are feasible, or that new mitigation measures or
6 alternatives considerably different from those in the Final EIR would substantially reduce
7 significant impacts. Therefore, no supplemental environmental review is required under
8 CEQA beyond the Addendum.

9 (j) The February 5, 2015, letter from the Planning Department transmitting the
10 proposed 2014 Housing Element to the Board of Supervisors, the Final EIR, the Addendum,
11 the resolutions adopted by the Planning Commission with respect to the approval of the 2014
12 Housing Element, including the Planning Commission Resolution adopting the 2014 Housing
13 Element and recommending it for approval, are on file with the Clerk of the Board in File No
14 150155. These and any and all other documents referenced in this Ordinance have been
15 made available to, and have been reviewed and considered by, the Board of Supervisors, and
16 may be found in either the files of the San Francisco Planning Department, as the custodian
17 of records, at 1650 Mission Street in San Francisco, or in Board File No. 150155 with the
18 Clerk of the Board of Supervisors at 1 Dr. Carlton B. Goodlett Place, San Francisco.

19 (k) The Board of Supervisors finds, pursuant to Planning Code Section 340, that the
20 2014 Housing Element, set forth in the documents on file with the Clerk of the Board in File
21 No.150155, will serve the public necessity, convenience and general welfare for the reasons
22 set forth in Planning Commission Resolution No. R-19317 and incorporates those reasons
23 herein by reference.

24 (l) The Board of Supervisors finds that the 2014 Housing Element, as set forth in
25 the documents on file with the Clerk of the Board in Board File No.150155, is in conformity

1 with the General Plan and the eight priority policies of Planning Code Section 101.1 for the
2 reasons set forth in Planning Commission Resolution No. R-19317. The Board hereby adopts
3 the findings set forth in Planning Commission Resolution No. R-19317 and incorporates those
4 findings herein by reference.

5 (m) Section 4.105 of the City Charter further provides that if the Board of
6 Supervisors fails to Act within 90 days of receipt of the proposed 2014 Housing Element, then
7 the 2014 Housing Element shall be deemed approved.

8 Section 2.

9 (a) The Board has reviewed and considered the Final EIR, together with the
10 Addendum, and any additional environmental documentation in the Planning Department’s
11 files, and adopts the CEQA Findings set forth in Ordinance 97-14 and amends them to
12 incorporate the minor modifications to the Housing Element set forth in the Addendum.

13 (b) The Board of Supervisors hereby amends the Housing Element of the General
14 Plan by repealing the 2009 Housing Element and approving the 2014 Housing Element, as
15 recommended to the Board of Supervisors by the Planning Commission on February 5, 2015,
16 and referred to above.

17 Section 3. Effective Date. This ordinance shall become effective 30 days after
18 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
19 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
20 of Supervisors overrides the Mayor’s veto of the ordinance.

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

23 By: _____
24 Audrey Pearson
25 Deputy City Attorney

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