Motion affirming the certification by the Planning Commission of the Final Environmental Impact Report for the 2004 and 2009 Housing Elements.

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

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

WHEREAS, The 2004 Housing Element reorganized, clarified, and updated the 1990 Residence Element in order to guide the City in addressing its housing production allocation for 1999 to 2006. In general, the 2004 Housing Element focused on housing supply, retention, and conditions; housing affordability; housing choice; homelessness; housing density; design and quality of life. The 2004 Housing Element was adopted in October 2004, but subsequent to adoption, the California Court of Appeal determined that the environmental
document prepared for the 2004 Housing Element was inadequate, and directed the City to prepare an EIR for the 2004 Housing Element.

WHEREAS, In accordance with State housing element law, the Planning Department has prepared another update of the housing element, called the 2009 Housing Element. The 2009 Housing Element sets forth the objectives, policies, and implementing strategies intended to address the City's housing needs based on the RHNA for 2007 through 2014. In general, the policies contained in the 2009 Housing Element are intended to prioritize the creation of permanently affordable housing; 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, Consistent with the Court of Appeal determination that an EIR was required for the 2004 Housing Element, the Planning Department issued a Notice of Preparation of an EIR on October 8, 2008. Subsequent to the circulation of the NOP, the Planning Department determined that an EIR was required for the 2009 Housing Element and reissued the Notice of Preparation of an EIR to include both the 2004 and the 2009 Housing Elements ("the Project") on September 2, 2009; and

WHEREAS, On June 30, 2010, the Department published the Draft Environmental Impact Report ("DEIR") for the Project (Planning Department File No.2007.1275E); and

WHEREAS, The Planning Department held a duly advertised public hearing on the DEIR, on August 5, 2010, at which time opportunity for public comment was provided on the DEIR, and written comments were received through August 31, 2010; and

WHEREAS, The Department prepared responses to comments received at the public hearing on the DEIR and submitted in writing to the Department, prepared revisions to the text of the DEIR and published a Summary of Comments and Responses on March 9, 2011; and
WHEREAS, A Final Environmental Impact Report ("FEIR") for the Project was prepared by the Department, consisting of the DEIR, any consultations and comments received during the review process, any additional information that became available and the Summary of Comments and Responses, all as required by law; and

WHEREAS, On March 24, 2011, the Planning Commission reviewed and considered the FEIR and, by Motion No 18307 found that the contents of said report and the procedures through which the FEIR was prepared, publicized and reviewed complied with the provisions of the California Environmental Quality Act (CEQA), the State CEQA Guidelines and Chapter 31 of the San Francisco Administrative Code; and

WHEREAS, By Motion No. 18307 the Commission found the FEIR to be adequate, accurate and objective, reflected the independent judgment and analysis of the Department and the Commission and that the Summary of Comments and Responses contained no significant revisions to the DEIR, adopted findings relating to significant impacts associated with the Project and certified the completion of the FEIR in compliance with CEQA and the State CEQA Guidelines; and

WHEREAS, On March 24, 2011, by Motion No. 18308, the Commission adopted CEQA Approval Findings, including a statement of overriding considerations and a Mitigation Monitoring and Reporting Program, and approved the 2009 Housing Element as the Housing Element of the San Francisco General Plan; and

WHEREAS, By letter to the Clerk of the Board of Supervisors dated April 12, 2011, Kathryn 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, filed an appeal of the FEIR to the Board of Supervisors, which the Clerk of the Board of Supervisors received on or around April 12, 2011; and

WHEREAS, On May 10, 2011, this Board held a duly noticed public hearing to consider the appeal of the FEIR certification filed by Appellant; and

WHEREAS, This Board has reviewed and considered the FEIR, the appeal letter, the responses to concerns document that the Planning Department prepared, the other written records before the Board of Supervisors, and heard testimony and received public comment regarding the adequacy of the FEIR; and

WHEREAS, the FEIR files and all correspondence and other documents have been made available for review by this Board and the public. These files are available for public review by appointment at the Planning Department offices at 1650 Mission Street, and are part of the record before this Board by reference in this motion; now, therefore, be it

MOVED, That this Board of Supervisors hereby affirms the decision of the Planning Commission in its Motion No. 18307 to certify the FEIR and finds the FEIR to be complete, adequate and objective and reflecting the independent judgment of the City and in compliance with CEQA and the State CEQA Guidelines.
Motion affirming the certification by the Planning Commission of the Final Environmental Impact Report for the 2004 and 2009 Housing Elements.

May 10, 2011 Board of Supervisors - APPROVED
Ayes: 8 - Avalos, Campos, Chiu, Cohen, Kim, Mar, Mirkarimi and Wiener
Noes: 3 - Chu, Elsbernd and Farrell

I hereby certify that the foregoing Motion was APPROVED on 5/10/2011 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board