



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Draft Motion

HEARING DATE: April 24, 2014

The Revised Draft EIR can be found at <http://tinyurl.com/sfcegadocs>

Hearing Date: April 24, 2014
Case No.: **2007.1275E**
Project Address: Not Applicable
Zoning: Various
Block/Lot: Various
Project Sponsor: San Francisco Planning Department
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RESCINDING MOTION 18307 AND ADOPTING FINDINGS RELATED TO THE CERTIFICATION OF A FINAL ENVIRONMENTAL IMPACT REPORT FOR THE PROPOSED 2004 AND 2009 HOUSING ELEMENT.

MOVED, that pursuant to the San Francisco Superior Court's Peremptory Writ of Mandate in *San Franciscans for Livable Neighborhoods v. City and County of San Francisco*, the San Francisco Planning Commission (hereinafter "Commission") hereby RESCINDS Motion 18307, the Commission's previous certification of the Final Environmental Impact Report for the 2004 and 2009 Housing Element; and be it

FURTHER MOVED, that the Commission hereby CERTIFIES the Final Environmental Impact Report identified as Case No.2007.1275 (hereinafter "Project"), as revised pursuant to the Court's Writ, based upon the following findings:

1. The City and County of San Francisco, acting through the Planning Department (hereinafter "Department") fulfilled all procedural requirements of the California Environmental Quality Act (Cal. Pub. Res. Code Section 21000 *et seq.*, hereinafter "CEQA"), the State CEQA Guidelines (Cal. Admin. Code Title 14, Section 15000 *et seq.*, hereinafter "CEQA Guidelines") and Chapter 31 of the San Francisco Administrative Code (hereinafter "Chapter 31").
 - A. The Department determined that an Environmental Impact Report (hereinafter "EIR") was required and provided public notice of that determination by publication in a newspaper of general circulation on October 8, 2008 and again on September 2, 2009.
 - B. On June 30, 2010, the Department published the Draft EIR, and on March 24, 2011 the San Francisco Planning Commission certified the EIR prepared for the 2004 and 2009 Housing Element. However, subsequent to a court order, the Department revised the EIR Section VII Alternatives and made conforming changes to Section II Executive Summary.

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- C. On December 18, 2013, the Department published the revised sections of the Draft EIR (hereinafter "Revised DEIR") and provided public notice in a newspaper of general circulation of the availability of the Revised DEIR for public review and comment and of the date and time of the Planning Commission public hearing on the Revised DEIR; this notice was mailed to the Department's list of persons requesting such notice.
 - D. On December 18, 2013, copies of the Revised DEIR were mailed or otherwise delivered to a list of persons requesting it, to those noted on the distribution list in the DEIR, to adjacent property owners, and to government agencies, the latter both directly and through the State Clearinghouse.
 - E. Notice of Completion was filed with the State Secretary of Resources via the State Clearinghouse on December 18, 2013.
2. The Commission held a duly advertised public hearing on said Revised DEIR on January 23, 2014 at which opportunity for public comment was given, and public comment was received on the Revised DEIR. The period for acceptance of written comments ended on February 18, 2014.
 3. The Department prepared responses to comments on environmental issues received at the public hearing and in writing during the 60-day public review period for the Revised DEIR, prepared revisions to the text of the Revised DEIR in response to comments received or based on additional information that became available during the public review period, and corrected errors in the Revised DEIR. This material was presented in a Draft Responses to Comments document, published on April 10, 2014, distributed to the Commission and all parties who commented on the Revised DEIR, and made available to others upon request at the Department.
 4. A Final Environmental Impact Report (hereinafter "FEIR") has been prepared by the Department, consisting of the originally certified EIR, the Revised DEIR, any consultations and comments received during the review process, any additional information that became available, the Comments and Responses document published on March 9, 2010, and the Responses to Comments document on the Revised DEIR all as required by law.
 5. Project EIR files have been made available for review by the Commission and the public. These files are available for public review at the Department at 1650 Mission Street, Suite 400, and are part of the record before the Commission.
 6. On April 24, 2014, the Commission reviewed and considered the FEIR and hereby does find that the contents of said report and the procedures through which the FEIR was prepared, publicized, and reviewed comply with the provisions of CEQA, the CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code.
 7. The project sponsor has indicated that, after review of the entire FEIR, and principally the Revised Chapter VII Alternatives, the preferred alternative continues to be the 2009 Housing Element.
 8. The Planning Commission hereby does find that the FEIR concerning File No. 2007.1275E, San Francisco 2004 and 2009 Housing Element reflects the independent judgment and analysis of the City and County of San Francisco, is adequate, accurate and objective, and that the Responses to

Comments documents contain no significant revisions to the DEIR or the Revised DEIR, and hereby does CERTIFY THE COMPLETION of said FEIR in compliance with CEQA and the CEQA Guidelines.

9. The Commission, in certifying the completion of said FEIR, hereby does find that the project described in the FEIR and the project preferred by the project sponsor, described as the 2009 Housing Element in the FEIR will have the following significant unavoidable environmental impacts, which can not be mitigated to a level of insignificance:
 - A. A project specific and cumulative potentially significant impact on transit due to encouraging housing near transit lines, thereby increasing transit ridership potentially in excess of MUNI's capacity utilization standard of 85 percent.
10. The Planning Commission reviewed and considered the information contained in the FEIR prior to approving the Project.

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

Jonas Ionin
Commission Secretary

AYES:

NOES:

ABSENT:

ADOPTED: April 24, 2014